

THIRTY-SIXTH DAY

Wednesday, March 24, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:10 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Danny Yamashiro of Christ's Church of Kapolei, after which the Roll was called showing all members present with the exception of Representatives Pendleton, Stonebraker, Takamine and Tamayo, 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. 375) was received and announced by the Clerk:

Sen. Com. No. 375, transmitting S.C.R. No. 28, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING MISS HAWAII, OF THE MISS AMERICA SCHOLARSHIP PROGRAM, THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII DURING HER TERM AS MISS HAWAII," which was adopted by the Senate on March 23, 2004.

INTRODUCTIONS

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

Representative Leong introduced her son, Major Jonathan Leong with the US Army, 173rd Airborne Unit stationed in Italy, who recently returned from a tour of duty in Iraq, and his wife, Mrs. Sarah Leong.

Representative Kahikina introduced Ms. Suzanne Shell, Director of the American Family Justice Center in Colorado, and her husband, Mr. Dennis Shell.

Representative Kahikina also introduced Ms. Dannette Rayford, Executive Director of the Honolulu Community Action Program in Waianae, and her husband, Mr. John Rayford; and *ohana* from the Waianae Coast.

Representative Luke introduced her long-time friend, Ms. Ruby Arita, Librarian at Holomua Elementary School.

Representative Marumoto introduced students participating in the 'Olelo First Annual Statewide Youth Xchange Competition: Cameron, Brett and Kyle Carter of Punahou School, and their mother, Mrs. Lisa Carter; sisters, Emma Shelly of Punahou School, and Miranda Shelly of Hahaione Elementary School; and Representative Marumoto's grandson, Brian Suite.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following resolutions and concurrent resolutions were referred to committee by the Speaker:

<u>Nos.</u>	<u>Referred to:</u>
59	Jointly to the Committee on Tourism and Culture and the Committee on Energy and Environmental Protection
61	Committee on Transportation
62	Committee on Consumer Protection and Commerce
63	Committee on Education
64	Committee on Water, Land Use and Hawaiian Affairs
65	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Legislative Management, then to the Committee on Finance
66	Committee on Judiciary, then to the Committee on Finance
67	Committee on Economic Development and Business Concerns
68	Committee on Transportation
69	Committee on Economic Development and Business Concerns, then to the Committee on Finance
70	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance
71	Committee on Public Safety and Military Affairs, then to the Committee on Finance
72	Committee on Health, then to the Committee on Finance
73	Committee on Agriculture
74	Committee on Health
75	Committee on Energy and Environmental Protection
76	Committee on Labor and Public Employment
77	Committee on Energy and Environmental Protection
78	Committee on Energy and Environmental Protection
79	Committee on Education
80	Committee on Tourism and Culture, then to the Committee on Finance
81	Committee on Tourism and Culture
82	Committee on Health
83	Committee on Human Services and Housing
84	Committee on Energy and Environmental Protection, then to the Committee on Finance
85	Committee on Human Services and Housing, then to the Committee on Finance

H.R.

		<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
86	Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Economic Development and Business Concerns, then to the Committee on Finance	91	Jointly to the Committee on Tourism and Culture and the Committee on Energy and Environmental Protection
87	Jointly to the Committee on Education and the Committee on Energy and Environmental Protection, then to the Committee on Finance	92	Committee on Transportation
88	Committee on Judiciary	93	Committee on Consumer Protection and Commerce
89	Committee on Education, then to the Committee on Finance	94	Committee on Education
90	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Public Safety and Military Affairs	95	Committee on Water, Land Use and Hawaiian Affairs
91	Jointly to the Committee on Health and the Committee on Human Services and Housing	96	Jointly to the Committee on Consumer Protection and Commerce and the Committee on Legislative Management, then to the Committee on Finance
92	Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Consumer Protection and Commerce	97	Committee on Judiciary, then to the Committee on Finance
93	Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Consumer Protection and Commerce	98	Committee on Economic Development and Business Concerns
94	Committee on Health, then to the Committee on Finance	99	Committee on Transportation, then to the Committee on Consumer Protection and Commerce
95	Committee on Health	100	Committee on Transportation
96	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance	101	Committee on Economic Development and Business Concerns, then to the Committee on Finance
97	Committee on Health, then to the Committee on Finance	102	Committee on Human Services and Housing, then to the Committee on Finance
98	Committee on Health, then to the Committee on Finance	103	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance
101	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance	104	Committee on Public Safety and Military Affairs, then to the Committee on Finance
102	Committee on International Affairs	105	Committee on Health, then to the Committee on Finance
103	Committee on Tourism and Culture, then to the Committee on Finance	106	Committee on Transportation
104	Committee on Public Safety and Military Affairs	107	Committee on Transportation, then to the Committee on Finance
105	Committee on Health, then to the Committee on Finance	108	Committee on International Affairs
106	Committee on Water, Land Use and Hawaiian Affairs	109	Committee on Agriculture
107	Committee on Health	110	Committee on Energy and Environmental Protection
108	Committee on Health, then to the Committee on Judiciary	111	Committee on Higher Education
109	Committee on Tourism and Culture, then to the Committee on Finance	112	Committee on Labor and Public Employment
110	Committee on Tourism and Culture	113	Committee on Energy and Environmental Protection
		114	Committee on Energy and Environmental Protection
		115	Committee on Energy and Environmental Protection
		116	Committee on Water, Land Use and Hawaiian Affairs
		117	Committee on Education

118	Committee on Energy and Environmental Protection, then to the Committee on Finance	141	Committee on Health, then to the Committee on Finance
119	Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Higher Education, then to the Committee on Finance	142	Committee on Higher Education, then to the Committee on Finance
120	Committee on Tourism and Culture, then to the Committee on Finance	143	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance
121	Committee on Tourism and Culture	144	Committee on Judiciary, then to the Committee on Finance
122	Committee on Health	145	Committee on International Affairs
123	Committee on Human Services and Housing	146	Committee on Tourism and Culture, then to the Committee on Finance
124	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance	147	Committee on Public Safety and Military Affairs
125	Committee on Energy and Environmental Protection, then to the Committee on Finance	148	Committee on Health, then to the Committee on Finance
126	Committee on Human Services and Housing, then to the Committee on Finance	149	Committee on Water, Land Use and Hawaiian Affairs
127	Committee on Tourism and Culture, then to the Committee on Finance	150	Committee on Health
128	Jointly to the Committee on Education and the Committee on Energy and Environmental Protection, then to the Committee on Finance	151	Committee on Transportation, then to the Committee on Judiciary
129	Committee on Judiciary	152	Committee on Health, then to the Committee on Judiciary
130	Committee on Education, then to the Committee on Finance	153	Committee on International Affairs, then to the Committee on Finance
131	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Public Safety and Military Affairs	154	Jointly to the Committee on Health and the Committee on Human Services and Housing
132	Committee on Human Services and Housing, then to the Committee on Judiciary	155	Committee on Judiciary, then to the Committee on Finance
133	Jointly to the Committee on Health and the Committee on Human Services and Housing	156	Committee on Health
134	Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Consumer Protection and Commerce	157	Committee on Human Services and Housing, then to the Committee on Judiciary
135	Jointly to the Committee on Human Services and Housing and the Committee on Health, then to the Committee on Consumer Protection and Commerce	158	Committee on Higher Education
136	Committee on Health, then to the Committee on Finance	159	Committee on Tourism and Culture
137	Committee on Education, then to the Committee on Finance	160	Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Economic Development and Business Concerns, then to the Committee on Finance
138	Committee on Health	161	Committee on Tourism and Culture
139	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance	162	Committee on Higher Education, then to the Committee on Finance
140	Committee on Health, then to the Committee on Finance		

COMMITTEE REASSIGNMENTS

The following bills were re-referred to committee by the Speaker:

S.B.
Nos.

Re-referred to:

1318, SD1, HD1	Committee on Consumer Protection and Commerce, then to the Committee on Finance
1362, SD3, HD1	Committee on Health, then to the Committee on Judiciary
2344, SD1	Jointly to the Committee on Transportation and the Committee on Public Safety and Military Affairs, then to the Committee on Finance
2690, SD2	Committee on Health, then to the Committee on Finance
2905	Committee on Consumer Protection and Commerce
2948, SD2	Committee on Health, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 873-04) recommending that S.B. No. 2976, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2976, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

Representative Mindo's written remarks are as follows:

"Mr. Speaker, I rise in support of SB 2976, SD 1. The purpose of this bill is to provide money in order to allow the Department of Public Safety to contract for additional correctional beds on the mainland and at the Federal Detention Center, and to pay for transportation costs to transfer inmates in order to reduce crowding in Hawaii's correctional facilities.

"Mr. Speaker and colleagues, this bill is very important because as of November 17, 2003, the number of inmates housed in local facilities exceeded the State's operating capacity by 21% (4,220 inmates versus 3,487 beds). This overcrowding creates a significant challenge for our Public Safety Department in terms of effectively managing the inmate population. As a result, the only workable short-term solution to this overcrowding is to expand capacity by increasing the number of contract beds in the Federal Detention Center and mainland facilities.

"I strongly encourage my colleagues to support SB 2976, SD 1. Thank you very much Mr. Speaker, for allowing me to speak on behalf of this important measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2976, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 874-04)

recommending that S.B. No. 2748, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2748, 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 Pendleton and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 875-04) recommending that S.B. No. 2834, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2834, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 876-04) recommending that S.B. No. 2835, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2835, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 877-04) recommending that S.B. No. 2989, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2989, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 878-04) recommending that S.B. No. 1044, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1044, 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:

"In opposition, Mr. Speaker. I only have a problem with one part of this and that's the requirement that these communications be published in a daily newspaper. That's certainly an expensive thing. And I'm not sure it's really

necessary in this era of the Internet. I would think if we're going to require this of the Executive branch, we might think of having our hearing notices also published in the newspaper. Thank you."

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

"Just with reservations, because I don't know what the cost is."

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

"Thank you, Mr. Speaker. I'd also like to have an eye with reservations recorded for myself. I truly am concerned about the cost that this might create. 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. 1044, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE COMMUNICATIONS," passed Second Reading and was referred to the Committee on Finance with Representative Fox voting no, and with Representatives Pendleton and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 879-04) recommending that S.B. No. 2995, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2995, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representatives Kanoho and Arakaki, for the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Health presented a report (Stand. Com. Rep. No. 880-04) recommending that S.B. No. 2779, SD 2, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2779, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Pendleton and Tamayo being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 881-04) recommending that S.B. No. 2841, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2841, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pendleton and Tamayo being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 882-04) recommending that S.B. No. 2948, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2948, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING SERVICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pendleton and Tamayo being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 883-04) recommending that S.B. No. 2161, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2161, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER CONSENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pendleton and Tamayo being excused.

Representatives Kahikina and Arakaki, for the Committee on Human Services and Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 884-04) recommending that S.B. No. 2929, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2929, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representatives Kahikina and Arakaki, for the Committee on Human Services and Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 885-04) recommending that S.B. No. 2930, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2930, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representatives Kahikina and Arakaki, for the Committee on Human Services and Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 886-04) recommending that S.B. No. 2654, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2654, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 887-04) recommending that S.B. No. 2226, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2226, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 888-04) recommending that S.B. No. 2349, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2349, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 889-04) recommending that S.B. No. 2926, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2926, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 890-04) recommending that S.B. No. 2928, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2928, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND ADVISORY COMMISSION," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 891-04) recommending that S.B. No. 2931, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2931, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BACKGROUND CHECKS FOR PROVIDERS OF HOME AND COMMUNITY-BASED SERVICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pendleton and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 892-04) recommending that S.B. No. 2978, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2978, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"I rise in strong support of Committee Report 892-04, Senate Bill 2978.

"The purpose of this bill is to clarify that the Department of Public Safety sheriff and narcotics enforcement officers and the Department of the Attorney General investigators are required to report child abuse cases. Additionally, this bill authorizes these State employees to take a child victim into protective custody when necessary.

"Mr. Speaker, those members of our law enforcement community mentioned above have both the professional training and legal capacity necessary to exercise the professional discretion to prevent child abuse from happening.

"Senate Bill 2978, further clarifies that other professions who by virtue of their training, and licensure by our State, also have the legal obligation to notify the police department if "in their professional or official capacity, they have reason to believe, that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future," Section 1, line 5 to 8 of this bill.

"Senate Bill 2978 will hopefully result in an improvement in the ability of our State to protect the welfare of its keiki, and their families. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2978, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pendleton and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 893-04) recommending that S.B. No. 2607, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2607, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pendleton and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 894-04) recommending that S.B. No. 2927, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2927, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES OF GOVERNMENT-ASSISTED PROPERTIES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Pendleton and Tamayo being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 895-04) recommending that S.B. No. 3230, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3230, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD CARE," passed Second Reading and was referred to the Committee on Education with Representatives Pendleton and Tamayo being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 896-04) recommending that S.B. No. 2998, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2998, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 897-04) recommending that S.B. No. 2595, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2595, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 898-04) recommending that S.B. No. 2134, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2134, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 899-04) recommending that S.B. No. 3180, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3180, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Leong rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Blundell rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Jernigan rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. I rise in strong support.

"Just a couple of points, Mr. Speaker. This is a 'transparency in government' bill. What this bill does is merely require that the Department of Human Resources Development report to the Legislature on certain positions that are being filled through the Executive departments.

"This bill does not tell the department directors who to hire, or when to hire these people, or how much to pay these people, or even to compel the directors to create a particular job description for these people. What this bill does is merely account for the positions and the expenditure of public funds for these positions. For those reasons, Mr. Speaker, I think it's an excellent bill regarding accountability and transparency in government. And for those reasons, I support it strongly. Thank you."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"In opposition. Basically, Mr. Speaker, the people working with the Executive branch know that there is a real problem on the part of the director's ability to get their hands around a department of permanent civil servants. And during the previous Administration, it was strongly felt that these positions are needed in order to run the departments effectively. And, of course, it was non-controversial at that time.

"I've always supported these kinds of positions and will continue to do so. And if we're interested in efficient well-run government, we want to have these kinds of positions. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in opposition to this measure. I think it's blatantly political. I think it will really slow down the process of appointing people who can do the job. My understanding in this or a previous version, over one thousand positions were affected. And I think it's a bad idea. I would ask everyone to please take another look at this. I think it's a bad idea. Thank you."

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

"Thank you, Mr. Speaker. I rise in opposition to this measure. My opposition is because I believe that this bill will decrease efficiency of government. It lengthens the time required for recruiting senior leaders. It moves toward duplicating service system. It also makes a formal reporting of recruitment and staffing information. It infringes on the Executive branch's ability to manage the workforce. Authority to make such appointment should remain with the director of

the Executive department. That person is best suited to know who would be good in that position.

"Also this bill sets up a situation where failure to comply would result in abolishment of all such positions. This is burdensome, unnecessary, and creates more bureaucracy. For those reasons, I cannot support it. Thank you, Mr. Speaker."

Representative M. Oshiro rose to respond, stating:

"Just a short rebuttal. I think people need to look at the bill and to read it. What this bill does is basically compel the Department of Human Resources Development to provide the following information.

"First of all, justification for the deputy directors or special assistant positions. Secondly, a description of the duties and responsibilities that they assign to the deputy director and special assistant positions. Third, the selection criteria and minimum qualifications to be used to fill the deputy director or special assistant positions. And fourth, the salary range for the deputy director or special assistant positions and funding sources from which the salary is to be paid.

"Further Mr. Speaker, your Committee on Labor amended the bill so that the reporting date is September 30, 2004 and the date that they need to be in compliance with it is January 1, 2005. In other words Mr. Speaker, they have over 5 months to come out with this report and provide it to the Legislature.

"In speaking with prior directors from the Department of Human Resources Development, they have informed me that this information is easily available and should be available since the Director of Department of Human Resources Development is the one responsible for all positions, position counts, hiring, and for position descriptions. So for those reasons Mr. Speaker, I hope you can all support this measure of government efficiency and transparency. Thank you."

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

"I'd like a no vote, Mr. Speaker. And I think we should ask the question when we talk about government accountability, is why must this Legislature constantly focus its attention on the Executive branch in the second year that this Governor has been in office?"

Representative Halford rose to respond, stating:

"Thank you, Mr. Speaker. Again, in opposition.

"If the intention of rebuttal, I guess to a previous comment, if the intention of this bill is simply to get information about these positions, that easily could be done with a resolution. And maybe not create a big fat law for our big fat law books. Thank you."

Representative Fox rose to respond, stating:

"Thank you, Mr. Speaker. And brief rebuttal. Still in opposition.

"Page 4, lines 8 through 11, all deputy director and special assistant positions of the Executive branch not specifically authorized by statute or not in compliance with section 1 of this Act shall be abolished. 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. 3180, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

EXECUTIVE DEPARTMENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Stonebraker and Thielen voting no, and with Representatives Pendleton and Tamayo being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 900-04) recommending that S.B. No. 2269, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2269, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Finance with Representatives Pendleton and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 901-04) recommending that S.B. No. 2294, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2294, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Pendleton and Tamayo being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 902-04) recommending that S.B. No. 2844, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2844, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

Representative Mindo's written remarks are as follows:

"Mr. Speaker, I rise in support of SB 2844, SD 1, HD 1. The purpose of this bill is to create a criminal category for "habitual property crimes". Currently, according to Hawaii State Law, "a person commits the offense of a habitual property crime if the person is a habitual property crime perpetrator and commits a misdemeanor offense within this chapter." (Section 1, Chapter 708, Hawaii Revised Statutes)

Additionally, Senate Bill 2844, SD 1, HD 1, goes on to provide a legal definition of who is or might be considered to be a "habitual property crime perpetrator" as a person who within five years of the instant offense, has convictions for: (a) three felonies; (b) three misdemeanors; (c) any combination of three felonies and misdemeanors. As a protective measure, SB 2844, SD 1, HD 1, states that "the conviction must have occurred on separate dates and be for separate incidents on separate dates." (Section 1, Lines 10-17)

"Finally, SB 2844, SD 1, HD 1, provides for strict penalties for those convicted of habitual property crime. The intent of

this bill is to reduce habitual property crimes, which has seen a dramatic increase in recent years.

"I strongly urge my colleagues to support this important measure. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2844, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Pendleton and Tamayo being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 65 through 98, and 101 through 193) and concurrent resolutions (H.C.R. Nos. 96 through 270) were referred to Printing and further action was deferred:

H.R. No. 65, entitled: "HOUSE RESOLUTION REQUESTING THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HOUSING AND THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE TO CONVENE JOINT INFORMATIONAL BRIEFINGS TO DETERMINE WHETHER THE SALE OF VERIZON HAWAII, INC., IS IN THE PUBLIC INTEREST, AND THE FEASIBILITY OF THE PUBLIC UTILITIES COMMISSION ACQUIRING VERIZON HAWAII, INC., AND OPERATING IT AS A COOPERATIVE VENTURE," was jointly offered by Representatives Kanoho and Hiraki.

H.R. No. 66, entitled: "HOUSE RESOLUTION REQUESTING THE FORMATION OF AN INTERIM COMMITTEE TO STUDY ISSUES OF EXPANDING THE STATE DNA DATABASE REGISTRY AND IMPROVING THE COLLECTION AND ANALYSIS OF DNA SAMPLES," was offered by Representative Marumoto.

H.R. No. 67, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP INCREASED EXPERTISE TO ASSIST HAWAII BUSINESSES WITH PROCUREMENT OPPORTUNITIES WITH THE FEDERAL GOVERNMENT AND OTHER STATE GOVERNMENTS AND TERRITORIES," was offered by Representative Marumoto.

H.R. No. 68, entitled: "HOUSE RESOLUTION URGING SUPPORT FOR COMPLETION OF CONNECTIONS BETWEEN AND ENHANCEMENTS TO THE LEEWARD BIKE PATH AND PEARL HARBOR HISTORIC TRAIL," was offered by Representative Kahikina.

H.R. No. 69, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF TAXATION AND BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A REVIEW AND COST BENEFIT ANALYSIS OF ALL CURRENT TAX INCENTIVES UNDER TITLE 14, HAWAII REVISED STATUTES," was jointly offered by Representatives Wakai, Waters, Schatz, Nishimoto, Kahikina, Tamayo, Karamatsu and Magaoy.

H.R. No. 70, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO EXAMINE THE FEDERAL INDEPENDENCE PLUS INITIATIVE TO DETERMINE IF HAWAII CAN BENEFIT FROM APPLYING FOR AND OBTAINING A WAIVER OR WAIVERS TO PROVIDE INDIVIDUALS WITH DISABILITIES WITH SERVICES IN THE COMMUNITY," was jointly offered by Representatives Lee, Shimabukuro, Finnegan, Takai, Ching, Morita, Wakai, Hale, Caldwell, Tamayo, Saiki, Takumi, Hamakawa, Blundell and Herkes.

H.R. No. 71, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO ADDRESS THE ECONOMIC IMPACTS OF THE DEPLOYMENT OF THE 25TH INFANTRY DIVISION," was jointly offered by Representatives Lee, Takai, Tamayo, Wakai, Finnegan, Saiki, Caldwell, Hamakawa, Ching, Herkes and Morita.

H.R. No. 72, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES TO ALLOW PRIVATE PAY PATIENTS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT ON A VOLUNTARY BASIS ON A GRADUATED FEES SCHEDULE," was jointly offered by Representatives Lee, Shimabukuro, Hale, M. Oshiro and Wakai.

H.R. No. 73, entitled: "HOUSE RESOLUTION RECOGNIZING FARM ANIMALS AS SENTIENT BEINGS TO BE TREATED WITH RESPECT AND PROTECTED FROM INHUMANE TREATMENT," was jointly offered by Representatives Lee, Abinsay, Wakai, Hale, Finnegan, Saiki, Caldwell, Hamakawa and Morita.

H.R. No. 74, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO INCREASE FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH," was offered by Representative Nishimoto.

H.R. No. 75, entitled: "HOUSE RESOLUTION SUPPORTING THE CITY AND COUNTY OF HONOLULU'S BAN ON AERIAL ADVERTISING," was jointly offered by Representatives Nishimoto and Fox.

H.R. No. 76, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE ON ACTIONS THAT HAVE BEEN UNDERTAKEN WITH REGARD TO THE IDENTIFICATION AND DEVELOPMENT OF INDUSTRY CLUSTERS, THE DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSION LAWS OF HAWAII 2003," was jointly offered by Representatives M. Oshiro, Takai, Takumi, Schatz and Takamine.

H.R. No. 77, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO REVIEW THE FEASIBILITY OF THE STATE BECOMING A MEMBER OF THE CHICAGO CLIMATE EXCHANGE," was jointly offered by Representatives Morita, Kanoho, Waters, Thielen, Kaho`ohalahala and Evans.

H.R. No. 78, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII INVASIVE SPECIES COUNCIL TO REPORT TO THE LEGISLATURE ON ITS PROGRAM TO FIGHT INVASIVE SPECIES," was offered by Representative Morita.

H.R. No. 79, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS TO SUPPORT FULL FUNDING FOR THE CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT," was jointly offered by Representatives Evans, Ito, Herkes, Abinsay, Waters, Hale, Wakai, Schatz, Hamakawa, Mindo, Morita, B. Oshiro, Kawakami, Nakasone, Kaho'ohalahala, Takamine, M. Oshiro, Kanoho, Souki, Takumi, Karamatsu, Magaoay and Tamayo.

H.R. No. 80, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT OF THE HAWAII CONVENTION CENTER," was jointly offered by Representatives Chang, Tamayo, Marumoto, Magaoay, Herkes, Wakai, Evans, Karamatsu, Leong, Schatz, Hale, Mindo, Abinsay, Arakaki, Kahikina, B. Oshiro, Takamine, Hamakawa, Takumi, Caldwell, Ito and M. Oshiro.

H.R. No. 81, entitled: "HOUSE RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO PARTICIPATE IN THE 2005 WORLD EXPOSITION, AICHI, JAPAN," was jointly offered by Representatives Chang, Tamayo, Marumoto, Magaoay, Herkes, Karamatsu, Leong, B. Oshiro, Hale, Ito, Mindo, M. Oshiro, Wakai, Evans, Abinsay, Arakaki, Kahikina, Takamine, Hamakawa, Souki, Takumi and Caldwell.

H.R. No. 82, entitled: "HOUSE RESOLUTION URGING THE LEGISLATURE TO SUPPORT THE YOUTH COALITIONS FOR HEALTHY LIVING IN REACHING THE GOALS OF THE DEPARTMENT OF HEALTH SERVICES' HEALTHY HAWAII INITIATIVE," was offered by Representative Kahikina.

H.R. No. 83, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO PURCHASE THE CITY AND COUNTY OF HONOLULU'S TWELVE APARTMENT BUILDINGS," was jointly offered by Representatives Kahikina and Say.

H.R. No. 84, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A JOINT IMPLEMENTATION PLAN FOR WASTE TREATMENT IN HONOKAA," was jointly offered by Representatives Takamine, Hale and Evans.

H.R. No. 85, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO ESTABLISH AND UTILIZE THE SELF-SUFFICIENCY STANDARD TO REPLACE THE FEDERAL POVERTY LEVEL STANDARD," was jointly offered by Representatives Karamatsu, Nishimoto, Morita, Evans, Hiraki, Takai, B. Oshiro, Mindo, Takumi, Caldwell, Lee, Tamayo, Magaoay, Hamakawa, Sonson, M. Oshiro, Nakasone, Hale, Souki, Wakai, Kaho'ohalahala, Abinsay, Waters, Kanoho and Takamine.

H.R. No. 86, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ESTABLISH A BIOPROSPECTING ADVISORY COMMISSION TO ADDRESS ISSUES RELATED TO BIOPROSPECTING, INCLUDING EQUITABLE BENEFIT SHARING," was jointly offered by Representatives Wakai, Sonson, Nishimoto, Kaho'ohalahala, Morita, Evans, Waters, Mindo, Kanoho, Shimabukuro, Arakaki, Hiraki, Kawakami, Ito and Schatz.

H.R. No. 87, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE BOARD OF EDUCATION TO ALLOW INDIVIDUAL SCHOOLS TO ESTABLISH AND IMPLEMENT BOTTLE REDEMPTION OPERATIONS AND TO ALLOW ALL FUNDS COLLECTED FROM THE BOTTLE REDEMPTION OPERATIONS TO BE FULLY ADMINISTERED AND EXPENDED BY THE EXECUTIVE ADMINISTRATOR OF THAT INDIVIDUAL SCHOOL," was jointly offered by Representatives Bukoski and Morita.

H.R. No. 88, entitled: "HOUSE RESOLUTION REQUESTING THE CALIFORNIA SERVICE CENTER FOR THE BUREAU OF U.S. CITIZENSHIP AND IMMIGRATION SERVICES TO REOPEN DUNCAN HAMILTON'S REQUEST FOR EXTENSION OF HIS E-2 NONIMMIGRANT TREATY INVESTOR STATUS AND FOR HIS TWO DAUGHTERS," was jointly offered by Representatives Bukoski and Hale.

H.R. No. 89, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY FOR A NEW MIDDLE SCHOOL IN THE UPCOUNTRY AREA OF MAUI," was jointly offered by Representatives Bukoski, Takumi and Takai.

H.R. No. 90, entitled: "HOUSE RESOLUTION SUPPORTING THE KANEOHE NEIGHBORHOOD BOARD'S PROPOSAL AND EFFORTS TO ADDRESS THE ISSUE OF THE USE OF HAIKU STAIRS," was offered by Representative Bukoski.

H.R. No. 91, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS," was jointly offered by Representatives Arakaki, Shimabukuro, Lee and Kahikina.

H.R. No. 92, entitled: "HOUSE RESOLUTION REQUESTING AND ENCOURAGING THE BOARD OF DENTAL EXAMINERS TO REPRIMAND ANY DENTIST WHO REFUSES TO ACCEPT QUEST/MEDICAID PATIENTS," was offered by Representative Arakaki.

H.R. No. 93, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF DENTAL EXAMINERS TO ADOPT MEASURES THAT DISCOURAGE DENTISTS FROM REFUSING PATIENTS COVERED BY GOVERNMENTALLY SPONSORED MEDICAL INSURANCE PROGRAMS," was jointly offered by Representatives Arakaki, Shimabukuro, Nishimoto, Kahikina, Lee, Kawakami and Souki.

H.R. No. 94, entitled: "HOUSE RESOLUTION REQUESTING THE KAPIOLANI MEDICAL CENTER FOR WOMEN AND CHILDREN'S OBESITY TASK FORCE TO PROPOSE ACTION PLANS FOR ADDRESSING PREVENTION AND TREATMENT OF CHILDHOOD OBESITY IN HAWAII," was jointly offered by Representatives Arakaki, Thielen, Ching, Shimabukuro, Kahikina, Finnegan, Stonebraker, Kawakami, Hale, Abinsay, Nishimoto, Lee and Takumi.

H.R. No. 95, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INVESTIGATE AND REPORT ON THE POSSIBLE LINKS BETWEEN THE USE OF GROWTH HORMONES AND ANTIBIOTICS IN CHICKENS FOR HUMAN CONSUMPTION AND HUMAN OBESITY RATES," was jointly offered by Representatives Arakaki, Shimabukuro, Kahikina and Nishimoto.

H.R. No. 96, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING," was jointly offered by Representatives Arakaki, Shimabukuro, Kahikina, Lee and Hale.

H.R. No. 97, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM TO ENSURE THAT ALL SCHOOLS ARE STAFFED WITH SCHOOL HEALTH AIDE PERSONNEL," was jointly offered by Representatives Arakaki, Kaho'ohalahala, Magaoay, Nishimoto, Shimabukuro, Kahikina, Lee, Kawakami, Morita, Chang, Bukoski, Kanoho, Hale, Evans, Takamine, Finnegan and Takumi.

H.R. No. 98, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was jointly offered by Representatives Arakaki, Shimabukuro, Lee, Magaoay, Abinsay, Nishimoto, Kahikina, Finnegan, Takumi, Stonebraker and Ching.

H.R. No. 101, entitled: "HOUSE RESOLUTION REQUESTING STATE DEPARTMENTS TO ACKNOWLEDGE, SUPPORT, AND ACCEPT THE CITY AND COUNTY'S MASTER PLAN FOR REDEVELOPMENT OF THE PEARL HARBOR HISTORIC TRAIL," was jointly offered by Representatives Finnegan, Thielen, B. Oshiro, Takai, Moses, Ching, Kahikina, Takumi, Wakai, Waters, Hamakawa and Morita.

H.R. No. 102, entitled: "HOUSE RESOLUTION SUPPORTING THE HAWAII HUMANITY UNITED GLOBALLY PROGRAM FOR ITS PROJECTS FOR INTERNATIONAL PEACE," was offered by Representative Hale.

H.R. No. 103, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO REDUCE BARRIERS TO TRAVEL AND PROMOTE TOURISM BETWEEN THE PHILIPPINES AND HAWAII," was jointly offered by Representatives Abinsay, Mindo, Tamayo, Magaoay, Wakai, Sonson, Finnegan, Karamatsu, Chang, Herkes, Arakaki, Halford, Luke, Schatz and Say.

H.R. No. 104, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 3587 TO BENEFIT FILIPINO WORLD WAR II VETERANS AND THEIR FAMILIES," was jointly offered by Representatives Abinsay, Sonson, Wakai, Magaoay, Mindo, Tamayo, Finnegan, Ito, Karamatsu, Chang, Herkes, Arakaki, Caldwell and Halford.

H.R. No. 105, entitled: "HOUSE RESOLUTION SUPPORTING AND ENCOURAGING NATIONAL, STATE AND LOCAL EFFORTS TO SECURE ACCESS AND REMOVE BARRIERS TO HEALTHCARE FOR MEN AND THEIR FAMILY MEMBERS," was jointly offered by Representatives Finnegan, Shimabukuro, Kawakami, Hale, Nishimoto, Stonebraker, Arakaki and Kahikina.

H.R. No. 106, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO HELP PREVENT THE INHUMANE TREATMENT OF THE YELLOWSTONE BUFFALO AND SUPPORT PASSAGE OF THE YELLOWSTONE BUFFALO PRESERVATION ACT, H.R. 3446," was jointly offered by Representatives M. Oshiro, B. Oshiro, Shimabukuro, Lee, Evans, Souki and Kawakami.

H.R. No. 107, entitled: "HOUSE RESOLUTION SUPPORTING AND ENCOURAGING NATIONAL, STATE, AND LOCAL EFFORTS TO SECURE ACCESS AND REMOVE BARRIERS TO HEALTH CARE FOR MEN AND THEIR FAMILY MEMBERS," was jointly offered by Representatives Lee, Saiki, Luke, Hamakawa, B. Oshiro, Morita, Waters, Nishimoto, Shimabukuro, Takai, Mindo, Schatz, Souki and Evans.

H.R. No. 108, entitled: "HOUSE RESOLUTION REQUESTING A PLAN TO PROCURE AND DISTRIBUTE MARIJUANA PLANTS OR PRODUCTS TO PATIENTS REGISTERED WITH THE MEDICAL MARIJUANA PROGRAM AND REQUESTING AN INVESTIGATION ON THE APPLICATION OF MARIJUANA TO COMBAT CRYSTAL METHAMPHETAMINE ADDICTION," was jointly offered by Representatives Arakaki, Shimabukuro, Kahikina, B. Oshiro and Hamakawa.

H.R. No. 109, entitled: "HOUSE RESOLUTION ESTABLISHING A COMMITTEE TO REVIEW AND REPORT ON THE FEASIBILITY OF CREATING A MUSEUM OF HAWAIIAN MUSIC AND DANCE," was jointly offered by Representatives Chang, Kaho'ohalahala, Waters, Kanoho, Magaoay, Evans, Takai, Karamatsu, Herkes, Hiraki, Kahikina, Shimabukuro, Souki, Takumi, Caldwell, Nakasone, M. Oshiro, Kawakami, Takamine and Mindo.

H.R. No. 110, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE HALEIWA TOWN AS THE SURFING CAPITAL OF THE WORLD," was jointly offered by Representatives Magaoay, Chang, Takai, Lee, Waters, Thielen, Nishimoto, Karamatsu, Ito, Kaho'ohalahala, Caldwell, Kanoho, Kawakami, Shimabukuro, Kahikina, Morita, Stonebraker, M. Oshiro, Say, Abinsay, Arakaki, Mindo, Herkes and Souki.

H.R. No. 111, entitled: "HOUSE RESOLUTION REQUESTING THE STATE TO FOSTER AND IMPROVE RELATIONS BETWEEN ISRAEL AND THE STATE OF HAWAII," was jointly offered by Representatives Moses, Schatz, Shimabukuro, Kahikina, Magaoay, Karamatsu, Caldwell, Blundell, Jernigan, Marumoto, Arakaki, Takumi, Souki and Herkes.

H.R. No. 112, entitled: "HOUSE RESOLUTION URGING SUPPORT FOR COMPLETION OF CONNECTIONS BETWEEN AND ENHANCEMENTS TO THE LEEWARD BIKE PATH AND PEARL HARBOR HISTORIC TRAIL," was jointly offered by Representatives Kahikina, Tamayo, Moses, Shimabukuro, Magaoay, Sonson, Lee, Ontai, Karamatsu and Mindo.

H.R. No. 113, entitled: "HOUSE RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," was offered by Representative Kanoho.

H.R. No. 114, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE THE STATE WATERS IN THE NORTHWESTERN HAWAIIAN ISLANDS TO PROVIDE THE MOST STRINGENT PROTECTIONS TO THE FRAGILE ECOSYSTEMS IN THAT REGION," was jointly offered by Representatives Kanoho, Morita, Saiki, Arakaki, Magaoay, Hale, Hamakawa and Schatz.

H.R. No. 115, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP A PLAN FOR THE FACILITATION OF COMMUNITY-BASED, MARINE COMANAGEMENT EFFORTS," was jointly offered by Representatives Kanoho, Morita, Saiki, Hale, Magaoay, Abinsay, Hamakawa, Schatz and Arakaki.

H.R. No. 116, entitled: "HOUSE RESOLUTION SUPPORTING THE UNITED STATES NAVY'S REQUEST TO ASSUME RESPONSIBILITY FOR THE OPERATION AND MAINTENANCE OF THE PUMPING AND DRAINAGE SYSTEMS IN MANA, KAUAI, IN EXCHANGE FOR A LONG-TERM LEASE OF STATE LANDS ON WHICH THE PUMPING AND DRAINAGE SYSTEMS ARE LOCATED AS WELL AS THE RETENTION OF A PERMANENT AGRICULTURAL BUFFER FOR THE PACIFIC MISSILE RANGE FACILITY," was jointly offered by Representatives Kanoho, Kawakami, Morita, Ito, Takamine, M. Oshiro, Nakasone, Hiraki, Herkes, Souki and Caldwell.

H.R. No. 117, entitled: "HOUSE RESOLUTION URGING THE SETTING OF AN EXAMPLE TO OUR CHILDREN AND OUT-OF-STATE VISITORS BY DESIGNATING ALL AREAS OF THE STATE CAPITOL SMOKE-FREE," was jointly offered by Representatives Thielen, Takai, Leong and Lee.

H.R. No. 118, entitled: "HOUSE RESOLUTION REQUESTING THAT THE IMMIGRATION AND NATURALIZATION SERVICE ALLOW FILIPINO NATIONAL LONGLINE FISHERMEN WITH A C-1 VISA TO ENTER HAWAII," was jointly offered by Representatives Mindo, Tamayo, Abinsay, Magaoay, Sonson, Herkes and Finnegan.

H.R. No. 119, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO WORK WITH THE DEPARTMENT OF HOMELAND SECURITY TO EASE EXISTING RESTRICTIONS TO ALLOW FOREIGN MOVIE AND FILM PRODUCTION PERSONNEL TO ENTER THE UNITED STATES TO PRODUCE MOVIES OR FILMS," was jointly offered by Representatives Mindo, Sonson, Karamatsu, Kahikina, Shimabukuro, B. Oshiro, Chang, Souki, Herkes, Abinsay, Wakai, Hale, Magaoay and Schatz.

H.R. No. 120, entitled: "HOUSE RESOLUTION REQUESTING SECRETARY OF DEFENSE DONALD RUMSFELD TO WITHDRAW THE DEPARTMENT OF DEFENSE'S PROPOSAL REGARDING A "NATIONAL SECURITY PERSONNEL SYSTEM" AND TO SUBMIT A NEW PROPOSAL CONSISTENT WITH THE INTENT OF CONGRESS," was jointly offered by Representatives Mindo, Shimabukuro, Chang, Souki, Nakasone, M. Oshiro, Ito, Abinsay, Hale, Magaoay, Karamatsu and Kahikina.

H.R. No. 121, entitled: "HOUSE RESOLUTION REQUESTING THE IMPLEMENTATION OF TRAINING PROGRAMS TO EDUCATE RETAILERS ON PRODUCTS USED TO MANUFACTURE CRYSTAL METHAMPHETAMINE," was jointly offered by Representatives Mindo, Wakai, Abinsay, Shimabukuro, Herkes, M. Oshiro, Souki, Nakasone, Waters, Kahikina, Magaoay, Ito, Karamatsu, Caldwell and Hale.

H.R. No. 122, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO EXAMINE POSSIBLE WAYS OF CONFIRMING THE IDENTIFICATION OF MEXICAN IMMIGRANTS," was jointly offered by Representatives Hale and Shimabukuro.

H.R. No. 123, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF, AND PROVIDE COST ESTIMATES FOR, THE INSTALLATION OF AN ACCESS ROAD ON THE SOUTHERN END OF KAWAIHAE HARBOR TO INCREASE ACCESS TO THE SMALL BOAT HARBOR AND BEACH AREA, AND FOR OTHER HARBOR IMPROVEMENTS," was jointly offered by Representatives Evans, Herkes, Hale, Chang, Waters, Souki, Morita, Hamakawa, B. Oshiro, M. Oshiro, Mindo, Ito, Karamatsu, Caldwell and Say.

H.R. No. 124, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII DEPARTMENT OF PSYCHIATRY TO EXPAND ITS RESEARCH AND EDUCATION ON DEPRESSION DIAGNOSIS AND MANAGEMENT," was jointly offered by Representatives Evans, Kaho'ohalahala, Waters, Hamakawa, Morita, M. Oshiro, Mindo, Ito, Karamatsu, Caldwell and Say.

H.R. No. 125, entitled: "HOUSE RESOLUTION REQUESTING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REQUIRE CONSTRUCTION PROJECTS TO HAVE CULTURAL CONSULTANTS AND MONITORS," was jointly offered by Representatives Evans, Kaho'ohalahala, Waters, Morita, Hamakawa, Karamatsu, Say, Caldwell, M. Oshiro, Mindo and Ito.

H.R. No. 126, entitled: "HOUSE RESOLUTION REQUESTING THE MARINE AND COASTAL ZONE MANAGEMENT ADVISORY GROUP TO CONVENE A WORKING GROUP TO DEVELOP GUIDELINES FOR A WATER QUALITY MONITORING PROGRAM," was offered by Representative Evans.

H.R. No. 127, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO SUPPORT PROJECT CUDDLE AND ASSESS THE FEASIBILITY OF ADVERTISING ITS HOTLINE," was jointly offered by Representatives Ching, Leong, Blundell, Fox, Wakai, Evans, Meyer, Nishimoto, Arakaki and Chang.

H.R. No. 128, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ASSESS THE FEASIBILITY OF USING INCARCERATED PERSONS TO HELP RESTORE MIDWAY ISLAND AND TO DRAFT PROPOSED LEGISLATION," was jointly offered by Representatives Ching, Leong, Blundell, Wakai, Chang and Arakaki.

H.R. No. 129, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATURE TO SUPPORT SUBSTANCE ABUSE PREVENTION EDUCATION IN THE CONTEXT OF HAWAII HEALTH EDUCATION STANDARDS IN GRADES K-12 IN THE PUBLIC SCHOOLS," was jointly offered by Representatives Ching, Leong, Blundell, Fox, Wakai, Evans, Meyer, Nishimoto, Chang and Arakaki.

H.R. No. 130, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO SUPPORT USE OF INCENTIVES TO USE HYBRID VEHICLES AND OTHER FUEL-SAVING, ENERGY-EFFICIENT, NON-POLLUTING VEHICLES," was jointly offered by Representatives Ching, Blundell, Leong, Ontai, Fox, Wakai, Evans, Meyer, Chang and Arakaki.

H.R. No. 131, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO IMPLEMENT A PILOT PROJECT ON HAWAIIAN DRY STACK MASONRY FOR INMATES AT THE KULANI PRISON ON THE ISLAND OF HAWAII," was jointly offered by Representatives Ching, Leong, Blundell, Fox, Wakai, Meyer, Nishimoto, Arakaki and Chang.

H.R. No. 132, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COMPLETE AN ASSESSMENT ON THE USE OF BUSINESS INCUBATOR PROGRAMS FOR NON-HIGH TECHNOLOGY COMPANIES AND TO DRAFT ANY APPROPRIATE PROPOSED LEGISLATION," was jointly offered by Representatives Ching, Leong, Ontai, Blundell, Fox, Wakai, Evans, Meyer, Nishimoto, Chang and Arakaki.

H.R. No. 133, entitled: "HOUSE RESOLUTION URGING CONGRESS TO INCREASE FUNDING FOR VETERANS BENEFITS AND SERVICES AND EXPRESSING DISAPPOINTMENT IN PRESIDENT GEORGE W. BUSH'S PLANS TO REDUCE VETERANS BENEFITS," was offered by Representative Saiki.

H.R. No. 134, entitled: "HOUSE RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ALLOW PRESCRIPTION DRUGS TO BE IMPORTED FROM CANADA," was offered by Representative Saiki.

H.R. No. 135, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO REMOVE RODNEY PAIGE FROM THE POSITION OF UNITED STATES SECRETARY OF EDUCATION," was offered by Representative Saiki.

H.R. No. 136, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXECUTE AN ADVERSE CONDEMNATION TO PURCHASE REAL PROPERTY OWNED BY THE GALBRAITH ESTATE," was jointly offered by Representatives M. Oshiro, Magaoay and Lee.

H.R. No. 137, entitled: "HOUSE RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE," was jointly offered by Representatives Takumi, M. Oshiro, Takai, Kanoho, Souki, Karamatsu, Caldwell, Herkes, Kaho'ohalahala, Hiraki, Nakasone, Kawakami, Takamine and Say.

H.R. No. 138, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO ORGANIZE A PLANNING COMMITTEE TO PLAN AND IMPLEMENT WAYS TO MOBILIZE HAWAII'S CROSS-CULTURAL AND INTERNATIONAL RESOURCES FOR THE MODERN WORLD," was jointly offered by Representatives Hale, Evans, Herkes and Chang.

H.R. No. 139, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTIES TO ADDRESS THE HAZARDS OF ROCK AND LAND SLIDES ON OUR URBAN POPULATIONS," was offered by Representative Luke.

H.R. No. 140, entitled: "HOUSE RESOLUTION REQUESTING A TASK FORCE BE ORGANIZED TO ADDRESS THE HAZARDS OF ROCK AND LAND SLIDES ON OUR URBAN POPULATIONS," was offered by Representative Luke.

H.R. No. 141, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE FEDERAL LEGISLATION TO PROVIDE ADDITIONAL RESOURCES TO EXPAND VISA PROCESSING CAPACITY IN THE CONSULAR SECTION OF THE UNITED STATES EMBASSY IN SEOUL IN THE REPUBLIC OF KOREA AND TO INCLUDE THE REPUBLIC OF KOREA IN THE VISA WAIVER PROGRAM," was offered by Representative Luke.

H.R. No. 142, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO STUDY AND IMPLEMENT PARITY BETWEEN OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, AND SPEECH THERAPISTS WITHIN THE DEPARTMENT OF EDUCATION," was offered by Representative Luke.

H.R. No. 143, entitled: "HOUSE RESOLUTION ENCOURAGING THE VARIOUS MEMBER LEAGUES OF THE HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION TO CONSIDER CREATING MORE COMPETITIVE MULTIPLE ATHLETIC DIVISIONS FOR HAWAII'S SECONDARY SCHOOLS' SPORTS PROGRAMS," was jointly offered by Representatives Ontai, Takumi, Evans, Blundell, Ching, Takai, Finnegan, Sonson, Fox, Moses, Kahikina, Kaho'ohalahala, Thielen, M. Oshiro, Bukoski, Jernigan, Wakai, Souki, Marumoto, Herkes, Karamatsu, Meyer, Leong, Hale, Say and Magaoay.

H.R. No. 144, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE DENIAL OF COVERAGE UNDER THE PREPAID HEALTH CARE ACT," was offered by Representative Takumi.

H.R. No. 145, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE USE OF DEOXYRIBONUCLEIC ACID FOR PURPOSES OTHER THAN THAT FOR WHICH IT WAS ORIGINALLY DRAWN AND TO ADDRESS CONCERNS FOR NECESSARY DISCLOSURE," was offered by Representative Hale.

H.R. No. 146, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF YOUTH SERVICES, ATTORNEY GENERAL, FAMILY COURT, COUNTY PROSECUTORS, JUDICIARY, DEPARTMENT OF HUMAN SERVICES, DEPARTMENT OF HEALTH, DEPARTMENT OF EDUCATION, JUVENILE JUSTICE CENTER, AND PRIVATE AGENCIES TO SUPPLY INFORMATION REGARDING THE TYPES OF SERVICES AND ALLOCATIONS FOR SUCH SERVICES PROVIDED TO PRE-ADJUDICATED AND ADJUDICATED JUVENILE OFFENDERS TO THE STEERING COMMITTEE OF THE HAWAII JUVENILE JUSTICE PROJECT AND THE TWENTY-THIRD SESSION OF THE HAWAII STATE LEGISLATURE," was jointly offered by Representatives Hamakawa, Sonson, Shimabukuro, Herkes, Magaoay, Evans, Mindo and Meyer.

H.R. No. 147, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT FINANCIAL AND MANAGEMENT AUDITS OF THE OFFICE OF YOUTH SERVICES INCLUDING BUT NOT LIMITED TO PURCHASE OF SERVICES AND ANY CONTRACT OR AGREEMENT ENTERED INTO BY THE OFFICE OF YOUTH SERVICES, INCLUDING THE HAWAII YOUTH CORRECTIONAL FACILITY," was jointly offered by Representatives Hamakawa, Meyer, Herkes, Magaoay, Evans, Mindo and Sonson.

H.R. No. 148, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES SEARCH FOR SURPLUS PROPERTY WITHIN THE STATE SYSTEM THAT COULD BE LEASED TO SUBSTANCE ABUSE TREATMENT PROGRAMS TO ASSIST IN THE TREATMENT OF RECOVERING ADDICTS AND THAT THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES LOOK FOR AVAILABLE FEDERAL MONIES AND OTHER GRANTS TO HELP DEVELOP HOUSING FACILITIES FOR THESE TREATMENT PROGRAMS," was jointly offered by Representatives Hamakawa, Shimabukuro, Herkes, Magaoay, Evans, Waters, Mindo and Meyer.

H.R. No. 149, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF ESTABLISHING ALTERNATIVE SCHOOLS OR DROP-OUT CENTERS FOR ADOLESCENTS WHO SUFFER FROM DRUG ADDICTION," was jointly offered by Representatives Hamakawa, Evans, Meyer, Shimabukuro, Herkes, Magaoay, Mindo and Waters.

H.R. No. 150, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A TASK FORCE TO DEVELOP A DRUG ENDANGERED CHILD PROTECTION PROGRAM," was jointly offered by Representatives Hamakawa, Evans, Shimabukuro, Herkes, Magaoay, Waters, Mindo and Meyer.

H.R. No. 151, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO EXPLORE HOME OWNERSHIP OPTIONS AND STUDY THE FEASIBILITY OF IMPLEMENTING A HOUSING DEMONSTRATION PROJECT AT HAUUKI HOMES AND OTHER STATE-OWNED AND OPERATED HOUSING PROJECTS," was offered by Representative Say.

H.R. No. 152, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF REGENTS TO ESTABLISH THE ASIA-PACIFIC RISK MANAGEMENT AND INSURANCE PROGRAM WITHIN THE COLLEGE OF BUSINESS ADMINISTRATION AT THE UNIVERSITY OF HAWAII AT MANOA," was offered by Representative Say, by request.

H.R. No. 153, entitled: "HOUSE RESOLUTION SUPPORTING EFFORTS BY THE KO'OLAU GREENBELT AND HERITAGE TRAILS SYSTEM TO PROVIDE A HOLISTIC APPROACH TO WATERSHED PROTECTION AND ENCOURAGE PUBLIC AND PRIVATE PARTNERSHIPS TO DETERMINE THE FUTURE OF THE ENTIRE KO'OLAU SYSTEM," was jointly offered by Representatives Waters, by request, Kanoho, Thielen, Morita, Kaho'ohalahala, and Evans.

H.R. No. 154, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE STATE CONSERVATION DISTRICT PROGRAM," was offered by Representative Waters, by request.

H.R. No. 155, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO INVESTIGATE AND EVALUATE SOIL AND WATER CONSERVATION DISTRICTS, CONSERVATION PLANS, AND COUNTY PROCEDURES RELATING THERETO IN PROTECTING NATURAL RESOURCES," was offered by Representative Waters, by request.

H.R. No. 156, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO STUDY THE POTENTIAL FOR PHOTOVOLTAIC TAX CREDITS," was offered by Representative Waters.

H.R. No. 157, entitled: "HOUSE RESOLUTION REQUESTING A COORDINATED COMPREHENSIVE COASTAL POLICY TO PROTECT HAWAII'S COASTAL RESOURCES," was offered by Representative Waters.

H.R. No. 158, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A DOG AND CAT FOOD DONATION SYSTEM AND PROVIDING BASIC VETERINARY CARE, INCLUDING VACCINATIONS AND SPAY/NEUTER SERVICES TO REDUCE THE FERAL DOG AND CAT POPULATIONS IN THE STATE," was jointly offered by Representatives Waters, by request, Nishimoto and Wakai.

H.R. No. 159, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A VOLUNTEER-RUN, NO-KILL ANIMAL SHELTER," was offered by Representative Waters, by request.

H.R. No. 160, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE MAY 23, 2004, AS "SEA TURTLE DAY" IN HAWAII," was offered by Representative Waters, by request.

H.R. No. 161, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE CITY AND COUNTY OF HONOLULU TO CONDUCT A STUDY ON LENGTHENING YELLOW LIGHTS TO ADDRESS THE PROBLEM OF RUNNING RED LIGHTS," was jointly offered by Representatives Bukoski and Souki.

H.R. No. 162, entitled: "HOUSE RESOLUTION REQUESTING THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO RECONSIDER ITS DECISION TO NOT ISSUE NEW RULES AND STANDARDS FOR WATER QUALITY AND TO REVIEW AND STRENGTHEN ITS POLICIES ON WATER QUALITY MONITORING, ENFORCEMENT, AND DATA COLLECTION PRACTICES," was offered by Representative Schatz.

H.R. No. 163, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, AND THE FEDERAL DEPARTMENT OF DEFENSE TO FIND MEANS OF RECTIFYING THE SHORTFALL IN IMPACT AID DUE THE DEPARTMENT OF EDUCATION," was offered by Representative Takai.

H.R. No. 164, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE RIGHTS OF NATIVE HAWAIIANS," was jointly offered by Representatives Kahikina, Kanoho, Morita, Kawakami, Kaho'ohalahala, Ontai, Shimabukuro, Bukoski, Waters and Say.

H.R. No. 165, entitled: "HOUSE RESOLUTION REQUESTING THE SCHOOL READINESS TASK FORCE TO CONDUCT A STUDY ON THE MANNER IN WHICH FUNDING STREAMS FOR CHILDCARE AND EARLY CHILDHOOD EDUCATION INTERACT AND MAKE RECOMMENDATIONS FOR METHODS OF COORDINATING AND OPTIMIZING FUNDING SOURCES," was offered by Representative Kahikina.

H.R. No. 166, entitled: "HOUSE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAROLD L. LYON ARBORETUM," was jointly offered by Representatives Caldwell, Kaho'ohalahala, M. Oshiro, Kanoho, Schatz, Herkes, Morita, Evans, and B. Oshiro.

H.R. No. 167, entitled: "HOUSE RESOLUTION SUPPORTING PATIENT SAFETY IN HEALTH CARE FACILITIES BY CREATING A TASK FORCE TO MAKE RECOMMENDATIONS ON THE NURSING SHORTAGE, NURSE STAFFING, ACUITY SYSTEMS, AND OTHER FACTORS AFFECTING PATIENT SAFETY," was jointly offered by Representatives Arakaki and Lee.

H.R. No. 168, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was jointly offered by Representatives Arakaki, Abinsay and Takumi.

H.R. No. 169, entitled: "HOUSE RESOLUTION URGING THE SECRETARY OF THE INTERIOR TO DESIGNATE A NEW NATIONAL SEASHORE FROM 'AHIHI-KINA'U NATURAL AREA RESERVE TO KANALOA POINT ON THE SOUTHEAST COAST OF MAUI," was jointly offered by Representatives Kaho'ohalahala, Morita and Kahikina.

H.R. No. 170, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REVIEW AND CONSIDER WHETHER THE EXCEPTION OF PSEUDOEPHEDRINE FROM THE REPORTING, RECORDKEEPING, AND PERMIT REQUIREMENTS GENERALLY APPLICABLE TO LIST 1 CHEMICALS SHOULD BE REPEALED," was jointly offered by Representatives Tamayo, Mindo, Shimabukuro, B. Oshiro, Leong, Souki, M. Oshiro, Chang, Arakaki and Kahikina.

H.R. No. 171, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO HOLD STUDENTS FINANCIALLY ACCOUNTABLE FOR LOST OR DAMAGED TEXTBOOKS, INSTRUCTIONAL MATERIALS, LIBRARY BOOKS, EQUIPMENT, AND SUPPLIES," was jointly offered by Representatives Tamayo, Takai, Leong, Finnegan, Mindo, Arakaki, Kahikina, Takumi and Morita.

H.R. No. 172, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO IMPLEMENT AN ONLINE "FIXIT" SYSTEM ON THE STATE WEBSITE," was jointly offered by Representatives Tamayo, Mindo, B. Oshiro, Shimabukuro, Chang, Takumi, Morita, Finnegan, Souki, M. Oshiro, Arakaki and Kahikina.

H.R. No. 173, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, WITH THE ASSISTANCE OF THE STATE SURVEYOR AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO INVESTIGATE TECHNOLOGIES, EDUCATION, STAFF POSITIONS WITHIN THE DEPARTMENT AND TO DEVELOP CRITERIA TO QUALIFY SURVEYORS IN THE DETERMINATION OF SHORELINES," was jointly offered by Representatives Morita and Kanoho.

H.R. No. 174, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ENCOURAGE THE USE OF BIODIESEL FUEL FOR ALL PUBLIC BUSES," was offered by Representative Morita.

H.R. No. 175, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO ADOPT RULES TO SET A TIME LIMIT ON THE STORAGE OF SOLID WASTE, SPECIAL WASTE, AND HAZARDOUS WASTE IN THE STATE BY ANY PERSON," was offered by Representative Morita, by request.

H.R. No. 176, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF HEALTH AND THE PUBLIC UTILITIES COMMISSION TO JOINTLY REVIEW S.B. NO. 2305 (2004), REGARDING THE FEASIBILITY OF IMPLEMENTING S.B. NO. 2305 (2004), RELATING TO RECYCLING," was offered by Representative Morita, by request.

H.R. No. 177, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE BACKHAUL OF SHIPPING MATERIALS AND PALLETS BY LARGE "BIG BOX" RETAILERS AND WHOLESALERS," was offered by Representative Morita.

H.R. No. 178, entitled: "HOUSE RESOLUTION EXPRESSING THE SUPPORT OF THE LEGISLATURE FOR THE DEVELOPMENT OF A KALINA CYCLE OCEAN THERMAL ENERGY CONVERSION PLANT AT THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY ON THE ISLAND OF HAWAII BY OCEAN ENGINEERING AND ENERGY SYSTEMS, INC," was jointly offered by Representatives Morita, by request and Wakai.

H.R. No. 179, entitled: "HOUSE RESOLUTION REQUESTING THE FOOD AND DRUG ADMINISTRATION TO APPROVE OVER-THE-COUNTER ACCESS FOR EMERGENCY CONTRACEPTION IN THE UNITED STATES OF AMERICA," was jointly offered by Representatives Morita, Lee, Shimabukuro, Thielen, Schatz and Caldwell.

H.R. No. 180, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF AGRICULTURE TO ESTABLISH ADVISORY BOARDS REGARDING GENETICALLY MODIFIED ORGANISMS," was jointly offered by Representatives Morita and Kaho`ohalahala.

H.R. No. 181, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT H.R. 677 EXTENDING VETERANS' BENEFITS TO FILIPINO VETERANS," was jointly offered by Representatives Abinsay, Karamatsu, Magaoay and Chang.

H.R. No. 182, entitled: "HOUSE RESOLUTION DECLARING MAY 7, 2004, AS CLEANERS' APPRECIATION DAY IN THE STATE OF HAWAII," was offered by Representative M. Oshiro.

H.R. No. 183, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ASSIST HOMEOWNERS IN PREVENTING FURTHER EROSION ALONG HEEIA, KEAAHALA/KEOLAA, KAWA, AND KANEOHE STREAMS ON OAHU," was offered by Representative Ito.

H.R. No. 184, entitled: "HOUSE RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO CONDUCT A THOROUGH EVALUATION OF THE CONDITION OF THE 187-ACRE PROPERTY SITUATED IN WAIKANE VALLEY THAT WAS USED BY THE UNITED STATES MARINE CORPS FOR ORDNANCE TRAINING UNTIL 1976, PLAN FOR AND CONDUCT AS THOROUGH A CLEAN-UP AND REMOVAL OF ORDNANCE AS IS TECHNOLOGICALLY POSSIBLE, CONDUCT AN ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL RISK TO HUMAN HEALTH AND SAFETY, AND RETURN THE LAND TO THE STATE OF HAWAII," was offered by Representative Ito.

H.R. No. 185, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REACTIVATE ITS AMNESTY PROGRAM FOR ONE YEAR IN ORDER TO ALLOW THE OWNERS OF NONCOMMERCIAL RESIDENTIAL PIERS ON KANEOHE BAY TO OBTAIN THE NECESSARY PERMITS," was offered by Representative Ito.

H.R. No. 186, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was jointly offered by Representatives Mindo and Abinsay.

H.R. No. 187, entitled: "HOUSE RESOLUTION REQUESTING AN AGRIBUSINESS INCUBATOR IN WAIALUA," was jointly offered by Representatives Magaoay, Chang, Abinsay and Karamatsu.

H.R. No. 188, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW, ANALYZE, AND RECOMMEND CHANGES TO STATUTES, RULES, AND COUNTY ORDINANCES THAT CRIMINALIZE NON-SERIOUS OFFENSES," was offered by Representative Hamakawa.

H.R. No. 189, entitled: "HOUSE RESOLUTION REQUESTING PRESIDENT BUSH TO CHANGE HIS ADMINISTRATION'S POSITION REGARDING THE LEGAL SERVICES CORPORATION AND ALLOW LEGAL AID GROUPS THE FREEDOM TO SERVE A BROADER RANGE OF CLIENTS MORE EFFICIENTLY AND EFFECTIVELY," was jointly offered by Representatives B. Oshiro and Shimabukuro.

H.R. No. 190, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE OFFICE OF YOUTH SERVICES TO DEVELOP A PLAN FOR CREATING AND IMPLEMENTING GENDER RESPONSIVE ENVIRONMENTS AT THE WOMEN'S COMMUNITY CORRECTIONAL CENTER AND AT THE HAWAII YOUTH CORRECTIONAL FACILITY," was jointly offered by Representatives B. Oshiro, Lee, Morita and Hamakawa.

H.R. No. 191, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO REPEAL THE CHANGES MADE BY THE BUSH ADMINISTRATION TO THE CLEAN AIR ACT IN 2002," was jointly offered by Representatives B. Oshiro, Morita and Schatz.

H.R. No. 192, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO VOTE TO REPEAL THE USA PATRIOT ACT, TO VOTE AGAINST REAUTHORIZATION OF PROVISIONS OF THE USA PATRIOT ACT, TO VOTE AGAINST THE DOMESTIC SECURITY ENHANCEMENT ACT, OR "PATRIOT II," AND AFFIRMING THE LEGISLATURE'S COMMITMENT TO HUMAN RIGHTS, CIVIL LIBERTIES, AND ALL PROTECTIONS GUARANTEED BY THE CONSTITUTIONS OF THE UNITED STATES AND THE STATE OF HAWAII, AND OTHER INTERNATIONAL CHARTERS AND COVENANTS," was jointly offered by Representatives B. Oshiro, Takumi and Hamakawa.

H.R. No. 193, entitled: "HOUSE RESOLUTION REAFFIRMING HAWAII'S COMMITMENT TO HUMAN RIGHTS, CIVIL LIBERTIES, AND ALL PROTECTIONS GUARANTEED BY THE CONSTITUTIONS OF THE UNITED STATES AND HAWAII, AND OTHER INTERNATIONAL CHARTERS AND COVENANTS BY URGING PRESIDENT BUSH AND HIS ADMINISTRATION TO CHANGE ITS POSITION ON THE UNITING AND STRENGTHENING OF AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT ACT) ACT OF 2001 AND AUTHORITY TO WITHHOLD FUNDAMENTAL RIGHTS TO DETAINEES AND REQUESTING CONGRESS TO ENACT THE IMMEDIATE REPEAL OF THE USA PATRIOT ACT," was jointly offered by Representatives B. Oshiro, Takumi and Hamakawa.

H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HOUSING AND THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE TO CONVENE JOINT INFORMATIONAL BRIEFINGS TO DETERMINE WHETHER THE SALE OF VERIZON HAWAII, INC., IS IN THE PUBLIC INTEREST, AND THE FEASIBILITY OF THE PUBLIC UTILITIES COMMISSION ACQUIRING VERIZON HAWAII, INC., AND OPERATING IT AS A COOPERATIVE VENTURE," was jointly offered by Representatives Kanoho and Hiraki.

H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF AN INTERIM COMMITTEE TO STUDY ISSUES OF EXPANDING THE STATE DNA DATABASE REGISTRY AND IMPROVING THE COLLECTION AND ANALYSIS OF DNA SAMPLES," was offered by Representative Marumoto.

H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP INCREASED EXPERTISE TO ASSIST HAWAII BUSINESSES WITH PROCUREMENT OPPORTUNITIES WITH THE FEDERAL GOVERNMENT AND OTHER STATE GOVERNMENTS AND TERRITORIES," was offered by Representative Marumoto.

H.C.R. No. 99, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXPEDITIOUS CONSIDERATION OF ANY REQUIRED CERTIFICATION BY THE PUBLIC UTILITIES COMMISSION AND OF HAWAII SUPERFERRY, INC.'S APPLICATION FOR A TITLE XI GUARANTEE COMMITMENT FROM THE UNITED STATES MARITIME ADMINISTRATION FOR THE CONSTRUCTION AND PERMANENT FINANCING OF THE FAST FERRY VESSELS," was jointly offered by Representatives Souki and Caldwell.

H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION URGING SUPPORT FOR COMPLETION OF CONNECTIONS BETWEEN AND ENHANCEMENTS TO THE LEEWARD BIKE PATH AND PEARL HARBOR HISTORIC TRAIL," was offered by Representative Kahikina.

H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF TAXATION AND BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A REVIEW AND COST BENEFIT ANALYSIS OF ALL CURRENT TAX INCENTIVES UNDER TITLE 14, HAWAII REVISED STATUTES," was jointly offered by Representatives Wakai, Karamatsu, Waters, Schatz, Nishimoto, Kahikina, Tamayo and Magaoay.

H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND LABOR AND INDUSTRIAL RELATIONS TO JOINTLY EXAMINE ISSUES RELATING TO PUBLIC ASSISTANCE INVOLVING INCENTIVES AND REQUIREMENTS TO WORK AND INCOME AND ASSET THRESHOLDS THAT MAY ACT AS DISINCENTIVES TO WORK," was jointly offered by Representatives Schatz, Shimabukuro, Nishimoto and Wakai.

H.C.R. No. 103, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO EXAMINE THE FEDERAL INDEPENDENCE PLUS INITIATIVE TO DETERMINE IF HAWAII CAN BENEFIT FROM APPLYING FOR AND OBTAINING A WAIVER OR WAIVERS TO PROVIDE INDIVIDUALS WITH DISABILITIES WITH SERVICES IN THE COMMUNITY," was jointly offered by Representatives Lee, Shimabukuro, Finnegan, Takai, Morita, Wakai, Caldwell, Tamayo, Saiki, Hamakawa and Herkes.

H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO ADDRESS THE ECONOMIC IMPACTS OF THE DEPLOYMENT OF THE 25TH INFANTRY DIVISION," was jointly offered by Representatives Lee, Takai, Tamayo, Wakai, Hale, Finnegan, Saiki, Hamakawa, Takumi, Caldwell, Ching, Herkes and Morita.

H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES TO ALLOW PRIVATE PAY PATIENTS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT ON A VOLUNTARY BASIS ON A GRADUATED FEES SCHEDULE," was jointly offered by Representatives Lee, Shimabukuro, Hale, M. Oshiro and Wakai.

H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENT OF TRANSPORTATION TO TAKE AN ACTIVE ROLE IN PLANNING FOR AND PROVIDING PUBLIC TRANSPORTATION BOTH ON OAHU AND IN THE NEIGHBOR ISLAND COUNTIES," was jointly offered by Representatives Lee, Herkes, Shimabukuro, Takai, Caldwell, Tamayo, Morita, Saiki, Wakai, Hale, Finnegan, Takumi, Hamakawa, Ching and Blundell.

H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PERFORMANCE REVIEW OF THE OAHU METROPOLITAN PLANNING ORGANIZATION," was jointly offered by Representatives Lee, M. Oshiro, Wakai, Hale, Saiki, Takumi, Morita and Hamakawa.

H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION CALLING ON THE PEOPLE'S REPUBLIC OF CHINA IMMEDIATELY AND UNCONDITIONALLY TO RELEASE REBIYA KADEER AND URGING PRESIDENT BUSH TO TAKE URGENT STEPS TO SECURE THE RELEASE OF REBIYA KADEER AS SOON AS POSSIBLE," was jointly offered by Representatives Lee, Shimabukuro, Hale, Caldwell, Morita, Saiki, Takumi, Blundell, Hamakawa, Tamayo and Herkes.

H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING FARM ANIMALS AS SENTIENT BEINGS TO BE TREATED WITH RESPECT AND PROTECTED FROM INHUMANE TREATMENT," was jointly offered by Representatives Lee, Abinsay, Wakai, Hale, Finnegan, Saiki, Caldwell, Hamakawa and Morita.

H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CITY AND COUNTY OF HONOLULU'S BAN ON AERIAL ADVERTISING," was jointly offered by Representatives Nishimoto and Fox.

H.C.R. No. 111, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE GOVERNOR TO RELEASE THE FUNDS APPROPRIATED FOR THE ACQUISITION OF PARADISE PARK IN MANOA," was jointly offered by Representatives Caldwell, Kahikina, Schatz, Takai, Tamayo, Shimabukuro, Sonson, M. Oshiro, B. Oshiro, Takumi, Magaoay, Wakai, Souki, Luke, Waters, Hale, Ito, Hamakawa, Morita, Kaho'ohalahala, Nishimoto, Arakaki, Karamatsu, Hiraki, Lee, Kawakami, Abinsay, Kanoho, Say, Chang, Herkes, Nakasone and Takamine.

H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE ON ACTIONS THAT HAVE BEEN UNDERTAKEN WITH REGARD TO THE IDENTIFICATION AND DEVELOPMENT OF INDUSTRY CLUSTERS, THE DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSION LAWS OF HAWAII 2003," was jointly offered by Representatives M. Oshiro, Takai, Takumi, Schatz and Takamine.

H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO REVIEW THE FEASIBILITY OF THE STATE BECOMING A MEMBER OF THE CHICAGO CLIMATE EXCHANGE," was jointly offered by Representatives Morita, Kanoho, Waters, Thielen, Kaho'ohalahala and Evans.

H.C.R. No. 114, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII INVASIVE SPECIES COUNCIL TO REPORT TO THE LEGISLATURE ON ITS PROGRAM TO FIGHT INVASIVE SPECIES," was offered by Representative Morita.

H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADDRESS LIGHT POLLUTION ISSUES THROUGH THEIR BUILDING ORDINANCES," was offered by Representative Morita.

H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING HUMAN HEALTH AND SAFETY ISSUES RELATED TO THE CAPTURE AND SALE OF FISH," was offered by Representative Morita.

H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO SUPPORT FULL FUNDING FOR THE CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT," was jointly offered by Representatives Evans, Lee, Ito, Herkes, Souki, Abinsay, Waters, Hale, Takumi, B. Oshiro, Wakai, Hamakawa, Schatz, Mindo, Morita, Kaho'ohalahala, Takamine, Kawakami, M. Oshiro, Nakasone, Kanoho, Karamatsu, Magaoay, Tamayo and Caldwell.

H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A WATER QUALITY MONITORING PROGRAM FOR MARINE WATERS THAT EMPHASIZES ENVIRONMENTAL PROTECTION," was jointly offered by Representatives Evans, Morita, B. Oshiro, Herkes, Abinsay, Waters, Hale, Hamakawa, Lee, Wakai, Schatz, Mindo, Kawakami, Kanoho, Caldwell, Takumi, Takamine, M. Oshiro, Nakasone, Kaho'ohalahala, Souki, Chang, Karamatsu, Magaoay, Tamayo and Ito.

H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A JOINT TASK FORCE TO STUDY THE FEASIBILITY OF TRANSFERRING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO THE UNIVERSITY OF HAWAII AT MANOA," was jointly offered by Representatives Evans, Herkes, Abinsay, Waters, Kaho'ohalahala, Hale, Wakai, Hamakawa, Schatz, Mindo, Morita, B. Oshiro, Kawakami, Nakasone, Kanoho, Souki, Ito, Lee, Takamine, Takumi, Magaoay and Caldwell.

H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE HAWAII CONVENTION CENTER," was jointly offered by Representatives Chang, Tamayo, Karamatsu, Marumoto, Magaoay, Wakai, Hale, Herkes, Abinsay, Leong, Takamine, Hamakawa, B. Oshiro, Takumi, Caldwell, Ito, Mindo, M. Oshiro, Evans, Arakaki and Kahikina.

H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO PARTICIPATE IN THE 2005 WORLD EXPOSITION, AICHI, JAPAN," was jointly offered by Representatives Chang, Tamayo, Abinsay, Karamatsu, Schatz, Leong, B. Oshiro, Marumoto, Magaoay, Wakai, Hale, Ito, Mindo, M. Oshiro, Takamine, Hamakawa, Souki, Takumi, Caldwell, Herkes, Evans, Arakaki and Kahikina.

H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE LEGISLATURE TO SUPPORT THE YOUTH COALITIONS FOR HEALTHY LIVING IN REACHING THE GOALS OF THE DEPARTMENT OF HEALTH SERVICES' HEALTHY HAWAII INITIATIVE," was offered by Representative Kahikina.

H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO PURCHASE THE CITY AND COUNTY OF HONOLULU'S TWELVE APARTMENT BUILDINGS," was jointly offered by Representatives Kahikina and Say.

H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A DIRECT LEASE OF WATER RIGHTS FOR THE USE OF THE "BLUE HOLE" DIVERSION AND PORTIONS OF A WATER TRANSMISSION SYSTEM LOCATED IN THE WAILUA SECTION OF THE LIHUE-KOLOA FOREST RESERVE FOR HYDROPOWER PRODUCTION PURPOSES," was jointly offered by Representatives Kanoho, Morita and Kawakami.

H.C.R. No. 125, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A JOINT IMPLEMENTATION PLAN FOR WASTE TREATMENT IN HONOKAA," was jointly offered by Representatives Takamine, Hale and Evans.

H.C.R. No. 126, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO ESTABLISH AND UTILIZE THE SELF-SUFFICIENCY STANDARD TO REPLACE THE FEDERAL POVERTY LEVEL STANDARD," was jointly offered by Representatives Karamatsu, Lee, Morita, Evans, Chang, Nishimoto, Hiraki, Magaoay, Takai, Takumi, B. Oshiro, Mindo, Caldwell, Wakai, Tamayo, Kawakami, Kanoho, Hamakawa, Hale, Nakasone, Souki, Kaho'ohalahala, Abinsay, Waters, Takamine and M. Oshiro.

H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONDUCT A STUDY COMPARING THE COST OF A NEW STADIUM WITH THE COST OF MAINTAINING ALOHA STADIUM," was jointly offered by Representatives Karamatsu, Tamayo, Kahikina, Saiki, B. Oshiro, Herkes, Chang, Mindo, M. Oshiro, Takai, Hiraki, Hale, Magaoay, Kaho'ohalahala, Nishimoto, Souki, Caldwell, Morita, Takumi, Wakai, Waters, Lee, Sonson, Shimabukuro, Schatz, Arakaki, Kanoho, Say, Ito, Nakasone, Kawakami, Takamine and Abinsay.

H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE BOARD OF EDUCATION TO ALLOW INDIVIDUAL SCHOOLS TO ESTABLISH AND IMPLEMENT BOTTLE REDEMPTION OPERATIONS AND TO ALLOW ALL FUNDS COLLECTED FROM THE BOTTLE REDEMPTION OPERATIONS TO BE FULLY ADMINISTERED AND EXPENDED BY THE EXECUTIVE ADMINISTRATOR OF THAT INDIVIDUAL SCHOOL," was jointly offered by Representatives Bukoski and Morita.

H.C.R. No. 129, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CALIFORNIA SERVICE CENTER FOR THE BUREAU OF U.S. CITIZENSHIP AND IMMIGRATION SERVICES TO REOPEN DUNCAN HAMILTON'S REQUEST FOR EXTENSION OF HIS E-2 NONIMMIGRANT TREATY INVESTOR STATUS AND FOR HIS TWO DAUGHTERS," was jointly offered by Representatives Bukoski and Hale.

H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY FOR A NEW MIDDLE SCHOOL IN THE UPCOUNTRY AREA OF MAUI," was jointly offered by Representatives Bukoski, Takumi and Takai.

H.C.R. No. 131, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE KANEOHE NEIGHBORHOOD BOARD'S PROPOSAL AND EFFORTS TO ADDRESS THE ISSUE OF THE USE OF HAIKU STAIRS," was offered by Representative Bukoski.

H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE JUDICIARY TO EXAMINE THE RAMIFICATIONS OF ELIMINATING REPORTS OF "THREATENED HARM" FROM THE VARIOUS TYPES OF REPORTS UPON WHICH AN INVESTIGATION IS REQUIRED TO BE CARRIED OUT BY THE DEPARTMENT OF HUMAN SERVICES IN CONNECTION WITH CHILD PROTECTIVE SERVICES," was offered by Representative Kahikina.

H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS," was jointly offered by Representatives Arakaki, Shimabukuro, Lee, Kahikina and Kawakami.

H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AND ENCOURAGING THE BOARD OF DENTAL EXAMINERS TO REPRIMAND ANY DENTIST WHO REFUSES TO ACCEPT QUEST/MEDICAID PATIENTS," was jointly offered by Representatives Arakaki, Shimabukuro, Kahikina, Kawakami and Hale.

H.C.R. No. 135, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF DENTAL EXAMINERS TO ADOPT MEASURES THAT DISCOURAGE DENTISTS FROM REFUSING PATIENTS COVERED BY GOVERNMENTALLY SPONSORED MEDICAL INSURANCE PROGRAMS," was jointly offered by Representatives Arakaki, Shimabukuro, Nishimoto, Kahikina, Lee, Kawakami and Souki.

H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, OFFICE OF THE PUBLIC GUARDIAN, AND ALL PROVIDERS OF LONG-TERM CARE SERVICES TO CONSIDER TRANSFER TRAUMA BEFORE RELOCATING FACILITY RESIDENTS AND TAKE NECESSARY STEPS TO MITIGATE THE POSSIBLE IMPACT ON THE HEALTH, SAFETY, AND WELFARE OF FACILITY RESIDENTS," was jointly offered by Representatives Arakaki, Shimabukuro, Kahikina and Nishimoto.

H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND BOARD OF EDUCATION TO MAKE PHYSICAL EDUCATION MANDATORY IN ALL GRADE LEVELS AND INTEGRATE PHYSICAL ACTIVITY INTO THE CLASSES OF ALL SUBJECT MATTER," was jointly offered by Representatives Arakaki, Evans, Tamayo, Nishimoto, Takai, Kahikina and Takumi.

H.C.R. No. 138, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INVESTIGATE AND REPORT ON THE POSSIBLE LINKS BETWEEN THE USE OF GROWTH HORMONES AND ANTIBIOTICS IN CHICKENS FOR HUMAN CONSUMPTION AND HUMAN OBESITY RATES," was jointly offered by Representatives Arakaki, Shimabukuro, Kahikina and Nishimoto.

H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING," was jointly offered by Representatives Arakaki, Shimabukuro, Nishimoto, Kahikina, Lee and Hale.

H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM TO ENSURE THAT ALL SCHOOLS ARE STAFFED WITH SCHOOL HEALTH AIDE PERSONNEL," was jointly offered by Representatives Arakaki, Kaho'ohalahala, Magaoay, Nishimoto, Shimabukuro, Kahikina, Kawakami, Morita, Chang, Bukoski, Kanoho, Hale, Evans, Takamine, Lee, Finnegan and Takumi.

H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was jointly offered by Representatives Arakaki, Shimabukuro, Lee, Magaoay, Abinsay, Nishimoto, Kahikina, Finnegan, Takumi, Stonebraker and Ching.

H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE ALOHA CORPS," was offered by Representative Arakaki.

H.C.R. No. 143, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE DEPARTMENTS TO ACKNOWLEDGE, SUPPORT, AND ACCEPT THE CITY AND COUNTY'S MASTER PLAN FOR REDEVELOPMENT OF THE PEARL HARBOR HISTORIC TRAIL," was jointly offered by Representatives Finnegan, Thielen, Takai, Moses, Ching, Kahikina, B. Oshiro, Takumi, Wakai, Waters, Hamakawa and Morita.

H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE ANALYSIS FOR THE REGULATION OF COURT INTERPRETERS," was offered by Representative M. Oshiro.

H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING THE RIGHTS OF UNITED STATES CITIZENS IN FOREIGN COUNTRIES," was offered by Representative Hiraki.

H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO REDUCE BARRIERS TO TRAVEL AND PROMOTE TOURISM BETWEEN THE PHILIPPINES AND HAWAII," was jointly offered by Representatives Abinsay, Mindo, Tamayo, Magaoay, Sonson, Wakai, Finnegan, Karamatsu, Chang, Herkes, Arakaki, Halford, Luke, Schatz and Say.

H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF H.R. 3587 TO BENEFIT FILIPINO WORLD WAR II VETERANS AND THEIR FAMILIES," was jointly offered by Representatives Abinsay, Sonson, Wakai, Magaoay, Mindo, Tamayo, Finnegan, Ito, Karamatsu, Chang, Caldwell, Herkes, Arakaki and Halford.

H.C.R. No. 148, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING AND ENCOURAGING NATIONAL, STATE AND LOCAL EFFORTS TO SECURE ACCESS AND REMOVE BARRIERS TO HEALTHCARE FOR MEN AND THEIR FAMILY MEMBERS," was jointly offered by Representatives Finnegan, Shimabukuro, Kawakami, Hale, Nishimoto, Stonebraker, Arakaki and Kahikina.

H.C.R. No. 149, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO HELP PREVENT THE INHUMANE TREATMENT OF THE YELLOWSTONE BUFFALO AND SUPPORT PASSAGE OF THE YELLOWSTONE BUFFALO PRESERVATION ACT, H.R. 3446," was jointly offered by Representatives M. Oshiro, B. Oshiro, Shimabukuro, Lee, Kawakami, Souki and Evans.

H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING AND ENCOURAGING NATIONAL, STATE, AND LOCAL EFFORTS TO SECURE ACCESS AND REMOVE BARRIERS TO HEALTH CARE FOR MEN AND THEIR FAMILY MEMBERS," was jointly offered by Representatives Lee, Saiki, Luke, Hamakawa, B. Oshiro, Morita, Nishimoto, Shimabukuro, Takai, Schatz, Souki and Evans.

H.C.R. No. 151, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE LEGISLATURE ON THE AVAILABILITY OF SPECIAL EQUIPMENT TO INCREASE AUTOMOBILE SPEED AND THE ADVISABILITY OF LEGISLATION TO REQUIRE THE USE OF GOVERNORS TO LIMIT AUTOMOBILE SPEED," was jointly offered by Representatives Lee, Saiki, Luke, Morita, Waters, Nishimoto, Shimabukuro, Takai, Evans, Ito, Hamakawa, B. Oshiro, Schatz, Mindo and Souki.

H.C.R. No. 152, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PLAN TO PROCURE AND DISTRIBUTE MARIJUANA PLANTS OR PRODUCTS TO PATIENTS REGISTERED WITH THE MEDICAL MARIJUANA PROGRAM AND REQUESTING AN INVESTIGATION ON THE APPLICATION OF MARIJUANA TO COMBAT CRYSTAL METHAMPHETAMINE ADDICTION," was jointly offered by Representatives Arakaki, Shimabukuro, Kahikina, B. Oshiro and Hamakawa.

H.C.R. No. 153, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED NATIONS TO CONSIDER THE ESTABLISHMENT IN HAWAII OF A CENTER FOR GLOBAL HEALTH, WELFARE, EDUCATION, AND PEACE BY AND FOR CHILDREN, YOUTH, AND FAMILIES," was jointly offered by Representatives Arakaki and Hale.

H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO PROVIDE DATA ON HAWAII'S FAMILY CAREGIVERS AND THE OLDER ADULTS TO WHOM THEY PROVIDE ASSISTANCE," was jointly offered by Representatives Arakaki, Takai, Lee, Nishimoto, Shimabukuro, Kahikina, Magaoay, Karamatsu, Chang, Takumi, Caldwell, Souki and Herkes.

H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A JUDICIARY WORK GROUP TO EVALUATE AND RECOMMEND METHODS TO STREAMLINE COURT-ORDERED FORENSIC EVALUATIONS AND TO DELIVER APPROPRIATE MENTAL HEALTH TREATMENT TO PRETRIAL DETAINEES," was offered by Representative Arakaki.

H.C.R. No. 156, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO EVALUATE AND RECOMMEND POSSIBLE STATUTORY AND OTHER CHANGES TO DELIVER PROMPT AND APPROPRIATE MENTAL HEALTH TREATMENT TO THOSE COMMITTED TO THE HAWAII STATE HOSPITAL UNDER CHAPTER 704, HAWAII REVISED STATUTES," was jointly offered by Representatives Arakaki, Shimabukuro, Nishimoto, B. Oshiro, Kahikina and M. Oshiro.

H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DISCLOSURE OF INFORMATION RELATED TO THE PETER BOY KEMA CASE," was jointly offered by Representatives Arakaki, Kahikina and Shimabukuro.

H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING A COLLEGE OF PHARMACY AT THE UNIVERSITY OF HAWAII AT HILO," was jointly offered by Representatives Chang, Evans, Herkes, Hale, Jernigan, Hamakawa, Takamine, Takumi, Tamayo, Souki, Abinsay and Wakai.

H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII MEDICAL ASSOCIATION, THE HAWAII PSYCHIATRIC MEDICAL ASSOCIATION, AND THE AMERICAN PSYCHIATRIC ASSOCIATION IN EXTENDING AN INVITATION TO THE AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES TO RETURN TO HONOLULU, HAWAII FOR ITS INTERIM WINTER MEETING IN 2007 OR 2008," was jointly offered by Representatives Chang, Arakaki, Nishimoto, Shimabukuro, Kahikina, Magaoay, Caldwell, Kawakami, Takai, Herkes, Kanoho, Kaho'ohalahala, Hiraki, M. Oshiro, Karamatsu, Takumi and Souki.

H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ESTABLISH A BIOPROSPECTING ADVISORY COMMISSION TO ADDRESS ISSUES RELATED TO BIOPROSPECTING, INCLUDING EQUITABLE BENEFIT SHARING," was jointly offered by Representatives Wakai, Thielen, Waters, Marumoto, B. Oshiro, Leong, Schatz, Nishimoto, Hale, Sonson, Mindo, Abinsay, Luke, Morita and Caldwell.

H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE HALEIWA TOWN AS THE SURFING CAPITAL OF THE WORLD," was jointly offered by Representatives Magaoay, Takai, Chang, Lee, Waters, Thielen, Nishimoto, Karamatsu, Ito, Kaho'ohalahala, Caldwell, Kanoho, Kawakami, Shimabukuro, Kahikina, Morita, Stonebraker, M. Oshiro, Say, Abinsay, Arakaki, Mindo, Herkes and Souki.

H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE UNIVERSITY OF HAWAII SYSTEM TO ESTABLISH BASELINE NUMBERS OF NATIVE HAWAIIAN STUDENTS AT THE UNIVERSITY," was jointly offered by Representatives Shimabukuro, Morita, Kaho'ohalahala, Kawakami, Kanoho and Ontai.

H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE TO FOSTER AND IMPROVE RELATIONS BETWEEN ISRAEL AND THE STATE OF HAWAII," was jointly offered by Representatives Moses, Schatz, Shimabukuro, Kahikina, Magaoay, Karamatsu, Caldwell, Blundell, Jernigan, Marumoto, Arakaki, Takumi, Souki and Herkes.

H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION URGING SUPPORT FOR COMPLETION OF CONNECTIONS BETWEEN AND ENHANCEMENTS TO THE LEEWARD BIKE PATH AND PEARL HARBOR HISTORIC TRAIL," was jointly offered by Representatives Kahikina, Tamayo, Sonson, Shimabukuro, Magaoay, Lee, Moses, Ontai, Karamatsu and Mindo.

H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION TO HOLD THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACCOUNTABLE FOR ITS DECISIONS TO INCLUDE OR ELIMINATE QUALIFIED CANDIDATES FROM THE LIST SENT TO THE GOVERNOR FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS," was offered by Representative Kanohe.

H.C.R. No. 166, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE THE STATE WATERS IN THE NORTHWESTERN HAWAIIAN ISLANDS TO PROVIDE THE MOST STRINGENT PROTECTIONS TO THE FRAGILE ECOSYSTEMS IN THAT REGION," was jointly offered by Representatives Kanohe, Morita, Saiki, Arakaki, Magaoay, Abinsay, Hamakawa and Schatz.

H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP A PLAN FOR THE FACILITATION OF COMMUNITY-BASED, MARINE COMANAGEMENT EFFORTS," was jointly offered by Representatives Kanohe, Morita, Saiki, Hale, Magaoay, Abinsay, Hamakawa, Schatz and Arakaki.

H.C.R. No. 168, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNITED STATES NAVY'S REQUEST TO ASSUME RESPONSIBILITY FOR THE OPERATION AND MAINTENANCE OF THE PUMPING AND DRAINAGE SYSTEMS IN MANA, KAUAI, IN EXCHANGE FOR A LONG-TERM LEASE OF STATE LANDS ON WHICH THE PUMPING AND DRAINAGE SYSTEMS ARE LOCATED AS WELL AS THE RETENTION OF A PERMANENT AGRICULTURAL BUFFER FOR THE PACIFIC MISSILE RANGE FACILITY," was jointly offered by Representatives Kanohe, Kawakami, Morita, Ito, Takamine, M. Oshiro, Hiraki, Herkes and Caldwell.

H.C.R. No. 169, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT OF A COORDINATED COMPREHENSIVE COASTAL POLICY ON SHORELINE HARDENING AND SETBACKS," was jointly offered by Representatives Kanohe, Morita, Saiki, Arakaki, Magaoay, Abinsay, Hale, Hamakawa and Schatz.

H.C.R. No. 170, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY EVALUATING THE FEASIBILITY AND NECESSITY OF THE CREATION OF A MAUNA KEA SCIENCE RESERVE AUTHORITY," was offered by Representative Kanohe.

H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO STUDY THE ADVISABILITY OF TRANSFERRING THE VANPOOL PROGRAM TO THE COUNTIES," was offered by Representative Souki.

H.C.R. No. 172, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE SETTING OF AN EXAMPLE TO OUR CHILDREN AND OUT-OF-STATE VISITORS BY DESIGNATING ALL AREAS OF THE STATE CAPITOL SMOKE-FREE," was jointly offered by Representatives Thielen, Takai, Leong and Lee.

H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE IMMIGRATION AND NATURALIZATION SERVICE ALLOW FILIPINO NATIONAL LONGLINE FISHERMEN WITH A C-1 VISA TO ENTER HAWAII," was jointly offered by Representatives Mindo, Tamayo, Abinsay, Magaoay, Sonson, Herkes and Finnegan.

H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO WORK WITH THE DEPARTMENT OF HOMELAND SECURITY TO EASE EXISTING RESTRICTIONS TO ALLOW FOREIGN MOVIE AND FILM PRODUCTION PERSONNEL TO ENTER THE UNITED STATES TO PRODUCE MOVIES OR FILMS," was jointly offered by Representatives Mindo, Sonson, Herkes, Abinsay, Magaoay, Karamatsu, Kahikina, B. Oshiro, Shimabukuro, Chang, Souki, Wakai and Hale.

H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING SECRETARY OF DEFENSE DONALD RUMSFELD TO WITHDRAW THE DEPARTMENT OF DEFENSE'S PROPOSAL REGARDING A "NATIONAL SECURITY PERSONNEL SYSTEM" AND TO SUBMIT A NEW PROPOSAL CONSISTENT WITH THE INTENT OF CONGRESS," was jointly offered by Representatives Mindo, Shimabukuro, Souki, Nakasone, M. Oshiro, Abinsay, Hale, Magaoay, Karamatsu and Kahikina.

H.C.R. No. 176, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE IMPLEMENTATION OF TRAINING PROGRAMS TO EDUCATE RETAILERS ON PRODUCTS USED TO MANUFACTURE CRYSTAL METHAMPHETAMINE," was jointly offered by Representatives Mindo, Herkes, Wakai, Kahikina, Shimabukuro, Chang, M. Oshiro, Souki, Nakasone, Ito, Abinsay, Hale, Magaoay, Karamatsu and Caldwell.

H.C.R. No. 177, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE UNEMPLOYMENT INSURANCE DIVISION AND THE EMPLOYMENT SECURITY APPEALS REFEREES' OFFICE OF THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," was jointly offered by Representatives Mindo, M. Oshiro, Souki, Nakasone, Ito, Herkes, Abinsay, Wakai, Hale, Magaoay, Karamatsu, Kahikina and Caldwell.

H.C.R. No. 178, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO EXAMINE POSSIBLE WAYS OF CONFIRMING THE IDENTIFICATION OF MEXICAN IMMIGRANTS," was jointly offered by Representatives Hale and Shimabukuro.

H.C.R. No. 179, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF, AND PROVIDE COST ESTIMATES FOR, THE INSTALLATION OF AN ACCESS ROAD ON THE SOUTHERN END OF KAWAIHAE HARBOR TO INCREASE ACCESS TO THE SMALL BOAT HARBOR AND BEACH AREA, AND FOR OTHER HARBOR IMPROVEMENTS," was jointly offered by Representatives Evans, Herkes, Hale, Chang, Waters, Souki, Morita, B. Oshiro, Hamakawa, M. Oshiro, Mindo, Karamatsu, Ito, Caldwell and Say.

H.C.R. No. 180, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII DEPARTMENT OF PSYCHIATRY TO EXPAND ITS RESEARCH AND EDUCATION ON DEPRESSION DIAGNOSIS AND MANAGEMENT," was jointly offered by Representatives Evans, Kaho'ohalahala, Waters, Hamakawa, Morita, M. Oshiro, Mindo, Ito, Karamatsu, Caldwell and Say.

H.C.R. No. 181, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REQUIRE CONSTRUCTION PROJECTS TO HAVE CULTURAL CONSULTANTS AND MONITORS," was jointly offered by Representatives Evans, Kaho'ohalahala, Kanoho, Waters, Morita, B. Oshiro, Hamakawa, M. Oshiro, Mindo, Ito, Karamatsu, Caldwell and Say.

H.C.R. No. 182, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE MARINE AND COASTAL ZONE MANAGEMENT ADVISORY GROUP TO CONVENE A WORKING GROUP TO DEVELOP GUIDELINES FOR A WATER QUALITY MONITORING PROGRAM," was offered by Representative Evans.

H.C.R. No. 183, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO SUPPORT PROJECT CUDDLE AND ASSESS THE FEASIBILITY OF ADVERTISING ITS HOTLINE," was jointly offered by Representatives Ching, Leong, Blundell, Fox, Wakai, Evans, Meyer, Nishimoto, Arakaki and Chang.

H.C.R. No. 184, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ASSESS THE FEASIBILITY OF USING INCARCERATED PERSONS TO HELP RESTORE MIDWAY ISLAND AND TO DRAFT PROPOSED LEGISLATION," was jointly offered by Representatives Ching, Leong, Blundell, Wakai, Chang and Arakaki.

H.C.R. No. 185, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO SUPPORT SUBSTANCE ABUSE PREVENTION EDUCATION IN THE CONTEXT OF HAWAII HEALTH EDUCATION STANDARDS IN GRADES K-12 IN THE PUBLIC SCHOOLS," was jointly offered by Representatives Ching, Leong, Blundell, Fox, Wakai, Evans, Meyer, Nishimoto, Chang and Arakaki.

H.C.R. No. 186, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO SUPPORT USE OF INCENTIVES TO USE HYBRID VEHICLES AND OTHER FUEL-SAVING, ENERGY-EFFICIENT, NON-POLLUTING VEHICLES," was jointly offered by Representatives Ching, Blundell, Leong, Ontai, Fox, Wakai, Evans, Meyer, Chang and Arakaki.

H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO IMPLEMENT A PILOT PROJECT ON HAWAIIAN DRY STACK MASONRY FOR INMATES AT THE KULANI PRISON ON THE ISLAND OF HAWAII," was jointly offered by Representatives Ching, Leong, Blundell, Fox, Wakai, Meyer, Nishimoto, Arakaki and Chang.

H.C.R. No. 188, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COMPLETE AN ASSESSMENT ON THE USE OF BUSINESS INCUBATOR PROGRAMS FOR NON-HIGH TECHNOLOGY COMPANIES AND TO DRAFT ANY APPROPRIATE PROPOSED LEGISLATION," was jointly offered by Representatives Ching, Leong, Ontai, Blundell, Fox, Wakai, Evans, Meyer, Nishimoto and Arakaki.

H.C.R. No. 189, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 2004 JUDICIAL SALARY COMMISSION," was jointly offered by Representatives Say and M. Oshiro.

H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE 2004 EXECUTIVE SALARY COMMISSION," was jointly offered by Representatives Say and M. Oshiro.

H.C.R. No. 191, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO INCREASE FUNDING FOR VETERANS BENEFITS AND SERVICES AND EXPRESSING DISAPPOINTMENT IN PRESIDENT GEORGE W. BUSH'S PLANS TO REDUCE VETERANS BENEFITS," was offered by Representative Saiki.

H.C.R. No. 192, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ALLOW PRESCRIPTION DRUGS TO BE IMPORTED FROM CANADA," was offered by Representative Saiki.

H.C.R. No. 193, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO REMOVE RODNEY PAIGE FROM THE POSITION OF UNITED STATES SECRETARY OF EDUCATION," was offered by Representative Saiki.

H.C.R. No. 194, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXECUTE AN ADVERSE CONDEMNATION TO PURCHASE REAL PROPERTY OWNED BY THE GALBRAITH ESTATE," was jointly offered by Representatives M. Oshiro, Magaoay and Lee.

H.C.R. No. 195, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE," was jointly offered by Representatives Takumi, M. Oshiro, Takai, Kanoho, Souki, Karamatsu, Caldwell, Herkes, Kaho'ohalahala, Hiraki, Nakasone, Kawakami, Takamine and Say.

H.C.R. No. 196, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO ORGANIZE A PLANNING COMMITTEE TO PLAN AND IMPLEMENT WAYS TO MOBILIZE HAWAII'S CROSS-CULTURAL AND INTERNATIONAL RESOURCES FOR THE MODERN WORLD," was jointly offered by Representatives Hale, Evans, Herkes and Chang.

H.C.R. No. 197, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY TO ASSESS THE FEASIBILITY OF DEVELOPING A PARK AT KEHENA BEACH, HAWAII," was offered by Representative Hale.

H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE EFFORTS OF HAWAII'S CONGRESSIONAL DELEGATION IN OBTAINING FUNDING FOR THE KAUMALAPAU HARBOR PROJECT," was jointly offered by Representatives Kaho'ohalahala, Herkes, Thielen, Caldwell, Luke, Waters, Shimabukuro, Takai, Kanoho, Kawakami, Nishimoto, Ito, Bukoski, Abinsay, Blundell, Karamatsu, Evans, Fox, Souki, Finnegan, Arakaki, M. Oshiro and Wakai.

H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS, THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE OFFICE OF HAWAIIAN AFFAIRS TO CEASE ISSUING ANY EASEMENTS TO THE CITY AND COUNTY OF HONOLULU FOR ACCESS TO HAIKU VALLEY AND TO "HAIKU STAIRS"," was offered by Representative Ito.

H.C.R. No. 200, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADDRESS THE HAZARDS OF ROCK AND LAND SLIDES ON OUR URBAN POPULATIONS," was offered by Representative Luke.

H.C.R. No. 201, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A TASK FORCE BE ORGANIZED TO ADDRESS THE HAZARDS OF ROCK AND LAND SLIDES ON OUR URBAN POPULATIONS," was offered by Representative Luke.

H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE FEDERAL LEGISLATION TO PROVIDE ADDITIONAL RESOURCES TO EXPAND VISA PROCESSING CAPACITY IN THE CONSULAR SECTION OF THE UNITED STATES EMBASSY IN SEOUL IN THE REPUBLIC OF KOREA AND TO INCLUDE THE REPUBLIC OF KOREA IN THE VISA WAIVER PROGRAM," was offered by Representative Luke.

H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO STUDY AND IMPLEMENT PARITY BETWEEN OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, AND SPEECH THERAPISTS WITHIN THE DEPARTMENT OF EDUCATION," was offered by Representative Luke.

H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE IMPACT OF THE DEPARTMENT OF HUMAN SERVICES' POLICY OF EXPEDITED PROCESSING OF APPLICATIONS RECEIVED FROM PREGNANT WOMEN USING THE "MEDICAL ASSISTANCE APPLICATION FOR CHILDREN AND PREGNANT WOMEN ONLY" FORM ON EARLY ENTRY INTO PRENATAL CARE AND SUBSEQUENT BIRTH OUTCOMES," was offered by Representative Luke.

H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE VARIOUS MEMBER LEAGUES OF THE HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION TO CONSIDER CREATING MORE COMPETITIVE MULTIPLE ATHLETIC DIVISIONS FOR HAWAII'S SECONDARY SCHOOL'S SPORTS PROGRAMS," was jointly offered by Representatives Ontai, Takumi, Evans, Blundell, Ching, Takai, Finnegan, Sonson, Fox, Moses, Kahikina, Kaho'ohalahala, Thielen, M. Oshiro, Bukoski, Jernigan, Wakai, Souki, Marumoto, Herkes, Karamatsu, Meyer, Leong, Hale, Say and Magaoay.

H.C.R. No. 206, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE DENIAL OF COVERAGE UNDER THE PREPAID HEALTH CARE ACT," was offered by Representative Takumi.

H.C.R. No. 207, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE USE OF DEOXYRIBONUCLEIC ACID FOR PURPOSES OTHER THAN THAT FOR WHICH IT WAS ORIGINALLY DRAWN AND TO ADDRESS CONCERNS FOR NECESSARY DISCLOSURE," was offered by Representative Hale.

H.C.R. No. 208, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ADOPTION OF RULES RESTRICTING COMMERCIAL ACTIVITIES AND IMPLEMENTING AN EFFECTIVE RESTORATION AND CONSERVATION MANAGEMENT PLAN FOR THE HANAPEPE AND WAIMEA RIVERS ON KAUAI," was offered by Representative Kawakami, by request.

H.C.R. No. 209, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF YOUTH SERVICES, ATTORNEY GENERAL, FAMILY COURT, COUNTY PROSECUTORS, JUDICIARY, DEPARTMENT OF HUMAN SERVICES, DEPARTMENT OF HEALTH, DEPARTMENT OF EDUCATION, JUVENILE JUSTICE CENTER, AND PRIVATE AGENCIES TO SUPPLY INFORMATION REGARDING THE TYPES OF SERVICES AND ALLOCATIONS FOR SUCH SERVICES PROVIDED TO PRE-ADJUDICATED AND ADJUDICATED JUVENILE OFFENDERS TO THE STEERING COMMITTEE OF THE HAWAII JUVENILE JUSTICE PROJECT AND THE TWENTY-THIRD SESSION OF THE HAWAII STATE LEGISLATURE," was jointly offered by Representatives Hamakawa, Sonson, Shimabukuro, Herkes, Magaoay, Evans, Mindo and Meyer.

H.C.R. No. 210, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT FINANCIAL AND MANAGEMENT AUDITS OF THE OFFICE OF YOUTH SERVICES INCLUDING BUT NOT LIMITED TO PURCHASE OF SERVICES AND ANY CONTRACT OR AGREEMENT ENTERED INTO BY THE OFFICE OF YOUTH SERVICES, INCLUDING THE HAWAII YOUTH CORRECTIONAL FACILITY," was jointly offered by Representatives Hamakawa, Meyer, Herkes, Magaoay, Evans, Mindo and Sonson.

H.C.R. No. 211, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES SEARCH FOR SURPLUS PROPERTY WITHIN THE STATE SYSTEM THAT COULD BE LEASED TO SUBSTANCE ABUSE TREATMENT PROGRAMS TO ASSIST IN THE TREATMENT OF RECOVERING ADDICTS AND THAT THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES LOOK FOR AVAILABLE FEDERAL MONIES AND OTHER GRANTS TO HELP DEVELOP HOUSING FACILITIES FOR THESE TREATMENT PROGRAMS," was jointly offered by Representatives Hamakawa, Shimabukuro, Herkes, Magaoay, Evans, Waters, Mindo and Meyer.

H.C.R. No. 212, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF ESTABLISHING ALTERNATIVE SCHOOLS OR DROPOUT CENTERS FOR ADOLESCENTS WHO SUFFER FROM DRUG ADDICTION," was jointly offered by Representatives Hamakawa, Evans, Meyer, Shimabukuro, Herkes, Magaoay, Waters and Mindo.

H.C.R. No. 213, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A TASK FORCE TO DEVELOP A DRUG ENDANGERED CHILD PROTECTION PROGRAM," was jointly offered by Representatives Hamakawa, Shimabukuro, Herkes, Magaoay, Evans, Waters, Mindo and Meyer.

H.C.R. No. 214, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO EXPLORE HOME OWNERSHIP OPTIONS AND STUDY THE FEASIBILITY OF IMPLEMENTING A HOUSING DEMONSTRATION PROJECT AT HAUICI HOMES AND OTHER STATE-OWNED AND OPERATED HOUSING PROJECTS," was offered by Representative Say.

H.C.R. No. 215, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS TO ESTABLISH THE ASIA-PACIFIC RISK MANAGEMENT AND INSURANCE PROGRAM WITHIN THE COLLEGE OF BUSINESS ADMINISTRATION AT THE UNIVERSITY OF HAWAII AT MANOA," was offered by Representative Say, by request.

H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING EFFORTS BY THE KO'OLAU GREENBELT AND HERITAGE TRAILS SYSTEM TO PROVIDE A HOLISTIC APPROACH TO WATERSHED PROTECTION AND ENCOURAGE PUBLIC AND PRIVATE PARTNERSHIPS TO DETERMINE THE FUTURE OF THE ENTIRE KO'OLAU SYSTEM," was jointly offered by Representatives Waters, by request, Kanoho, Thielen, Morita, Kaho'ohalahala and Evans.

H.C.R. No. 217, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE STATE CONSERVATION DISTRICT PROGRAM," was offered by Representative Waters, by request.

H.C.R. No. 218, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO INVESTIGATE AND EVALUATE SOIL AND WATER CONSERVATION DISTRICTS, CONSERVATION PLANS, AND COUNTY PROCEDURES RELATING THERETO IN PROTECTING NATURAL RESOURCES," was offered by Representative Waters, by request.

H.C.R. No. 219, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO STUDY THE POTENTIAL FOR PHOTOVOLTAIC TAX CREDITS," was offered by Representative Waters.

H.C.R. No. 220, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COORDINATED COMPREHENSIVE COASTAL POLICY TO PROTECT HAWAII'S COASTAL RESOURCES," was jointly offered by Representatives Waters, Wakai and Nishimoto.

H.C.R. No. 221, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A DOG AND CAT FOOD DONATION SYSTEM AND PROVIDING BASIC VETERINARY CARE, INCLUDING VACCINATIONS AND SPAY/NEUTER SERVICES TO REDUCE THE FERAL DOG AND CAT POPULATIONS IN THE STATE," was jointly offered by Representatives Waters, by request, Nishimoto and Wakai.

H.C.R. No. 222, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A VOLUNTEER-RUN, NO-KILL ANIMAL SHELTER," was offered by Representative Waters, by request.

H.C.R. No. 223, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE MAY 23, 2004, AS "SEA TURTLE DAY" IN HAWAII," was offered by Representative Waters, by request.

H.C.R. No. 224, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTS THE DEPARTMENT OF LAND AND NATURAL RESOURCES ACKNOWLEDGE THE AIKAU FAMILY'S COMMITMENT TO HAWAII'S OCEAN AND BEACHES BY PERMITTING THE HAWAII BEACHBOY PRESERVATION FOUNDATION TO REMAIN ON DUKE'S BEACH IN WAIKIKI," was offered by Representative Waters, by request.

H.C.R. No. 225, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE CITY AND COUNTY OF HONOLULU TO CONDUCT A STUDY ON LENGTHENING YELLOW LIGHTS TO ADDRESS THE PROBLEM OF RUNNING RED LIGHTS," was jointly offered by Representatives Bukoski and Souki.

H.C.R. No. 226, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, AND THE FEDERAL DEPARTMENT OF DEFENSE TO FIND MEANS OF RECTIFYING THE SHORTFALL IN IMPACT AID DUE THE DEPARTMENT OF EDUCATION," was offered by Representative Takai.

H.C.R. No. 227, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE RIGHTS OF NATIVE HAWAIIANS," was jointly offered by Representatives Kahikina, Kanoho, Morita, Kawakami, Kaho'ohalahala, Shimabukuro, Bukoski, Ontai, Waters and Say.

H.C.R. No. 228, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SCHOOL READINESS TASK FORCE TO CONDUCT A STUDY ON THE MANNER IN WHICH FUNDING STREAMS FOR CHILDCARE AND EARLY CHILDHOOD EDUCATION INTERACT AND MAKE RECOMMENDATIONS FOR METHODS OF COORDINATING AND OPTIMIZING FUNDING SOURCES," was offered by Representative Kahikina.

H.C.R. No. 229, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAROLD L. LYON ARBORETUM," was jointly offered by Representatives Caldwell, Kaho'ohalahala, M. Oshiro, Kanoho, Schatz, Herkes, Morita, Evans and B. Oshiro.

H.C.R. No. 230, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING PATIENT SAFETY IN HEALTH CARE FACILITIES BY CREATING A TASK FORCE TO MAKE RECOMMENDATIONS ON THE NURSING SHORTAGE, NURSE STAFFING, ACUITY SYSTEMS, AND OTHER FACTORS AFFECTING PATIENT SAFETY," was jointly offered by Representatives Arakaki and Lee.

H.C.R. No. 231, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A STUDENT EXCHANGE PROGRAM TO INVOLVE STUDENTS IN THE PUBLIC SCHOOLS IN HAWAII AND STUDENTS IN THE PROVINCES IN THE REPUBLIC OF THE PHILIPPINES WITH WHICH THE STATE HAS STATE-PROVINCE RELATIONSHIPS," was jointly offered by Representatives Arakaki, Abinsay and Takumi.

H.C.R. No. 232, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO CONVENE A TASK FORCE TO MAKE RECOMMENDATIONS ON THE NURSING SHORTAGE, NURSE STAFFING LEVELS, ACUITY SYSTEMS, AND OTHER RELATED FACTORS IN ORDER TO ENSURE PATIENT SAFETY IN HEALTH CARE FACILITIES," was offered by Representative Arakaki.

H.C.R. No. 233, entitled: "HOUSE CONCURRENT RESOLUTION TO COMMEMORATE THE 50TH ANNIVERSARY OF THE MARCH 1, 1954 DETONATION OF BRAVO H-BOMB ON BIKINI ATOLL OF THE REPUBLIC OF THE MARSHALL ISLANDS," was offered by Representative Arakaki.

H.C.R. No. 234, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE SECRETARY OF THE INTERIOR TO DESIGNATE A NEW NATIONAL SEASHORE FROM 'AHIHI-KINA'U NATURAL AREA RESERVE TO KANALOA POINT ON THE SOUTHEAST COAST OF MAUI," was jointly offered by Representatives Kaho'ohalahala, Morita and Kahikina.

H.C.R. No. 235, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PROVIDE AN IN-DEPTH AND CRITICAL ANALYSIS OF THE HAWAII HOUSING AND CONSERVATION TRUST FUND," was jointly offered by Representatives Kaho'ohalahala, Kahikina, Kanoho, Shimabukuro, Arakaki, Evans, Waters, Herkes, Karamatsu, Morita, Takumi, Nishimoto, Wakai, Souki and Hale.

H.C.R. No. 236, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REVIEW AND CONSIDER WHETHER THE EXCEPTION OF PSEUDOEPHEDRINE FROM THE REPORTING, RECORDKEEPING, AND PERMIT REQUIREMENTS GENERALLY APPLICABLE TO LIST I CHEMICALS SHOULD BE REPEALED," was jointly offered by Representatives Tamayo, Mindo, Shimabukuro, B. Oshiro, Leong, Souki, M. Oshiro, Chang, Arakaki and Kahikina.

H.C.R. No. 237, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO HOLD STUDENTS FINANCIALLY ACCOUNTABLE FOR LOST OR DAMAGED TEXTBOOKS, INSTRUCTIONAL MATERIALS, LIBRARY BOOKS, EQUIPMENT, AND SUPPLIES," was jointly offered by Representatives Tamayo, Takai, Leong, Finnegan, Mindo, Arakaki, Kahikina, Takumi and Morita.

H.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO IMPLEMENT AN ONLINE "FIXIT" SYSTEM ON THE STATE WEBSITE," was jointly offered by Representatives Tamayo, Mindo, B. Oshiro, Shimabukuro, Souki, Takumi, Finnegan, M. Oshiro, Chang, Arakaki, Morita and Kahikina.

H.C.R. No. 239, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, WITH THE ASSISTANCE OF THE STATE SURVEYOR AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO INVESTIGATE TECHNOLOGIES, EDUCATION, STAFF POSITIONS WITHIN THE DEPARTMENT AND TO DEVELOP CRITERIA TO QUALIFY SURVEYORS IN THE DETERMINATION OF SHORELINES," was jointly offered by Representatives Morita and Kanoho.

H.C.R. No. 240, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ENCOURAGE THE USE OF BIODIESEL FUEL FOR ALL PUBLIC BUSES," was offered by Representative Morita.

H.C.R. No. 241, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO ADOPT RULES TO SET A TIME LIMIT ON THE STORAGE OF SOLID WASTE, SPECIAL WASTE, AND HAZARDOUS WASTE IN THE STATE BY ANY PERSON," was offered by Representative Morita, by request.

H.C.R. No. 242, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH AND THE PUBLIC UTILITIES COMMISSION TO JOINTLY REVIEW S.B. NO. 2305 (2004), REGARDING THE FEASIBILITY OF IMPLEMENTING S.B. NO. 2305 (2004), RELATING TO RECYCLING," was offered by Representative Morita, by request.

H.C.R. No. 243, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE PERFORMANCE OF WASTEWATER MANAGEMENT ON OAHU," was offered by Representative Morita, by request.

H.C.R. No. 244, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A JOINT LEGISLATIVE TASK FORCE ON WASTE MANAGEMENT AND RECYCLING," was offered by Representative Morita, by request.

H.C.R. No. 245, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE BACKHAUL OF SHIPPING MATERIALS AND PALLETS BY LARGE "BIG BOX" RETAILERS AND WHOLESALERS," was offered by Representative Morita.

H.C.R. No. 246, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING THE SUPPORT OF THE LEGISLATURE FOR THE DEVELOPMENT OF A KALINA CYCLE OCEAN THERMAL ENERGY CONVERSION PLANT AT THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY ON THE ISLAND OF HAWAII BY OCEAN ENGINEERING AND ENERGY SYSTEMS, INC.," was jointly offered by Representatives Morita, by request and Wakai.

H.C.R. No. 247, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FOOD AND DRUG ADMINISTRATION TO APPROVE OVER-THE-COUNTER ACCESS FOR EMERGENCY CONTRACEPTION IN THE UNITED STATES OF AMERICA," was jointly offered by Representatives Morita, Lee, Shimabukuro, Thielen, Schatz and Caldwell.

H.C.R. No. 248, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND MEMBERS OF CONGRESS TO SUPPORT A BAN ON RESEARCH, DEVELOPMENT, AND TESTING OF NUCLEAR WEAPONS," was offered by Representative Morita.

H.C.R. No. 249, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DEVELOP FLEXIBLE DESIGN GUIDELINES FOR SCENIC HIGHWAYS," was offered by Representative Morita.

H.C.R. No. 250, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT H.R. 677 EXTENDING VETERANS' BENEFITS TO FILIPINO VETERANS," was jointly offered by Representatives Abinsay, Karamatsu, Magaoay and Chang.

H.C.R. No. 251, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING MAY 7, 2004, AS CLEANERS' APPRECIATION DAY IN THE STATE OF HAWAII," was offered by Representative M. Oshiro.

H.C.R. No. 252, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONSIDERATION OF THE ESTABLISHMENT OF A CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM," was offered by Representative Morita, by request.

H.C.R. No. 253, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DETERMINE THE FEASIBILITY OF THE FOLLOWING ISSUES: (1) MANDATING THAT HOTELS RECAPTURE AND REUSE WATER AND RECYCLABLE MATERIALS; (2) ADVANCE DISPOSAL FEES FOR HAZARDOUS AND LARGE GOODS AND OTHER RECYCLABLES; (3) ESTABLISHING A STATEWIDE WASTE DIVERSION STRATEGY; AND (4) MINING LANDFILLS TO EXTRACT RECYCLABLE MATERIALS OR TO DETERMINE WHETHER PROHIBITED WASTE WAS DUMPED," was offered by Representative Morita, by request.

H.C.R. No. 254, entitled: "HOUSE CONCURRENT RESOLUTION PROPOSING AN INCREASE IN RECYCLING BY STATE AND COUNTY AGENCIES BY REQUESTING THE IMPLEMENTATION OF RECYCLING PROGRAMS AND ANNUAL REPORTS CONCERNING PURCHASE AND USE OF GOODS MADE FROM RECYCLED MATERIALS, THE ESTABLISHMENT OF INCENTIVES TO INCREASE PROCUREMENT OF RECYCLED GOODS, AND THE ADOPTION OF RULES TO INCREASE THE PERCENTAGES OF PREFERENCE FOR PRODUCTS CONTAINING RECYCLED MATERIAL," was offered by Representative Morita, by request.

H.C.R. No. 255, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ASSIST HOMEOWNERS IN PREVENTING FURTHER EROSION ALONG HEEIA, KEAAHALA/KEOLAA, KAWA, AND KANEOHE STREAMS ON OAHU," was offered by Representative Ito.

H.C.R. No. 256, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO CONDUCT A THOROUGH EVALUATION OF THE CONDITION OF THE 187-ACRE PROPERTY SITUATED IN WAIKANE VALLEY THAT WAS USED BY THE UNITED STATES MARINE CORPS FOR ORDNANCE TRAINING UNTIL 1976, PLAN FOR AND CONDUCT AS THOROUGH A CLEAN-UP AND REMOVAL OF ORDNANCE AS IS TECHNOLOGICALLY POSSIBLE, CONDUCT AN ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL RISK TO HUMAN HEALTH AND SAFETY, AND RETURN THE LAND TO THE STATE OF HAWAII," was offered by Representative Ito.

H.C.R. No. 257, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING THE IMPORTATION OF ANTHRAX BACTERIA FOR BIOTECH RESEARCH PURPOSES," was offered by Representative Ito.

H.C.R. No. 258, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF S. 68, RELATING TO IMPROVING BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II," was jointly offered by Representatives Mindo, Abinsay and Magaoay.

H.C.R. No. 259, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF TRANSFERRING ALL SOLID WASTE MANAGEMENT FUNCTIONS TO THE PUBLIC UTILITIES COMMISSION," was offered by Representative Mindo.

H.C.R. No. 260, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AGRIBUSINESS INCUBATOR IN WAIALUA," was jointly offered by Representatives Magaoay, Karamatsu, Chang and Abinsay.

H.C.R. No. 261, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW, ANALYZE, AND RECOMMEND CHANGES TO STATUTES, RULES, AND COUNTY ORDINANCES THAT CRIMINALIZE NON-SERIOUS OFFENSES," was offered by Representative Hamakawa.

H.C.R. No. 262, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS APPOINT AN ADVISORY COMMITTEE ON CONSTRUCTION CLAIMS AND COMMERCIAL GENERAL LIABILITY POLICIES," was jointly offered by Representatives Hiraki and Hamakawa.

H.C.R. No. 263, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATION OF MARINE LIFE CONSERVATION DISTRICTS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was offered by Representative Hamakawa.

H.C.R. No. 264, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PRESIDENT BUSH TO CHANGE HIS ADMINISTRATION'S POSITION REGARDING THE LEGAL SERVICES CORPORATION AND ALLOW LEGAL AID GROUPS THE FREEDOM TO SERVE A BROADER RANGE OF CLIENTS MORE EFFICIENTLY AND EFFECTIVELY," was jointly offered by Representatives B. Oshiro and Shimabukuro.

H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE OFFICE OF YOUTH SERVICES TO DEVELOP A PLAN FOR CREATING AND IMPLEMENTING GENDER RESPONSIVE ENVIRONMENTS AT THE WOMEN'S COMMUNITY CORRECTIONAL CENTER AND AT THE HAWAII YOUTH CORRECTIONAL FACILITY," was jointly offered by Representatives B. Oshiro, Lee, Morita and Hamakawa.

H.C.R. No. 266, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO REPEAL THE CHANGES MADE BY THE BUSH ADMINISTRATION TO THE CLEAN AIR ACT IN 2002," was jointly offered by Representatives B. Oshiro, Morita and Schatz.

H.C.R. No. 267, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO VOTE TO REPEAL THE USA PATRIOT ACT, TO VOTE AGAINST REAUTHORIZATION OF PROVISIONS OF THE USA PATRIOT ACT, TO VOTE AGAINST THE DOMESTIC SECURITY ENHANCEMENT ACT, OR "PATRIOT II," AND AFFIRMING THE LEGISLATURE'S COMMITMENT TO HUMAN RIGHTS, CIVIL LIBERTIES, AND ALL PROTECTIONS GUARANTEED BY THE CONSTITUTIONS OF THE UNITED STATES AND THE STATE OF HAWAII, AND OTHER INTERNATIONAL CHARTERS AND COVENANTS," was jointly offered by Representatives B. Oshiro, Takumi and Hamakawa.

H.C.R. No. 268, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING HAWAII'S COMMITMENT TO HUMAN RIGHTS, CIVIL LIBERTIES, AND ALL PROTECTIONS GUARANTEED BY THE CONSTITUTIONS OF THE UNITED STATES AND HAWAII, AND OTHER INTERNATIONAL CHARTERS AND COVENANTS BY URGING PRESIDENT BUSH AND HIS ADMINISTRATION TO CHANGE ITS POSITION ON THE UNITING AND STRENGTHENING OF AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT ACT) ACT OF 2001 AND AUTHORITY TO WITHHOLD FUNDAMENTAL RIGHTS TO DETAINEES AND REQUESTING CONGRESS TO ENACT THE IMMEDIATE REPEAL OF THE USA PATRIOT ACT," was jointly offered by Representatives B. Oshiro, Takumi and Hamakawa.

H.C.R. No. 269, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PRESIDENT BUSH AND CONGRESS TO RESTORE FISCAL DISCIPLINE TO THE U.S. BUDGET AND PROTECT SOCIAL SECURITY," was jointly offered by Representatives Caldwell, Souki, M. Oshiro, Magaoy, Morita, Karamatsu, Abinsay, Saiki, Arakaki, Chang and Wakai.

H.C.R. No. 270, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF AGRICULTURE TO ESTABLISH ADVISORY BOARDS REGARDING GENETICALLY MODIFIED ORGANISMS," was jointly offered by Representatives Morita and Kaho'ohalahala.

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 12:46 o'clock p.m.

LATE INTRODUCTIONS

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

Representative Waters introduced the Hawaii International Education Week E-Zine/Magazine Competition grand prize winners from Kaimuki Middle School and Farrington High School.

Representative Takumi introduced Superintendent of Education, Ms. Patricia Hamamoto, the teachers who recently received their National Board Certification:

Ms. Jerrie Anderson, Kealakehe High School;
 Ms. Cynthia Chun, Kapolei High School;
 Mr. Herman Leong, Radford High School;
 Ms. Denise Darval-Chang, Kailua High School;
 Mr. Michael Kline, Kalaheo Elementary School;
 Ms. Sandra Linskey, Castle High School;
 Ms. Kristilyn Atalig, Holomua Elementary School;
 Ms. Phyllis Clemmer, Waiakea High School;
 Ms. Colleen Collings, Pahoia Elementary School;
 Ms. Marian Crocco, Alvah Scott Elementary School;
 Ms. June Davids, Keaau Middle School;
 Ms. Karen De Brum, Lanai High and Elementary School;
 Ms. Elizabeth Delyon, Makawao Elementary School;
 Ms. Laura Fukumoto, Aliamanu Elementary School;

Mr. Jonathan Gillentine, Benjamin Parker Elementary School;
 Ms. Nancy Graf, Kapaa Middle School;
 Ms. Maria Hawkins, Kaimiloa Elementary School;
 Ms. Phyllis Ida, Windward District Office;
 Ms. Roberta Kokx, Kihei Elementary School;
 Ms. Judy Locke, Kihei Elementary School;
 Mr. Michael Oliver, Baldwin High School;
 Ms. Liane Otani-Nakagawa, King Kekaulike High School;
 Ms. Cherie Palermo, Pearl Harbor Elementary School;
 Ms. Cristina Rathen, Moanalua High School;
 Ms. Carol Seielstad, Hanalei Elementary School;
 Ms. Fern White, Kohala High School;
 Ms. Kara Yasui, Holomua Elementary School.

Royal Elementary School, represented by teachers Ms. Angela Chock and Ms. Robin Hiraki, wife of Representative Ken Hiraki; and

Liholiho Elementary School, represented by principal, Ms. Chirstina Small.

Representative Hiraki recognized and introduced the administrators, faculty, staff and parents of the Blue Ribbon Schools who were seated in the gallery:

Momilani Elementary School: Ms. Gayleen Fujimura, Student Services Coordinator; and Ms Chirstina Shioi, PTSA President; and

Liholiho Elementary School: Mr. Dennis Iwanaga, Community Representative for the SCBM Board; Ms. Sharon Unebasami, Kalani Complex Education Specialist; Ms. Estelle Wong, District Complex Area Superintendent; Ms. Lynn Sakata, Teacher Representative; Ms. Joyce Suga, School Renewal Specialist; and Mr. Peter Uehara, former Complex Area Supervisor and current Personnel Specialist.

The motion was put to vote by the Chair and carried, and H.R. No. 100 was adopted with Representatives Bukoski, Halford, Jernigan, Leong, Nakasone, Pendleton, Schatz, Takamine and Tamayo being excused.

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 for introduction, seconded by Representative Meyer, and carried. (Representatives Bukoski, Halford, Jernigan, Leong, Nakasone, Pendleton, Schatz, Stonebraker, Takamine and Tamayo were excused.

At 1:05 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:17 o'clock p.m.

ANNOUNCEMENTS

At this time the Chair announced:

"In our haste to get the Members off to their respective appointments, we forgot to do the Announcements where some of our Chairs do have requests for the 48-hour notice waiver. So at this point, the Chair would recognize Representative Schatz."

Representative Schatz: "Thank you, Mr. Speaker. And my apologies to the Members for not getting this in. I didn't know when the announcements were. Your Committee on Economic Development and Business Concerns respectfully requests a waiver of the 48-hour notice requirement for the purpose of hearing Senate Bill 643 tomorrow at 9 a.m. in conference room 325. Thank you," and the Chair "so ordered."

At 1:19 o'clock p.m., the Chair declared a recess, and the House of Representatives stood in recess until 6:00 o'clock p.m., tomorrow, Thursday, March 25, 2004.

ADJOURNMENT

At 6:00 o'clock p.m. the House of Representatives adjourned until 6:00 o'clock p.m. tomorrow, Thursday, March 25, 2004.

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 99 and 100) were announced by the Clerk and the following action taken:

H.R. No. 99, entitled: "HOUSE RESOLUTION RECOGNIZING KATHLEEN NULLET OF KAILUA INTERMEDIATE SCHOOL AS THE RECIPIENT OF THE 2003 OUTSTANDING GLOBAL TEACHER AWARD," was jointly offered by Representatives Waters, Schatz, Ontai, Evans, Morita, Ching, Takai, Leong, Tamayo, Takumi, Hale, Blundell, Arakaki and Kahikina.

Representative Waters, moved that H.R. No. 99 be adopted, seconded by Representative Thielen.

Representative Waters introduced the honoree, Ms. Kathleen Nullet, social studies teacher at Kailua Intermediate School, and recipient of the 2003 Outstanding Global Teacher Award; and her husband, Mr. Dennis Nullet, who were seated on the floor of the House:

The motion was put to vote by the Chair and carried, and H.R. No. 99 was adopted with Representatives Bukoski, Halford, Jernigan, Leong, Mindo, Nakasone, Pendleton, Schatz, Takamine and Tamayo being excused.

At 12:56 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 12:56 o'clock p.m.

H.R. No. 100, entitled: "HOUSE RESOLUTION RECOGNIZING MOMILANI ELEMENTARY SCHOOL, ROYAL ELEMENTARY SCHOOL, AND LIHOLIHO ELEMENTARY SCHOOL AS HAWAII'S 2003 BLUE RIBBON SCHOOLS," was jointly offered by Representatives Luke, Nishimoto, Hiraki, Marumoto and Takumi.

Representative Luke, moved that H.R. No. 100 be adopted, seconded by Representative Hiraki.

Representative Luke recognized the following Blue Ribbon Schools for 2003, and the honorees who were seated on the floor of the House:

Momilani Elementary School, represented by school counselor, Mr. Lance Nishihara;

THIRTY-SEVENTH DAY

Thursday, March 25, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 6:23 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Jan Youth, of the Honpa Hongwanji Hawaii, Betsuin Honolulu Temple, after which the Roll was called showing all members present with the exception of Representative Kahikina, who was excused.

On motion by Representative Lee, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the Twenty-Third, Twenty-Fourth, Twenty-Fifth, Twenty-Sixth, Twenty-Seventh, Twenty-Eighth, and Twenty-Ninth Days were approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 376 through 382) were received and announced by the Clerk:

Sen. Com. No. 376, transmitting S.C.R. No. 17, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO INCREASE FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH," which was adopted by the Senate on March 24, 2004.

Sen. Com. No. 377, transmitting S.C.R. No. 45, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A ONE YEAR EXTENSION OF THE STATEWIDE INTERAGENCY TASK FORCE TO CONTINUE TO DEVELOP A PLAN FOR COORDINATION AND EXPANSION OF SERVICES PROVIDED THROUGH HEALTHY START TO YOUNG CHILDREN AND THEIR FAMILIES," which was adopted by the Senate on March 25, 2004.

Sen. Com. No. 378, transmitting H.B. No. 2024, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF OWNERSHIP OF FIREARMS AND AMMUNITION," which passed Third Reading in the Senate on March 25, 2004.

Sen. Com. No. 379, transmitting H.B. No. 2298, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISQUALIFICATION OF JUDGES," which passed Third Reading in the Senate on March 25, 2004.

Sen. Com. No. 380, transmitting H.B. No. 2299, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE COURT COSTS," which passed Third Reading in the Senate on March 25, 2004.

Sen. Com. No. 381, transmitting H.B. No. 1828, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," which passed Third Reading in the Senate on March 25, 2004.

Sen. Com. No. 382, transmitting H.B. No. 2863, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," which passed Third Reading in the Senate on March 25, 2004.

On motion by Representative Saiki, seconded by Representative Lee and carried, the House disagreed to the amendments made by the Senate to H.B. Nos.: 1828, HD 1 (SD 1); and 2863, HD 1 (SD 1); and requested a conference on

the subject matter of said amendments. (Representative Kahikina was excused.)

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 29) was received by the Clerk and was placed on file:

Dept. Com. No. 29, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting their report, Financial Audit of the Department of Defense.

ORDER OF THE DAY

At 6:29 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 6:29 o'clock p.m.

By unanimous consent, Stand. Com. Rep. No. 978-04, and S.B. No. 3193, SD 2, HD 2, was deferred to the end of the calendar.

STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 903-04) recommending that S.B. No. 2045, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2045, SD 2 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"In strong support, Mr. Speaker, on 903-04, Senate Bill 2045, SD 2. The Civil Air Patrol is a national nonprofit corporation and is comprised of 64,000 members, and fully funded by grant and private donation. They are part of the homeland security, they support so many activities that the State operates and provides. As recently as a month ago, when the emergency medical airplane crashed in the Big Island, although the Civil Defense was all over the place searching for the aircraft, it was the Civil Air Patrol who detected the black box of that airplane. So I urge everybody to support this measure. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2045, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 904-04) recommending that S.B. No. 2131, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2131, SD 1, entitled: "A BILL FOR

AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF DEFENSE," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 905-04) recommending that S.B. No. 2647, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2647, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki and Chang being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 906-04) recommending that S.B. No. 2877, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2877, SD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 907-04) recommending that S.B. No. 2903, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2903, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF MONEY TRANSMITTERS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 908-04) recommending that S.B. No. 2912, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2912, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 909-04) recommending that S.B. No. 2210, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2210, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on

Finance with Representatives Arakaki and Chang being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 910-04) recommending that S.B. No. 2395, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2395, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki and Chang being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 911-04) recommending that S.B. No. 2302, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2302, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE FILIPINO CENTENNIAL CELEBRATION COMMISSION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 912-04) recommending that S.B. No. 2380, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2380, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ART MUSEUM," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 913-04) recommending that S.B. No. 2396, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2396, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 914-04) recommending that S.B. No. 2247, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2247, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL OF INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 915-04) recommending that S.B. No. 3190, SD 1, pass Second Reading

and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3190, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Arakaki and Chang being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 916-04) recommending that S.B. No. 2003, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2003, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

Representative Jernigan rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Stonebraker rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Evans rose and asked that the Clerk record 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. 2003, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER RESTRAINT DEVICES," passed Second Reading and was referred to the Committee on Judiciary with Representative Jernigan voting no and with Representatives Arakaki and Chang being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 917-04) recommending that S.B. No. 2023, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2023, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki and Chang being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 918-04) recommending that S.B. No. 2024, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2024, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

Representative Fox rose and asked that the Clerk record 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. 2024, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki and Chang being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 919-04) recommending that S.B. No. 3080, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3080, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Mr. Speaker, I rise in opposition. This is relating to, I believe the airport concessionaires requesting further relief from the 9/11 tragedies. I think we set a precedent if every year a new concessionaire comes to the Legislature for 'grant relief'. So I believe that we should vote this down."

Representative Thielen rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

At this time Representative Thielen rose to a point of information, stating:

"Thank you. The Order of the Day that we were given earlier is not paginated exactly the same as the Order of the Day on our desks. So there may be an instance or two where we're still on the previous page. And that happened just a minute ago with the pedestrian bill. Thank you."

At 6:34 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:35 o'clock p.m.

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Jernigan rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Meyer rose and asked that the Clerk record 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. 3080, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Stonebraker and Thielen voting no and with Representatives Arakaki and Chang being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 920-04)

recommending that S.B. No. 2690, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2690, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Stonebraker rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

"In opposition, briefly. It's outside of the regular budget."

Representative Finnegan rose and asked that the Clerk record 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. 2690, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representative Fox voting no and with Representatives Arakaki and Chang being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 921-04) recommending that S.B. No. 2005, pass Second Reading and be referred jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2005, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," passed Second Reading and was referred jointly to the Committee on Consumer Protection and Commerce and the Committee on Judiciary with Representatives Arakaki and Chang being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 922-04) recommending that S.B. No. 2950, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2950, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERIC SUBSTITUTION OF PRESCRIPTION DRUG PRODUCTS," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Arakaki and Chang being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 923-04) recommending that S.B. No. 2586, 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 Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2586, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," passed Second Reading and was referred to the Committee on Consumer Protection and

Commerce with Representatives Arakaki and Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 924-04) recommending that S.B. No. 2887, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2887, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE INSURANCE COMPACT," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 925-04) recommending that S.B. No. 2904, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2904, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 926-04) recommending that S.B. No. 2004, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2004, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

Representative Mindo's written remarks are as follows:

"Mr. Speaker and members of the House of Representatives, I rise in support of Senate Bill 2004, Senate Draft 1, for the following reasons:

- (1) The purpose of this measure is to appropriate funds for the care and maintenance of veteran's cemeteries on the Island of Maui.
- (2) Our veterans deserve the best we can offer them, due to their dedicated service to our country.

"Time may pass, and memories may fade, yet, their selfless dedication to the values of America, remains forever. The least that we the living can do for those who gave of themselves is to properly care for their remains.

"Mr. Speaker, and colleagues, I strongly urge you to support Senate Bill 2004, Senate Draft 1. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2004, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VETERANS CEMETERIES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 927-04) recommending that S.B. No. 2043, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2043, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Jernigan rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

Representative Meyer's 's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this bill. An aviation museum at Pearl Harbor is a natural addition to the Arizona Memorial and the Battleship USS Missouri. Ford Island was one of the major sites of events that lead our country into World War II. The Control Tower still shows the bullet holes made on December 7, 1941. The intent is to build a museum there that not only shows the history of that day and time, but also evokes the feeling of the era. Vintage aircraft will be housed in hangars of the period. This museum will be a valuable teaching tool, not just for tourists, but also for our own young people. They will have the opportunity to see and experience for themselves where world history was made on our island.

"Through Hawaii's Congressional delegation, we are virtually assured of federal funding for a museum on this historical site. We at the State level need to commit funds as well, to show that the people of Hawaii really want this facility built and operated at Pearl Harbor. In strong support, thank you, Mr. Speaker.

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

"Mr. Speaker, I'm in support even though I realize this is off budget. I realize that we haven't budgeted for it in the Executive Budget. But I believe that it will bring more money into the State because there is a requirement for us to put up some money. We get some federal money but then we will get tourist money too. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2043, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE AVIATION MUSEUM OF THE PACIFIC," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Ito, for the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 928-04) recommending that S.B. No. 2364, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2364, SD 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:

"Again, Mr. Speaker, I'm a little late. I'm on 928. I'm standing in support with some strong reservations.

"I just don't think that this income tax deduction is the way to go. 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. 2364, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representatives Chang and Magaoay, for the Committee on Tourism and Culture and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 929-04) recommending that S.B. No. 2404, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2404, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EXPENSES OF THE 2005 NATIONAL ASSOCIATION OF COUNTIES MEETING IN HONOLULU," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representatives Souki and Ito, for the Committee on Transportation and the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 930-04) recommending that S.B. No. 2344, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2344, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I'd like to register a no vote and I'd like to reserve my comments for Third Reading if it gets that far. I hope it doesn't. Thank you, Mr. Speaker."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Pendleton rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Jernigan rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Fox rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Leong rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

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

"Thank you, Mr. Speaker. I want to hear the details in Finance Committee so I'm going to go with reservations."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

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

"No vote, Mr. Speaker. And Mr. Speaker, while this is a slight tweak on the infamous van cams, it's still is really an invasion of people's privacy. I understand the objective is to catch speeders. I don't like the way in which this is being done. Thank you."

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

"Thank you, Mr. Speaker. I rise in opposition. I don't want to be lengthy on my speaking but a couple of points that I'd like to make for the Members of this Body.

"First of all, the idea that we can create safety through increased technology at traffic lights or on the side of the road, I think is a faulty one. I would prefer plans for increased number of police officers on the street, or perhaps increased numbers of sheriffs, or perhaps a highway patrol. But this holds the same problems that we've had in the past. You see, we have fought, for many of us, for part or all of the unadjudicated traffic fines going to the City and County. And the debate that the City has had with the State is that they're doing all the work but they're not getting anything back for it. And so the police officers and police officers' union has asked for the unadjudicated traffic fines for many, many years. This Body has refused to give it to them, so in essence they just..."

Representative Saiki rose to a point of order, stating:

"Point of order. Could the Representative please discuss the underlying measure."

The Chair responded, stating:

"Yes, Representative Stonebraker, please proceed."

Representative Stonebraker continued, stating:

"I am. The problem that has arisen out of that is that the State has not gotten the usual amount of money that it usually would get from tickets. And so the traffic cam issue came up a couple of years ago. The people rejected it. And finally this Body did repeal that measure. This in the same way, as I noticed the amendments would authorize counties to expend the funds and at the same time it would require that any fines be deposited into the general fund. So you still have the same problem. You still have technology trying to drive safety and all the while this retains all of the problems that the traffic cameras had in the first place. And so while we support higher safety on our streets, I just feel this a wrong way to go."

Representative B. Oshiro rose to speak in support of the measure with reservations, stating:

"Mr. Speaker. I rise with reservations. And just very briefly. I think one of my primary concerns with this is the previous program was found unconstitutional. This bill was gutted and replaced with this existing language and it hasn't had the opportunity to go through the Judiciary Committee. And I

believe there still are constitutional issues. Basically I don't believe establishing a *prima facie* evidence burden upon the registered owner of the vehicle still may pass the constitutional muster and so may be struck out for the same reasons. The language is not specific enough. But I believe that this bill, if it moves forward, it can continue to be modified to address our concern. Thank you."

Representative Schatz rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

"Mr. Speaker, I rise in support. Just two brief points of clarification. One, on the money going to the counties. In fact it does go into the general fund and in turn, back to the counties to enable them to use that money, give it back to the police to further strengthen police enforcement in many different ways including speeding.

"On the issue of the presumption that you're innocent until proven guilty. Under this legislation, a photograph would have to be taken of the driver of the vehicle. And that driver would have to be the registered owner. And that would address the problem that Judge Hayashi had previously, in that it wasn't always the driver of the vehicle that was the registered owner who was driving. In this case, you would have to be the registered owner driving the vehicle. And the photograph would have to show that. In that case, you would get a ticket. Thank you, Mr. Speaker."

Representative Nishimoto rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Sonson rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Wakai rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Evans rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Kahikina rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Waters rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

"Mr. Speaker, in strong support and I want to thank the Chair of the Transportation Committee and Vice Chair of the Transportation Committee for having the courage and the guts to move this bill forward. Thank you."

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

"Thank you very much for your comments. I shall pass it on to my wife. Thank you very much."

The Chair addressed Representative Souki, stating:

"Representative Souki, you are in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2344, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Bukoski, Finnegan, Fox, Jernigan, Leong, Marumoto, Ontai, Pendleton, Stonebraker and Thielen voting no and with Representatives Arakaki and Chang being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 931-04) recommending that S.B. No. 2589, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2589, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Arakaki and Chang being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 932-04) recommending that S.B. No. 2897, 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 Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2897, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DENTAL EXAMINATION," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Arakaki and Chang being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 933-04) recommending that S.B. No. 3085, 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 Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3085, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Arakaki and Chang being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 934-04) recommending that S.B. No. 2577, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary and the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2577, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PEER REVIEW," passed Second Reading and was referred to the Committee on Judiciary and the Committee on Consumer Protection and Commerce with Representatives Arakaki and Chang being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 935-04) recommending that S.B. No. 3041, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3041, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY ADMISSION FOR NONEMERGENCY TREATMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki and Chang being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 936-04) recommending that S.B. No. 2591, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2591, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Stonebraker rose and asked that the Clerk record 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. 2591, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY AND CAREGIVER SUPPORT," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 937-04) recommending that S.B. No. 2608, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2608, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRITICAL ACCESS HOSPITALS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 938-04) recommending that S.B. No. 2280, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2280, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LOCAL FLOOD WARNING SYSTEM FOR LAKE WILSON," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 939-04) recommending that S.B. No. 3025, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3025, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Halford rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Blundell rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Pendleton rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Jernigan rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Leong rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

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

"In opposition. I mean, the ink is barely dry on the Governor's Executive Order taking the Office of Planning and putting it under the jurisdiction of DLNR and this bill gets proposed. Let's give it a chance to function under DLNR, which really is the land use agency of the State government. Thank you."

Representative Meyer rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

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

"Thank you, Mr. Speaker. A no vote and a few comments. During the hearing, the Office of Planning and the Department of Land and Natural Resources and the Department of Business and Economic Development all opposed the bill.

"They said that the process was working. That the Office of Planning is communicating and working well with DLNR. It is not prohibited from working with DBEDT when related to economic issues or there's matters under the Department of Business and Economic Development's purview. So the system is working. I don't see that this makes sense to make this change now. We're treating the Office of Planning somewhat like a ping pong ball.

"The Executive Order has placed it within the Department that is most focused on the same areas as Office of Planning is focused upon. Those two can work very well together. There is certainly no prohibition against OP working with DBEDT. And in fact it is. So I would suggest that we just let this bill maybe go to Finance and with Finance's very busy agenda, it's one of the ones that could just not be heard. Thank you."

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

"Thank you, Mr. Speaker, in strong support. Mr. Speaker and Members, the Office of Planning has always been in the Department of Business and Economic Development and Business Concerns because that Department has an overall view of all the activities of the State, as opposed to the Department of Land and Natural Resources which focuses its attention primarily, if not only on conservation lands.

"The Office of Planning and the Department of Land and Natural Resources would be under their thumbs and it was somewhat disturbing to find out that the Office of Planning kept deferring all of its decisions and comments to the Department of Land and Natural Resources. And there's a lot of legitimate concerns that the Office of Planning hereafter would operate under the so-called thumbs of DLNR. And so we think that it is still very much appropriate for the Office of Planning to remain under DBEDT.

"And as reference, also in the hearing, there's some concern about the Land Use Commission and as we know there's been attempts on the part of the Administration to do away with the Land Use Commission. And so it is well part of that effort. And we think that in final analysis, that the Office of Planning because of the broad view that it needs to take, should remain in DBEDT. Thank you."

Representative Bukoski rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

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

"Mr. Speaker, rise in support of this measure, and I think we forget that Office of State Planning is only administratively placed in DBEDT. And what we really want from Office of Planning is independence to speak and comment on issues. And definitely we have not seen that in the last two Sessions where they had to defer to DLNR rather than have independent comments."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3025, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no and with Representatives Arakaki and Chang being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 940-04) recommending that S.B. No. 2820, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2820, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 941-04) recommending that S.B. No. 3051, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3051, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

Thank you, Mr. Speaker, on that measure, 941. I stand in strong support.

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

"Thank you, Mr. Speaker, in opposition. This is a 'Christmas tree' bill outside of the budget process."

Representative Blundell rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Jernigan rose and asked that the Clerk record 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. 3051, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representative Fox voting no and with Representatives Arakaki and Chang being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 942-04) recommending that S.B. No. 2899, 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 Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2899, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Arakaki and Chang being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 943-04) recommending that S.B. No. 3068, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3068, SD 2, 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, in opposition to Stand. Com. Rep. No. 943, and another 'Christmas tree' bill."

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

"Thank you, Mr. Speaker. On the same measure, opposition. This is another raid of the 'Rainy Day' Fund. It's for good

purposes, but it still shouldn't be from the 'Rainy Day' Fund, it should be from the general fund. Thank you."

Representative Blundell rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

"Thank you, Mr. Speaker, in strong support of S.B. No. 3068. And I suppose we could have easily given in to the temptation to light this up like a 'Christmas tree'. But I hope you'll notice that we actually cut most of the proposals that were in the original bill. And I hope you look at the original bill. Instead what we did was, we chose to retain what we feel, and what the Health Committee Members were unanimously in support of it, we chose to keep in the bill those measures that are truly emergency. Emergency services like the Poison Center, emergency medical services, as well as assistance to our Hawaii Healthcare System, which many people spoke about because they were short of funds. This bill proposes to make up for some of the shortfall. So people really believe that this is a real need, they should support this bill.

"We also supported, especially the Neighbor Islands, where health services are very critical, but they're not in great supply like they are here in Honolulu. We recognize that places like Hana, places like Molokai, and here on Oahu, the Waianae Coast and Kahuku, they're in critical needs. And these are indeed life and death issues that we're talking about. So if people want to refer to a 'Rainy Day', this is it, Mr. Speaker. We're in that situation where people need the shelter. And they need the comfort. And they need their lives saved. So I hope everyone will support this measure."

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

"Thank you, Mr. Speaker. I'm rising in support with some reservations.

"This bill does provide a subsidy for Kahuku Hospital. I would like to see Kahuku and Molokai, they used to have a line item in the Department of Health's budget and that's where I think they should still be rather than having to be a grant-in-aid because they provide such important services. Also by adding the money that was taken out for the Hawaii Health System and it will soon be out of the 'Rainy Day' Fund, this \$11 million takes a huge chunk out of there. Thank you Mr. Speaker."

Representative Ontai rose and asked that the Clerk record 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. 3068, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Fox, Moses and Ontai voting no and with Representatives Arakaki and Chang being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 944-04) recommending that S.B. No. 2941, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2941, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM,"

passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 945-04) recommending that S.B. No. 3018, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3018, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 946-04) recommending that S.B. No. 3017, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3017, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Mr. Speaker, in opposition. I believe that the issues that are brought up in this bill are the kind of issues that one goes to the bargaining table and negotiates for. Thank you."

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

"Also in opposition, Mr. Speaker. I'd like to read a portion of the Committee Report. As much as I support the work of the State of Hawaii Organization of Police Officers, they testified in support, as well as one concerned citizen. But the list of opponents to this measure, I'd like to draw the Members' attention to. The HPD, Honolulu Police Department opposed this measure. The Department of Human Resources. The City and County of Honolulu opposed this measure. The Department of Personnel Services of the County of Maui opposed this measure. The Maui County Police Department opposed this measure. The County of Hawaii Police Department opposed this measure. One of the Members of the Maui County Council came and opposed this measure. One concerned individual opposed this measure. So the opposing testimony was vastly outweighing the testimony of those in support. And so for those reasons, I wish I had the testimony here today but we don't, all we have is the Committee Report. And so with that I would encourage the Members to look closely at this in the next Committee."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Blundell rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

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

"Thank you, Mr. Speaker, in support. Mr. Speaker, this bill will make sure that police officers who are working the streets will have a say in their own safety, will have a say in the way they do their job without the fear of reprimand and punishment and discipline from their, of course, the Administration. There's police officers in Waipahu, who believe that the Leeward area from Red Hill all the way down to Waianae are mistreated, when you compare it with the way that police officers, or in fact, communities are treated on the east side.

"In fact, I can tell you Mr. Speaker, that the area in Waipahu is always undermanned and the police officers there can't say anything because if they do, if they say anything to the Administration, they will just transfer them or reprimand them and punish them. They have no right to, like we do as regular citizens, if they were suspected or alleged to have done something that they can be reprimanded for. They can be taken to a room and asked the question. If they refuse to answer a question, for example, we have a right not to answer any question under the Constitution, in their particular case, they do not. If they do not answer a question from a superior officer, they will be held to be insubordinate. Then they will get another charge and they will get another punishment.

"So what this bill is asking for is fairness for the working police officers. They are not those people who comes here to testify, who are what we call administrators, the head guys. These are the streetwalkers who protect me and you. They need this Bill of Rights. Thank you very much."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this bill.

"I think that as my colleague from Waikiki said, this really is a collective bargaining type of issue. All law enforcement officers are afforded the same rights as provided in the Constitution, statutory laws, civil service rules, and respective labor agreements like any other citizen. I just think that this may be a good thought behind this bill but it doesn't seem like it's something that we should get into. Thank you."

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

"Thank you, Mr. Speaker, in support. Mr. Speaker, I'm always one who stands up here and says it's a collective bargaining issue. This one, I'm not so sure.

"The reason is I've talked to officers afraid to draw their weapons because if they draw their weapon, they could be reprimanded, they could be suspended for weeks on end until everything is cleared. And I'm not sure that that's what we want our police officers to do. And I think if one of them has drawn their weapon to protect me, I want him to draw that weapon. I don't want him to be afraid. And I'm not so sure, as one of my colleagues said, that they're 'streetwalkers.' That they would like to be referred to as that. But those who do 'walk the beat', see the things going on there and they need some protection too.

"Now sure, it could be a matter of collective bargaining, but the way I understand it right now, it's not. And I think that

there are measures like this in many other states. So I think we should at least look at it in the next Committee, and look at it very carefully. 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. 3017, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT OFFICERS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell, Fox, Meyer, Ontai and Stonebraker voting no and with Representatives Arakaki and Chang being excused.

Representatives Kanoho and Morita, for the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 947-04) recommending that S.B. No. 2782, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2782, SD 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:

"I'm sorry, Mr. Speaker. It flew by me like a bird. Stand. Com. No. 949, Mr. Speaker, a no vote. I am not in favor of safe harbors. Stand. Com. No. 947, pardon me. 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. 2782, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FUNDING OF A HABITAT CONSERVATION PLAN," passed Second Reading and was referred to the Committee on Finance with Representative Thielen voting no and with Representatives Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 948-04) recommending that S.B. No. 2200, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2200, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 949-04) recommending that S.B. No. 3020, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3020, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 950-04) recommending that S.B. No. 2538, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2538, SD 1, entitled: "A BILL FOR

AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR IOLANI SCHOOL," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 951-04) recommending that S.B. No. 2671, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2671, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE CONGREGATION OF CHRISTIAN BROTHERS, INC. DBA DAMIEN MEMORIAL HIGH SCHOOL," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 952-04) recommending that S.B. No. 2790, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2790, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HALEAKALA WALDORF SCHOOL," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 953-04) recommending that S.B. No. 2791, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2791, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MONTESSORI SCHOOL OF MAUI, INC.," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 954-04) recommending that S.B. No. 3086, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3086, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ISLAND PACIFIC ACADEMY," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 955-04) recommending that S.B. No. 2895, 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 Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2895, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL,"

passed Second Reading and was referred to the Committee on Consumer Protection and Commerce with Representatives Arakaki and Chang being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 956-04) recommending that S.B. No. 2355, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2355, SD 2, HD 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 Arakaki and Chang being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 957-04) recommending that S.B. No. 2873, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2873, SD 1, 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 Arakaki and Chang being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 958-04) recommending that S.B. No. 2879, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2879, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 959-04) recommending that S.B. No. 3106, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3106, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 960-04) recommending that S.B. No. 3175, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3175, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES," passed Second

Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Fox rose and stated:

"Mr. Speaker, may I ask for a recess at this point."

The Chair responded, stating:

"Okay. Before the Chair calls a recess, Representative Fox, I know on page 12 we have a bill, Stand. Com. Report 978, S.B. No. 3193, SD 2, HD 2, that was placed at the end of the calendar. Madame Clerk, is it proper for us to circulate the proposed floor amendment for the Members of this House so that they can call a recess and then go over the bills? And the Majority can go over the floor amendment."

The Clerk responded, stating:

"Mr. Speaker, we will check if the hard copies are ready. We will distribute it to the Members' desk during the recess."

The Chair then continued, stating:

"Is that okay, Representative Fox?"

Representative Fox: "Okay."

Speaker Say: Okay. We will recess and come back at about 7:15. Representative Fox, will that be enough time?

Representative Fox: "7:30?"

Speaker Say: "Okay, we will recess till 7:30 so that the Minority Caucus may go over all the other measures that they haven't had an opportunity to go over as far as their caucus. And the Majority Caucus will be addressing the proposed floor amendment that you will receive in the caucus room."

At 7:03 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:52 o'clock p.m. with the Vice Speaker presiding.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 961-04) recommending that S.B. No. 762, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 762, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Stonebraker rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

"I rise in strong support of Standing Committee Report Number 961-04, S.B. No. 762, SD 1, HD 1.

"Just briefly, this measure would provide health insurance benefits for all part-time employees, and fulfill a promise of our Governor. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Jernigan rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Blundell rose and asked that the Clerk record 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. 762, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 962-04) recommending that S.B. No. 3019, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3019, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 963-04) recommending that S.B. No. 1155, SD 1, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1155, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 964-04) recommending that S.B. No. 2878, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2878, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL TAX LIMIT ON COMPENSATION APPLICABLE TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 965-04) recommending that S.B. No. 3092, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3092, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 966-04) recommending that S.B. No. 3207, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3207, 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:

"Thank you. I think I had reservations on this bill, which would provide tax credits to ethanol facilities. Just because I don't think we're quite sure how much this tax credit would amount to. My understanding is that there is one ethanol facility that will be built on Maui, and two others are in the works. So just have some reservations as to what the total cost would be.

"Also if we do enact, require the use of ethanol by our State, it may work at cross purposes with the gas cap legislation which purports to lower gas prices. The use of ethanol may actually increase costs because of the need for separate tanks, piping, pumps, and trucks. So it's unclear at this point who will pick up these costs. I wish that this tax credit might be instead a special purpose revenue bond, but because it may be beneficial I will vote with reservations. Thank you."

Representative Jernigan rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

"Thank you, Madame Speaker. I'm speaking in support.

"This bill is basically clarifying language for a tax credit that was passed two years ago. And I want to point out to the Members that this is one of the few tax credits that had been passed by this Body that received an extensive cost-benefit analysis, plus an update on that analysis just this year showing substantial benefits to the State, both directly and indirectly. Indirectly protecting Hawaii's agricultural lands and keeping over one thousand sugar workers employed. 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. 3207, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representatives Schatz and Chang, for the Committee on Economic Development and Business Concerns and the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 967-04) recommending that S.B. No. 2558, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2558, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

Representative Mindo's written remarks are as follows:

"Mr. Speaker and members of the House of Representatives, I rise in support of Senate Bill 2558, Senate Draft 2, House Draft 1, House Standing Committee Report Number 967-04 for the following reasons:

- (1) The purpose of this bill is to provide incentives to attract film, video, and sound recording production companies to the State by expanding the provisions for the motion picture and film production income tax credit.
- (2) This bill would also seek to encourage film production, videotaping, and sound recording production to take place on our Neighbor Islands, as well as here on Oahu.

"SB 2558, SD 2, HD 1, HSCR 967-04 received the support from the following groups: The Department of Business, Economic Development, and Tourism; the Film Commission of the Office of Economic Development for the County of Kauai; the Big Island Film Office of the Department of Research and Development of the County of Hawaii; and various private groups engaged in this field, such as Sprite Entertainment; the Screen Actors Guild Hawaii Branch; the American Federation of Musicians, Local 667, and the International Alliance of Theatrical and State Employees, Local 665.

"Mr. Speaker and colleagues, I urge you to please support Senate Bill 2558, SD 2, HD 1, House Standing Committee Report 967-04. Thank you very much."

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

"Thank you, Madame Speaker. This is the bill that would give the entertainment industry tax incentives. I'm going to be voting no on the measure.

"The problem I have is that, as originally drafted, one of the major reasons was to encourage filmmakers to come to Hawaii and make movies which I think we have a lot of them here right now. And I'm not opposed to that. But this bill has added recording companies and many of them have been here for many, many years and in business. My concern is that, the tax credit that will be allowed has a cap on it. And because this bill will apply to recording companies and different media companies, a lot of them are already here. It's sort of like a kind of a hand out to these existing businesses. And all of these various companies with some of the filmmakers that are already here may use up all the tax credits that are allowed. And there will be nothing left to entice other people to come here. So I think there's a lot of room for abuse with this bill as it is presently drafted. So for those reasons I cannot support it. Thank you, Madame Speaker."

Representative Shimabukuro rose and asked that the Clerk record 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. 2558, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENTERTAINMENT INDUSTRY," passed Second Reading

and was referred to the Committee on Finance with Representative Meyer voting no and with Representatives Arakaki and Chang being excused.

Representatives Arakaki and Schatz, for the Committee on Health and the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 968-04) recommending that S.B. No. 2686, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2686, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 969-04) recommending that S.B. No. 3052, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3052, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Hale rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hale's written remarks are as follows:

"I voted 'with reservation' on S.B. 3052, SD 2, HD 1, because I have grave reservations about what is so-called 'important agricultural land'.

"As a member of the 1978 Legislature, I was also one who wanted to preserve our good agricultural lands, which were the foundation of our then viable sugar industry. Although I always also had reservations about sugar as our main industry because I felt it tied up too much land and contributed to the shortage of land available for sale to small business and small home owners, I realized that there was no viable alternative at that time to employ so many people.

"The economic situation has changed dramatically since those days and we no longer depend on sugar as our main industry. Also many small, diversified farming enterprises are now changing our agricultural picture. In my district of lower Puna there is little or no 'important agricultural lands' as much of our land is rocky, lava land. However, we have developed agricultural products, such as papayas, macadamia nuts and flowers and hydroponically grown vegetables, which either do not need deep soil or better yet thrive on rocky, lava land. Because in the 'heyday' of sugar these lands were considered 'waste' lands, mainland developers capitalized on Hawaii's reputation as the closest area on earth to be near paradise and they chopped up the land on paper and sold the Hawaii dream to mainland investors. Nobody believed that anyone would really want to live in this area which had little infrastructure, electricity, roads or water. However, as people paid up their small investment and began to face retirement, what better place than Hawaii? Now our district is one of the fastest growing areas in the state because, for lack of infrastructure, they are the cheapest lands in Hawaii.

"If our land is not to be preserved as 'important agricultural land', I can foresee more subdivisions, this time with infrastructure, designed to attract the rich and promote more gated communities such as has happened in the West side of our island. Puna is one of the few areas left that retain the true Hawaiian way of life. It must not be subject to the same influences that have ruined Honolulu, Maui, and even parts of Kauai, where land is available only for the very rich, who mostly build second homes and never really become integrated into our communities.

"It is for these reasons that I have grave reservations about this bill. I do not think that the constitutional mandate passed in 1978 is relevant today.

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

"Thank you, Madame Speaker. I rise in very strong support of this landmark legislation. Thank you, with just a few brief comments since this is Second Reading.

"Madame Speaker and Members, the identification of important agricultural lands has been an extremely complex and contentious issue as clearly reflected by the unsuccessful attempts on the part of the Legislature over the past 26 years to enact legislation to fulfill the 1978 constitutional mandate. The controversy is further amplified rather big time so by the fact that the House companion to this measure, House Bill 2800, HD 1 could not even make it to First Decking. Fortunately, Senate Bill 3052 passed through the Senate and is now in our hands. To answer questions which have surfaced, we need to make it very clear that both House Bill 2800 and its companion, Senate Bill 3052, are not Administration bills. Both House Bill 2800 and its companion, Senate Bill 3052, are the proud products of the Agricultural Working Group. There is much to say about the AWG, but we will reserve comments for a floor presentation scheduled for April 2nd.

"This bill, Senate Bill 3052, Senate Draft 2, appears before us in the number only. And it is in reality House Bill 2800, HD 1 with amendments and for two good reasons. First we will have both versions on the Conference table. And secondly, the House version is naturally a much better bill. Not by our standard but as overwhelmingly expressed by testifiers in last Saturday's hearing where there was strongly expressed preference for HB 2800, which means that we will continue to receive its broad support.

"Madame Speaker, I wish to explain the measure's differences which address previous objections and makes this bill acceptable or at least much more acceptable than House Bill 2800, HD 1.

"First, this draft provides for a voluntary designation process which runs in parallel to the original collaborative process. The landowners will have an opportunity to voluntarily designate IAL through respective county planning departments, councils, and then to the Land Use Commission. While at the same time and the collaborative process, each county planning department on a separate but simultaneous track, in consultation and cooperation with land owners, Department of Agriculture, and others will identify and map important agricultural lands, and submit to respective county councils for initial approval and to the Land Use Commission for final approval.

"Secondly, this bill now clarifies that county IAL identification shall exclude lands designated for urban use by the State or county.

"Third, this bill provides for infrastructure improvement income tax credit. And incidentally, this is still being

'massaged'. And we will have proposed process and language changed by the time that this is heard in Finance.

"The fourth and final measure difference between this bill as drafted in House Bill 2800 is that IAL designation shall be contingent upon the enactment of incentives legislation.

"I wish to speak quickly to a fifth point. It's not a difference, but nonetheless it's very significant on this issue. And that is, the section that is 15 acres or less as it applies to important agricultural lands will no longer be under the counties because the Constitution is very clear that for important agricultural lands, it must meet standards and criteria established by the Legislature and be acted upon by the State and the counties.

"Members of the House, at long last, we do have a good bill before us which is deserving your support. Thank you very much."

Representative Abinsay rose in support of the measure and asked that the remarks of Representative Kanoho be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Strong support, Madame Speaker. I just want to thank the Chairs of the Water, Land and Hawaiian Affairs Committee and the Agriculture Committee for doing such a good job on this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3052, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Takai, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 970-04) recommending that S.B. No. 2175, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2175, 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 Arakaki and Chang being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 971-04) recommending that S.B. No. 3153, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3153, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOREMEDIATION RESEARCH," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 972-04) recommending that S.B. No. 2090, SD 2, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2090, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A PRESCRIPTION DRUG REPOSITORY PROGRAM," was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 973-04) recommending that S.B. No. 2890, SD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2890, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENTS' BILL OF RIGHTS AND RESPONSIBILITIES ACT," was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 974-04) recommending that S.B. No. 2909, SD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2909, SD 1, entitled: "A BILL FOR AN ACT RELATING TO APPLICATIONS SEEKING GENERAL RATE INCREASES FILED BY PUBLIC UTILITIES HAVING ANNUAL GROSS REVENUES OF LESS THAN \$2,000,000," was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 975-04) recommending that S.B. No. 3049, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3049, 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:

"Madame Chair, on 975 Standing Committee Report, I rise to speak in favor but I have some reservations.

"This is basically a very good bill and will allow smaller charities to issue annuities. However, we have to watch out for the safety of the people who donate money. So we will be taking at a more careful look at this bill as it progresses. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3049, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE ANNUITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 976-04) recommending that S.B. No. 2957, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2957, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Herkes rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

"Just on Stand. Com. 976, I think this is an excellent bill. It, in the long run, will save the Hawaii Health Systems a great deal of money. They're at an emergency impasse now because their insurance company may no longer provide them service. So I think they are definitely need to establish a domestic captive insurance company. This way is preferable through general funds as opposed to a previous measure that we saw that utilized 'Rainy Day' Funds. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2957, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL AND PROFESSIONAL LIABILITY RISK FINANCING," was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 977-04) recommending that S.B. No. 3136, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3136, HD 2, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Fox rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

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

"Thank you, Madame Speaker. I'm rising in opposition to this bill.

"This bill could cost an estimated \$4.3 million. It creates a new mandated benefit with a substantial price tag. And for those reasons, I cannot support it."

Representative Blundell rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

"Thank you, a no vote, please, because of the price tag."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

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

"Thank you. Strong support. Chiropractic services are an accepted part of the healthcare delivery system across the United States, Madame Speaker. The services actually are covered federally under Medicare, as well as for all veterans. And we actually heard testimony in Committee that this may save some money due to the reduction of cost in other areas. Thank you."

Representative Stonebraker rose and asked that the Clerk record 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. 3136, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was referred to the Committee on Finance with Representatives Fox, Marumoto and Meyer voting no and with Representatives Arakaki and Chang being excused.

The Chair noted that Stand Com. Rep. No. 978 was previously moved to the end of calendar.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 979-04) recommending that S.B. No. 2869, SD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2869, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MAINTENANCE OF PROPERTIES WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 980-04) recommending that S.B. No. 3062, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3062, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I rise with strong reservations on Standing Committee Report 980, S.B. No. 3062.

"I want to point out to my colleagues kind of what I see as an overlying theme throughout the bill the way it's written. It says that the counties are authorized to assess and impose, levy and collect impact fees for any development pursuant towards and it's adopted under the, etc. etc... Then it goes on, it shall be based upon the development and actual capital cost of public facility expansion or a reasonable estimate thereof. And an impact fee shall be substantially related to the needs arising from the development and shall not exceed a proportionate share of the costs incurred or to be incurred. And then towards the end of this bill on page 8, it says the impact fee shall be expended or encumbered for the construction of public facility capital improvements that are consistent with the needs assessment study and of reasonable benefit to the development.

"Now the reason that I object to this is that it sounds like we're still giving the county the opportunity to negotiate on every development differently. It's kind of like we're talking

about we want fair and reasonable business practices in the State. And the way I read it is that the county will negotiate each deal differently. And I really object to that. I think it's time that we should step up and say we as a State, in terms of State highways in a particular county can say we want let's say \$500 per lot. Or we have looked at the fact that every time a house is built on our island, there's going to be a minimum of a one or two cars. We know they're going to impact our roads. So why can't we just come out and say for every lot, we're going to charge this fee. The developer knows it's transparent. It's upward, it's business friendly, I just think giving the counties the opportunity to negotiate each deal differently, I think is really wrong. And so I hope that the Committee Members consider this when it comes before them and I have really strong reservations. Thank you."

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

"Thank you, in support with some very strong reservations.

"Madame Speaker, about 8 years ago, this Body passed a law that became into law that required the counties to have ordinances that clearly laid out impact fees that were fair and could be defended in court. So everybody knew what was going to happen. Instead of they see one developer come in, it's one price, another developer comes in, it's a different price. We gave them a year to pass these impact fee ordinances and I don't believe a single has yet. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Jernigan rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

"In support with some comments. I believe it is up to the county to make some of these decisions. It's not just State roads that are involved. There's also county roads, there's also sewers, other things of that nature, water hookups, there's many things that are involved when they start developing. And I think the counties should assess that. Of course, our friendly counties should talk with our State DOT and talk about freeway on ramps and things like that. But I think that the counties are the best people to do this negotiation if you will for the impact fees."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3062, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 981-04) recommending that S.B. No. 921, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 921, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Thank you, Madame Speaker. I think that when the bill was changed, some things were added that gave me problems. With reservations at this point cause it's going on to Judiciary and I hope Judiciary can address that. I don't know how. The problems I see, there's no such thing as a DLIR specification for staffing requirements, but the bill says you got to use them. And it seeks to impose unprecedented requirements.

"There's no staffing requirements currently for construction contracts in Chapter 184. That's the Little Davis-Bacon Act. Basically what this says is workers on the job site should be paid based upon proper classification but this applies to workers that are not unionized also. And it applies these union no-work rules to all contracts. So I think we need to look at that very seriously. It requires contractors to use more employees than they would otherwise. So of course that's going to lower the amount of money that is available for workers. So it's not going to create jobs of course. It's going to hurt the job creation."

At 8:19 o'clock p.m., Representative Bukoski requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:20 o'clock p.m.

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

"Thank you, Madame Speaker. I'll save that speech for another bill because I do want to make that speech again. But on 981, which is TRO's, the problem I have with this one is it changed now so you cannot have a TRO against an employee. So if there are two employees and they get in a scuffle and you try to get a TRO against one of them, you can't. And I can understand the logic. And the logic is, if you give them a TRO so he has to stay away from the other guy, then he can't work. So you've taken his job. I understand that's a problem but I don't understand what we're going to do about it. So it is going to Judiciary and they can maybe look at this and see what they can do. So that's my concern with that bill. I will talk about the other one later. 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. 921, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII WORKSITE TEMPORARY RESTRAINING ORDER ACT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki and Chang being excused.

Representatives Abinsay and Schatz, for the Committee on Agriculture and the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 982-04) recommending that S.B. No. 2413, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2413, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 983-04) recommending that S.B. No. 3024,

SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3024, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL FORMATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 984-04) recommending that S.B. No. 3148, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3148, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representatives Kanoho and Schatz, for the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 985-04) recommending that S.B. No. 2922, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2922, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Morita rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Waters rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Kahikina rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

"Madame Speaker, with reservations. I think that this seriously hampers Hawaiian Homes Commission if they have to wait one year for the Legislature to convene and receive legislative approval for these agreements. Thank you."

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

"In support, with some quick clarifications.

"Your Committee chose to take this approach primarily to go on a proceed with caution basis. The Department indicated that they have no plans at all specifically on what kind of partnerships or what kind of nonprofit corporations they might establish. And so it appears a 'go-slow' approach is very appropriate in light of any such endeavors jeopardizing the Hawaiian Homes Trust. But this is something that we clearly want to go into review. We will have both options on the table and will continue the discussions with the Department of Hawaiian Homelands. Thank you."

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

"Thank you, Madame Speaker. I'm rising in opposition to this measure.

"Actually, I think this was the number one bill that the Department of Hawaiian Homelands wanted passed. They know that the \$30 million they're getting a year and it's a settlement with the State is not going to go on forever. And they have some lands that would lend themselves to commercial use. And they are looking to the future where they need to generate more income and they want the ability to do that. And I think we're going the wrong direction here."

Representative Leong rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

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

"Madame Chair, I just wanted to clarify my position with reservations.

"Not that the original bill was a good bill. I thought the original bill was a really bad bill. And I thought this would be better addressed in a resolution than in a bill. Thank you."

Representative B. Oshiro rose to speak in support of the measure with reservations, stating:

"Madame Speaker. I rise with reservations.

"And very briefly, for the same reasons stated by the Representative from Kauai. I did believe that the underlying bill, the original bill introduced was actually a bad bill. What it didn't have was any oversight mechanisms over it. What it didn't have was any assurances that any of these ventures or partnerships would be entered into and still comply with the fiduciary duty that is required of the agents of Hawaiian Homelands. And that was the primary concern. The bill was a bit overbroad in terms of allowing them to enter into partnerships without any type of oversight. And so whether there would be any sort of financial gain by anyone in those agreements was uncertain. And I think if Hawaiian Homelands truly has a desire to enter into agreements that will promote the diversification and promote the underlying purposes of this program, what they need to do is bring in a good bill that actually has proper prescriptions and oversight so that we can make sure there are no abuses. Because the bill that it was introduced actually lacked all of those oversights. Thank you, very much."

Representative Kaho'ohalahala rose in support of the measure with reservations and asked that the remarks of Representative B. Oshiro be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Blundell rose and asked that the Clerk record 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. 2922, SD 1,

HD 1, 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 Meyer and Ontai voting no and with Representatives Arakaki and Chang being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 986-04) recommending that S.B. No. 473, SD 1, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 473, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 987-04) recommending that S.B. No. 2842, SD 1, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2842, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 988-04) recommending that S.B. No. 2816, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2816, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki and Chang being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 989-04) recommending that S.B. No. 2818, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2818, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 990-04) recommending that S.B. No. 2470, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2470, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 991-04) recommending that S.B. No. 2949, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2949, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE VOLUNTARY RESPONSE PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 992-04) recommending that S.B. No. 2033, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2033, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Moses rose to speak, stating:

"Okay, and here we are on the bill that I was talking about, the Little Davis-Bacon Act."

Vice Speaker Luke: "And you don't have to repeat whatever you said. We will just take it from that record and just put it in." [Note: See Stand. Com. Rep. No. 981-04 and S.B. No. 921, SD 2, HD 1.]

Representative Moses: "I'm not going to repeat what it was. I'm going to pick it up from there."

Vice Speaker Luke: "You can just proceed where you left off."

Representative Moses: "Thank you. I think it artificially imposes staffing levels of assistants, helpers, apprentices. It's unnecessary. It drives up costs. And it's going to discriminate against the smaller contractors, those that are not signatory already to collective bargaining agreements. And there's many other problems in this bill. This one is going on to Finance and I hope we can work on it there and fix it up. Thank you, Madame Speaker."

Representative Meyer rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Jernigan rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Leong rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Blundell rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Pendleton rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Fox rose and asked that the Clerk record 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. 2033, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Ching, Finnegan, Fox, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no and with Representatives Arakaki and Chang being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 993-04) recommending that S.B. No. 2477, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2477, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki and Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 994-04) recommending that S.B. No. 2579, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2579, SD 2, HD 2, and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Stonebraker rose and asked that the Clerk record 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. 2579, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE INSURANCE," was referred to the Committee on Finance with Representatives Stonebraker and Thielen voting no and with Representatives Arakaki and Chang being excused.

Representatives Takumi and Magaoay, for the Committee on Education and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 995-04) recommending that S.B. No. 2056, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2056, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Thank you. In opposition. Just briefly, I don't believe that this bill is needed. But simply to mention some opponents: the Department of Education, Attorney General, and HSTA. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Blundell rose and asked that the Clerk record 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. 2056, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Second Reading and was referred to the Committee on Judiciary with Representatives Blundell and Halford voting no and with Representatives Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 996-04) recommending that S.B. No. 3002, HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3002, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROJECT EAST INITIATIVE IN HAWAII'S PUBLIC SCHOOLS," was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 997-04) recommending that S.B. No. 3230, SD 2, HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3230, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you. In very strong support, Madame Speaker.

"Madame Speaker, I feel that, quite briefly, the quality of early childhood care will improve under this measure. It's long overdue. I think it will be a very good enhancement to not only young, young people but our parents as well. 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. 3230, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD CARE," was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 998-04) recommending that S.B. No. 995, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 995, 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 Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 999-04) recommending that S.B. No. 2425, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2425, 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 Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1000-04) recommending that S.B. No. 2428, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2428, SD 2, 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:

"Thank you, Madame Speaker. In opposition.

"In fact I'm with strong opposition. For background, this bill, Senate bill, came to us in what we see in this HD 1 as brand new material. This bill was not as it's written, was not discussed in the Senate. What this bill fundamentally does is take away the pay scale for substitute teachers. It deletes the statute that has the formula for substitute teacher pay.

"For some background, Madame Speaker, when the teachers got a raise after the last strike, by applying this formula, it is easily determined what the correct pay for substitute teachers is. The Department of Education chose not to recognize our statute and did not raise the pay for substitute teachers. They just left the pay based on the old teachers' pay scale. And the substitute teachers went on with no raise.

"Two unfortunate things, or let me just simply say two things happened. Two of many consequences happened. One is the substitute teachers decided that since they weren't going to be

treated fairly by their employer that they would attempt to unionize. And in fact the unionization for substitute teachers bill proceeded through the Legislature. However, it is not law.

"Additionally, the substitute teachers entered into a class action lawsuit to sue the State for the pay that is easily computed by our statute. What this bill does is eliminate the longstanding formula for pay and if this bill passes, the Department of Education could easily cut substitute teachers' pay in half or any other amount.

"This is a misguided bill. It's an anti-worker bill. And probably an anti-education bill. I'm voting no. Thank you."

Representative Stonebraker rose and asked that the Clerk record 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. 2428, 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 Representative Halford voting no and with Representatives Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1001-04) recommending that S.B. No. 2063, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2063, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

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

"I rise with strong reservations on 1001.

"I really have serious reservations about charging \$20 a student per school year. Even though it says that any public school may assess, which means it gives them an option, I don't believe we should be assessing \$20 per student per school year.

"The other thing is, there's really no remedy that I see if in fact there is negligence by the student and they accidentally damage or break or destroy something. When you really look through the different options, in the end, I don't know what the remedy is if a parent just decides I'm going to refuse to do it. What are you going to do to the child when he shows up at school, a little tiny child says I'm sorry my parents didn't give me the money. I mean what are we really going to do with the child. And so I'm concerned about that and I'd like the Committee to look at that. Thank you."

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

"Madame Speaker, I share the previous speakers concern about paying for textbooks. I will also be casting a no vote."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Jernigan rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Sonson rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Finnegan rose and asked that the Clerk record 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. 2063, 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 Jernigan, Marumoto, Sonson and Stonebraker voting no and with Representatives Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1002-04) recommending that S.B. No. 2065, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2065, SD 2, 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:

"Thank you, Madame Speaker. In opposition.

"I think we have an unhealthy education system in Hawaii today. And I think that it's a top down system. And at the top of the system is meddlesome, overly involved Legislature. We shouldn't be doing this kind of legislation. It should be up to the schools, how they want to handle their hiring. We shouldn't sit back here with the remotest understanding of what's going on in these various schools and pass laws like this. Thank you."

Representative Hale rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Jernigan rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Blundell rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Pendleton rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Leong rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Pendleton rose stating:

"Madame Speaker, was that a 1002 or 1003?"

The Chair responded: "1002."

Representative Pendleton then changed his vote, stating:

"With reservations please."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2065, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Fox, Jernigan, Meyer, Moses, Ontai and Stonebraker voting no and with Representatives Arakaki and Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1003-04) recommending that S.B. No. 2478, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2478, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Pendleton rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Blundell rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

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

"No vote, please. Does away with a little bit with the best thing we've got in Hawaii which is an equitable system of financing."

Representative Marumoto rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Leong rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Jernigan rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Finnegan rose to speak, stating:

"Thank you, Madame Speaker. Could you please change mine to a no vote? 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. 2478, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," passed Second Reading and was referred to the Committee on Finance with Representatives Blundell, Finnegan, Fox, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton and Stonebraker voting no and with Representatives Arakaki and Chang being excused.

Representatives Takumi, M. Oshiro and Takai, for the Committee on Education and the Committee on Labor and Public Employment and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1004-04) recommending that S.B. No. 3238, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3238, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Stonebraker rose stating:

"Madame Speaker, not so fast. I can see why you would skip over that one so quickly. This is that bad fake reform bill. It's the House Bill 2002. Senate Bill, Madame Speaker was gutted and the House Bill was reinserted just so the House knows which bill we're talking about."

Representative Takai rose to a point of order, stating:

"Point of order, Madam Speaker. Just wanted to find out what position the previous speaker took on this."

Vice Speaker Luke stated:

"Representative Stonebraker, please proceed."

Representative Stonebraker continued, stating:

"I was finished, Madame Speaker. In opposition."

Representative Fox rose to speak, stating:

"Thank you, Madame Speaker. This bill is in many ways, shapes, and forms, the highly objectionable House Bill 2002."

Vice Speaker Luke addressed Representative Fox, stating:

"I'm assuming your position is a no?"

Representative Fox responded, stating:

"Yes, thank you. There is one change that certain speakers at certain stages might call significant. It is on page 37, line 1, where its 75% of the general funds appropriated to the Department or allocated to the individual public schools. And principals are authorized to expend the funds allocated through the weighted student formula at the perspective schools.

"This provision is strikingly close to the amount of money that has been identified in letters to the Chairs of the House and Senate Education Committees as approximately the amount of money that is appropriated for operations and allocated to individual schools for operations under the current system of financing the schools. So that percentage is 73%. So this bill enshrines the status quo which currently has about 75% of the funds allocated to the schools. The key figure is 90%, at least 90%. The figure that was in the Governor's bill. The figure that's in the CARE initiative. The figure that's supported by the Business Roundtable. Supported by the Hawaii Association of Realtors. That is the bottom line figure. And the difference between 75% and 90% is absolutely crucial to whether the principals at the school are really being given authority to spend money in a direction that can allow the schools to depart on their own and become individual operations that serve the principal, teachers, and students at the school where they are. If you stay at 75%, you're not doing anything different than we do now. If you go to 90%, you're providing an extraordinary amount of new resource in money terms and the power that goes with the money into the hands of the principals to make the decisions that we know will benefit the students, will help student achievement. It's a difference of 15%. It's a highly significant difference. And don't let anybody kid you otherwise. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. In opposition, Madame Speaker. Just briefly, I would just like to say that the two major objectionable, at least, provisions of this bill are that it seems that we've changed the name of SCBM and given them different provisions. But we go so far as to even start to name its members. This kind of detail is not our responsibility, I feel. The Legislature should be broad guidance and a little bit more of a lump sum budgeting.

"The second part that I object to Madame Speaker, we're doing things like, and they all sound great, but that's not our job, to be picking out how many elementary teachers there should be, how many PCNCs there should be, appropriation for supplies, even like telephones and equipment. This is not our job, Madame Speaker. And this is the reason why I think we have some problems. I think we would have some great objections from some of our principals who may have other priorities other than these hundreds of thousands and millions of dollars spent for these specific and overly specific items. Thank you, Madame Speaker."

Representative Jernigan rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Blundell rose in opposition of the measure and asked that the remarks of Representatives Fox and Ontai be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Finnegan rose in opposition of the measure and asked that the remarks of Representative Fox and Ontai be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Fox

and Ontai be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Thank you very much, Madame Speaker. In support of the bill.

"I'm a bit flabbergasted, Madame Speaker, and if you ever had your gasted flabbered, you know it's a little painful. I'm standing here thinking that, you know it's amazing to me that my good friend from Mililani talks about micromanaging the Department, about these additional teachers to lower the average class size from K-2 and establish a parent center network coordinator in every school. That's what we been hearing from the community that they want to have in their schools. Yet on the other hand, there's some bills and resolutions introduced by the Members of the Minority Caucus to have mandated fiscal education, or urging the Department of Education to allow individual schools to implement a bottle redemption program, and so on and so forth. Seems to me..."

Representative Fox rose to a point of order, stating:

"Point of order, Madame Speaker. We seem to be drifting from the content of this bill."

The Chair addressed Representative Takumi to continue.

Representative Takumi continued, stating:

"Madame Speaker, I'm far from drifting. I think I'm right on point. If the point is that if in the current we are micromanaging the Department, I would like to point out other examples where other Members have introduced measures, whether they're resolutions or bills..."

Representative Pendleton rose to a point of order, stating:

"Point of order, Madame Speaker. Those measures are not in this bill."

The Chair addressed Representative Pendleton, stating:

"Representative Pendleton, I will allow Representative Takumi to continue on."

Representative Takumi, continued, stating:

"I think I made my point. So in that line of thinking, can the Department of Education allocate 90% of its budget directly to the schools? In a word, Madame Speaker, the answer is 'maybe'. Maybe it's 'perhaps'. But it's not something that can be done quickly.

"The Minority Leader talks about it has to be 90%, otherwise it's fake reform. And it recently was on a radio show, that said how do you figure out that 90%? Well you take that \$1.9 billion the DOE currently has, you multiply that by 90% and viola. That's what you give to the individual schools.

"Well first and foremost, Madame Speaker, if you were to do that, Ocean Point Elementary School would never be built. Because if you take \$1.9 billion that includes CIP, you spread that out to every school in the State, the only way a school like Ocean Point Elementary can be built is if that principal who hasn't been selected yet but whenever that principal is selected, he or she has to go around asking every school for some of their CIP money so that school can be built. I don't think that's the way we want to build schools in our State. But perhaps the Minority Leader feels that's the way to empower principals.

"But more importantly, Madame Speaker, there are 15,000 school districts in the United States and not one, zero, nada, allocates 90% of its operating budget directly to the schools. These are school districts and I would like to ask the Minority whether or not there are other school districts in the United State that allocates 90% that have phenomenal test results. Take Montgomery School District in Maryland, or Alexander School District at Virginia, or Kennedy School District in Texas. They don't allocate 90%. Are they engaged in fake school reform with good results? I beg to differ.

"And also districts that have implemented the student formula. San Francisco started the weighted student formula two years ago. They allocate 55%. Obviously fake. Seattle which started in 1996, allocates 43%. Obviously fake. Houston is now up to 79%. Still fake. Edmonton started and Edmonton is touted as the 'guru', the 'Messiah', the 'Mecca' of resources directed to the school. They started 1979 with 75%. We seem to forget the facts. They achieved 91% in 1996 after 17 years. And even then, Madame Speaker, Edmonton does not include many cost items such as transportation, adult education, pension checks, etc. in this 91%. And that also includes CIP. Again, they do not send 91% to the school if you take off the table those cost items. The Minority Leader seems to feel you just take the entire DOE budget and say 90% and it will work.

"Also what is conveniently forgotten each time Edmonton comes up, Madame Speaker, is the fact that schools in Edmonton are not required to have cafeterias. They're not required to have sports programs or libraries. In Hawaii, all these cost items are centralized and are required. We would certainly send more dollars to each school if we simply abolished sports programs, libraries, and cafeterias. I'm not in favor of that.

"But let's put that aside for now."

Representative Mindo rose to yield his time, and the Chair "so ordered."

Representative Takumi continued, stating:

"Madame Speaker, our goal is and always should be centered on student achievement. This must be our goal rather than fixating and obsessing about a number that has very little relevance, very little nexus, to student achievement. It is naïve, foolish and ignorant to say that we must decide it's 90%."

Representative Fox rose to a point of order, stating:

"Point of order, Madame Speaker. You can take a certain amount of the sarcasm, but when it rolls to naïve, foolish and ignorant, I believe we've crossed the line in terms of impugning the motives of speakers."

The Chair responded, stating:

"I don't think that impugns the motive. Representative Takumi, please proceed."

Representative Takumi continued, stating:

"If that doesn't impugn the motives, then neither does fake reform, Madame Speaker."

Representative Thielen rose, stating:

"Madame Speaker, I don't think it's appropriate in this Chamber to be calling other Members names. And that basically is what that was."

Representative Saiki rose to a point of order, stating:

"Madame Speaker, point of order. Madame Speaker, the Chair has already made a ruling."

At 8:44 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 8:48 o'clock p.m.

The Chair addressed the Members, stating:

"Members, let me remind everyone of the etiquette of the House. And please keep your comments to the content of the bill. I believe, Representative Takumi, you had the Floor."

Representative Takumi continued, stating:

"Thank you very much, Madame Speaker. I will withdraw my adjectives that I've used. But let me just simply say that to characterize this bill before us as fake reform in my opinion is pejorative in nature and insulting to those who have tried to put together a measure that tries to push forward true school reform. In our effort to effect change we should be careful not to lay down unrealistic expectations or to make impossible demands or to force the schools to move faster than their ability to successfully absorb and adapt to the desired changes that we all want. If we proceed too quickly, Madame Speaker, dumping budgets and programs into the schools so we can quickly reach an inflated figure 90%, the results in my opinion would be catastrophic. We want this to succeed, I believe. And the schools will feel confused, frustrated, discouraged, and abandoned. And if that happens in the schools, the students especially will suffer, and we shortchange ourselves and I don't think we should do that. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. Rising in opposition.

"I thought I was going to try to go with reservations and see this through another Committee, but it's just too much. I am one of those that have introduced legislation for PCNC in the past. I've supported SCBM legislation. I believe in those kinds of things. Those are individual bills for individual reasons, okay? But here we're dumping a whole bunch of things into one bill. And I think that's too much. And also we're micromanaging in the bill. We're saying what is the make up of every single thing in the bill? Who's on what committee? And what funding measures are needed for them? It's too much in one measure. If you're going to have reform, there's certain things that we should do as a Legislator and a Legislative Body. We should provide the ability for DOE to either reform itself or we reform it. But here, we're micromanaging. We up here. I mean we always complain, or at least, I always complain that Miller Street is micromanaging our Department of Education. And now we're micromanaging it so we moved it next door. And we're going to do it right from here. Why don't we just bring all the kids up here to the gallery and teach them, okay? We're just doing too much up here instead of giving the tools to the educators. Giving the ability to the principal to run his school. How would you like it if you were the boss, you had a company, and somebody down the street, whether it's in the Capitol or in a regulatory body down the street, they run it for you? They tell you when to turn on the lights, what materials to order, how much money you can spend on it, and then they expect you to make a profit. In this case, our profit is educated children. We should not be micromanaging it. Nobody should

micromanage somebody that's distant from them. We should give them the tools, let them do their job.

"I spent 25 years in the Marine Corps which I'm sure you all know. Nobody ever told me how to do something. They gave me the skill, whether it was in an airplane, a piece of artillery, a rifle, hand grenade, it didn't matter. They showed me how to dig a foxhole. They never came back and looked over my shoulder, made sure I did it right when the bullets were flying. They taught me once and they let me go. And it was up to me to fulfill my mission. It's all they did, there's your mission, there's the hill, go take it. That's it. Not every little detail of how to do it. And that's what we're doing here. We're telling that teacher exactly what to do. And that principal exactly what to do. Instead of saying you know, you go run your school.

"So Madame Speaker, with that, I'd like the words from the Representative from Waikiki and from Mililani as if they were my own. And I hope we can fix this but the way everybody's talking now, I don't think we'll be able to. Thank you."

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

"Madame Speaker, I rise in strong support of this measure.

"Madame Speaker, I'd like to note that there was reference made to House Bill 2002 and that was a major component of the Majority package that we sent forth this year to undo our educational system. And I'd like to refute the point that was made that this legislation is not real reform. It is real reform. It is significant reform and it begins with the budgeting process. Because what we intend to do is to turn the way that we fund our schools on its head. We'll reverse the process. And just for edification, I'd like to state how we currently fund our public schools.

"First, the schools submit their proposed budgets to the Superintendent. From the Superintendent's office, these requests go to the Board of Education. The Board of Education must approve these. They go back to the Superintendent and are then transmitted to the Governor's office where they then go to the Department of Budget and Finance. The Department of Budget and Finance reviews this proposal and makes recommendations to the Governor as to whether or not this budget request should be submitted to the Legislature. The schools then have an opportunity to make an appeal to the Governor's office if they disagree with these recommendations. The proposal then goes to the Governor's office where it is approved and transmitted to the Legislature. The Legislature then hears the budget through Committee hearings both in the House and in the Senate where revisions are made. The Legislature will finally approve a budget. At that point, the budget is transmitted to the Governor. And the Governor has the opportunity to line item veto measures from the school budget or to restrict funds. The Governor also has the ability to decide to release.

"We are turning this process on its head by funding the schools directly through the student weighted formula. I really do not agree with the representation that was made that this legislation micromanages the budget process or the management process within our school. To the contrary, to the contrary, Madame Speaker. It is the Governor and her Administration that wants to continue micromanaging the schools.

"The legislation before us attempts to remove the Legislature and Executive branch from running our school operations. And the Administration opposed this at the Education Committee hearing on March 15. For example, the Department of Budget and Finance testified that the Executive branch should continue

its review, its oversight and its management of the DOE's operating and capital improvement projects. The Director of the Health Department testified that the Department of Health should retain its ability to control direct school health services in our schools. The Department of Accounting and General Services testified that DAGS should continue to control school repair maintenance and capital improvement projects. The Department of Human Resources Development testified that it has serious concerns that transferring positions within the DOE that are currently managed by the Human Resources Department would severely impact its ability to service 17 other Executive departments. The State Procurement Office testified that the DOE should not have autonomy over its own procurement system and that the State Procurement Office should actually control these decisions. The Department of the Attorney General testified that the DOE should not have the autonomy or the flexibility to hire its own attorneys. And instead the Department of the Attorney General should continue to control this function.

"Madame Speaker, the legislation before us attempts to free our public schools from this very type of control that the Governor and the Administration want to continue. We are trying to end the micromanagement.

"The second point that I would like to make is that there's been reference made particularly by the Minority Leader as to whether or we should fund, or whether or not we should transfer 90% of funds to the schools and to allow the principals to control 90% of the existing school budget, which is approximately \$1.9 billion per year. The question that I ask rhetorically, because the Minority Leader failed to provide this detail in his speech is, 90% of what? Specify all the funds that should be transferred directly to the principals out of this \$1.9 billion. And I'd like to give an example of why it may be easy to use a figure like 90%."

Representative Lee rose to yield her time, and the Chair "so ordered."

Representative Saiki continued, stating:

"Thank you. I'd like to use an example of why it may be easy to set forth a number like 90% when in practicality and reality it is very difficult to achieve. For example, special education services are currently costing our State approximately \$400 million per year. These programs are provided through the Department of Health, as well as through the Department of Education and the Department of Human Services. All three of these departments provide special education services to students throughout our State. The cost of providing these services to students ranges from very nominal numbers up to very significant numbers such as \$100 thousand or even more per year for one individual student. Do we really expect that a single school will be able to handle the cost of educating and servicing a high needs student such as an autistic student that may cost \$100 thousand per year? When in actuality the three department that I just mentioned may be able to spread that cost throughout the State to all students and to bring the cost down overall for the entire system. It is very easy to spout off a number like 90%. 90% of \$1.9 billion. But we need the details. We need the details. We need the specifics. Give us a list of all of the funds that can be transferred directly to the schools and controlled by the principals and we'll consider it. But give us the specifics. Give us the facts. Don't give us generalized language. We need more information. Thank you very much."

Representative Fox rose to respond, stating:

"Thank you, Madame Speaker. I'm still in opposition.

"The figure is approximately \$1.9 billion. That's made up of \$1.466 billion that's DOE money for operations. Federal allocations for operations, \$208 million. And money that's currently going to other State agencies before education purposes of converted to FY2005 figures based on the FY2003 accounting of \$196,300,000. Together that all adds up. And this money is for operations only. The Chair of the Education Committee suggested that this is the total spending on education. For operation spending only on education, \$1.87 million or approximately \$1.9 million. If 90% of that goes to the control of the principals at the schools, there still is \$190 million set aside for dealing with essential and other needs.

"Now on the question of the weighted student formula and how you handle autistic or really highly challenged students who require great amounts of money, they would have to continue to get individually those significant amounts of money. No weighted student formula. And that's really what this discussion is about when it goes over to something like that. It's not about the 90%. It's about how you handle the weighted student formula. You'd have to set that aside from the weighted student formula. It's there, 90% of \$1.9 billion, comes down to \$1.7 billion that should be under the control of the principals at the school. It's a very simple matter. The principals don't have to spend the money at the school. They're just given the authority to control that money and decide how it's spent. It's the way it's done in Edmonton. Many areas in the United States are now attempting to learn from Edmonton. We've been fortunate here. We've had several people who visited Edmonton and understand how it's done there. We can do it here. And we can do it here very quickly. Thank you, Madame Speaker."

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

"I thank you, Madame Speaker. With reservations.

"I wanted to comment that I'm hopeful that we will end up with a good education reform at the end of this Session. I don't believe that this bill is it. Without going into a long speech that requires people to concede their time, let me just simply make my point expressing my disappointment. Locally elected school boards is not contemplated in this bill, nor am I aware that it's being contemplated in any bill in the Legislature right now. I find that very disappointing. I think we can still come back to it. I'm hopeful that we would. But without local elected school boards or at least allowing our community to vote on that is dodging true school reform. Thank you."

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

"Thank you, Madame Speaker. In strong support and I'd like to adopt the words of the Education Chair as though they were my own.

"And I just have one rhetorical question for the Members. The places on which we're basing our reform where weighted student formula has been successfully implemented and I'm aware of four major cities that were contemplating emulating, Edmonton, Seattle, San Francisco, and Houston. Do they have local school boards? And did they successfully implement the weighted student formula? And if they didn't have local school boards, did they successfully implement the weighted student formula anyway? Thank you."

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

"Thank you, Madame Speaker. I'm rising in opposition to this bill.

"On the idea of these different areas are using the weighted student formula, I would simply say are they separated by large bodies of water? I think that's something we have to consider. We are unique in being an island state. And that's the frustration for the Neighbor Island people that would like to have school boards that are accessible to them without having to get on an airplane.

"My concern with this bill is that it leaves the centralized bureaucracy of the DOE intact. In fact it grows the centralized bureaucracy. This bill calls for bringing over people and money from DAGS, from DHRD, from the Department of Health. I don't know how they're all going to fit in that building over there on Miller Street because I think it's pretty full right now. I have a great concern. I think the Legislative Auditor has pointed out in numerous audits the difficulty she has auditing the Department of Education as it is today.

"You can talk about autonomy and this is a good thing. The DOE is different than the University of Hawaii. There is no tuition. The University of Hawaii has the ability to raise funds. And they should have autonomy. The Department of Education is a department of the State that takes up almost 50% of the general fund. This is a huge amount of money. And they should have to be accountable. And the idea that they just run their own show there without being accountable to anybody is frightening. This bill talks about 75% of the money being available for the principal to spend. But there are other parts of the bill that talk about spending on the school. It doesn't really clearly state that the principal will get this money and make the decisions. I have to disagree with speakers who get up and say this is not micromanaging. The principal should be able to indicate whether she wants a PCNC, whether her school wants that. That's a decision for the principal and this new school based council. We're still dictating what goes on there.

"And there seems to be a great deal of desire within the Legislature this year to take authority away from the Executive branch. The Executive branch has to look at that, a balanced budget and running all departments of the State. The DOE is the only department that does not have a director that's appointed by the Executive branch. And we seem to be intent on just building this into some great dynasty. And I don't know that any of this is going to improve the student performance and the accountability of the DOE, the Superintendent, the principals and the Board of Education. Thank you, Madame Speaker."

The Chair addressed the members, stating:

"Thank you. Members, we've had a lot of discussion, but Representative Moses, you stood up couple times so I will recognize you first and then we will recognize others. Representative Moses."

Representative Moses rose to respond, stating:

"Thank you very much, still in opposition.

"A previous speaker mentioned DAGS, and DAGS in testimony in our different Committee Hearings, did point out..."

Representative Takai rose to a point of information, stating:

"Point of information, Madame Speaker. Is this the speaker's second time speaking?"

The Chair responded, stating:

"Yes, it is."

Representative Takai: "I thought it was appropriate to let people speak first before the speakers have their second round."

Representative Moses: "I'll be happy to..."

Vice Speaker Luke: "I'll allow him."

Representative Moses: "I'd be happy to wait, Madame Speaker."

Vice Speaker Luke: "No, go ahead."

Representative Moses continued, stating:

"DAGS, our Comptroller, did point out in hearings that he had already set aside last year, the whole R&M section of DAGS. He had it separately organized so that it could be immediately given over to DOE. He offered it to the DOE. It was refused. That was last year. I'm sure this year, they'll accept it. But he's willing to do that.

"As far as procurement, our Procurement Officer pointed out that there are procurement laws so DOE can't go off and do things their own way. They have to follow the laws. As long as they follow the laws, there's no problem.

"And the Attorney General pointed out that if there's DOE lawyers separate from the Attorney General, then we could have DOE suing the State. Or we could have DOE do something to get in a lawsuit. Who pays if there's a lawsuit against DOE? Who would pay? It would be us. You know the State. It would not be DOE. So for those reasons, they said you shouldn't hire your own attorney. However, you come to us, you need an attorney, that's fine. It's authorized. They do that now. They authorize attorneys for many of the departments if they don't have a specialist on hand.

"So anyway, I'm not going to go through all of the departments, I'm just pointing that out. Thank you, Madame Speaker."

Representative Pendleton rose in opposition of the measure and asked that the remarks of Representatives Meyer, Ontai and Fox be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Thank you, Madame Speaker. I am rising with some very grave reservations.

"Thank you. Madame Speaker, I don't see the bill giving the principals control. If you turn to page 9, and look at lines 8 through 9, the principal shall expend monies provided to the principal's school under the weighted student formula. Well looking at the word 'expend' is not as our Republican Leader said, 'control'. There's a huge difference. You hand me some money with a lot of strings attached telling me what I can do and I can expend that money according to the strings and the directives from the central bureaucracy. I wouldn't have the control. And the control is what is key to actually achieving school reform and student achievement.

"You go to page 27, and here again, the principal can maintain and exercise. Pardon me, page 27, lines 4 through 6. Maintain and exercise exclusive authority over the implementation of school policies and operations of the school. This isn't giving the principal the control to act as a CEO and to really achieve excellence in her or his school.

"And then of course there are other aspects to the bill. One of which is the percent of general funds appropriated to the Department, to which I disagree. I think that we do have an opportunity, Madame Speaker, to come up at the end of this Session with a really solid bill. But that solid bill should be accompanied by the ability of the electorate to vote on whether or not they want to decentralize education and create the local school boards. And I think for the Neighbor Islanders that's even more compelling, because the Department Downtown should not be telling Maui, Kauai, Molokai, Big Island what to do. Thank you."

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

"Thank you, Madame Speaker. In opposition and I just wanted a few comments.

"In regards to the 90%, I believe that 90% represents freedom and flexibility for the principals in the schools. What this does in my opinion is that you're given a budget, you're given the 90% for your school, or you're given the amount for your school and you can choose at what pace you want to go. If you only want to handle 75%, then you handle 75% of that money and the other 25% you can buy your services from whatever the cost is at central. You don't have to do other things with it. So you're moving at your pace. If you put the limit of 75% like it is in this bill. And I'm sorry the percentages are kind of confusing. But if you put the 75%, you're capping the principal in the schools at what they can spend or how they can handle their budget. And if you go to 90%, it gives them that flexibility and freedom. You don't have to take on transportation services. You don't have to take on special education if you don't want to. It's your choice at the school. So you're moving at your own pace. You can 2 years later, still continue to spend the money the way central does. It doesn't matter. I mean you will be accountable for that. And if there's other ways to save money, you will be accountable for that. But you still aren't forced to do anything.

"The other thing that I wanted to share is it brings awareness to the principal in the schools. I share the story of my son, he just had a birthday last week. And every time we would go to a store and we would ride this merry-go-round. My grandma would give him 50 cents and he would go ride. And he'd ride it a few times. And he'd ride it a few times. And he just loved it. It was a lot of fun. Well, he asked me for a Pokemon Coliseum, it was \$40. And I told him, well you have to save for that. So he's been saving money everyday. Everyday, whatever money he finds on the floor or whatever, and he's almost there and he can almost buy his Pokemon Coliseum, but grandma went to the store the other day and said here's 50 cents and he said, 'Oh grandma. I'm going to save this for my Pokemon Coliseum.'

"What I'm thinking about this 90% is it brings awareness. This is what this cost. This is what this is going to be used for. And then all of a sudden big, bright-eyed principals in schools go, 'You know what? I can spend this money a little better. You know what? I think what I'll do is.' Or the principal will say, 'I can't take on that, therefore I'm going to leave it with central. And I choose to do that.' But we cannot be constantly trying to direct these principals in schools to do what we want. And I'm not saying that principals in schools are like a 5 year-old. We've done it ourselves. I think I've done it myself when I've used minutes on my phone over my limit. All of a sudden it's like 38 cents per minute. Next month, you know what happens? I'm really aware of the minutes that I'm using or I change my plan. But this is the kind of awareness that we're talking about that we're giving to the principals and their schools to make some decisions that which they can effect some change within their student achievement within their

classroom sizes. And if we are spending \$100,000 on an autistic child, that's a lot of money. And I think that that child should be well served. That sounds like a lot of money to me. In any case, I just think that if we change this bill around, I think all of us are headed in, well, I think all of us want the same thing. Give them the flexibility and the freedom to do their jobs. Thank you."

The Chair addressed the Members, stating:

"Thank you. Before I recognize Representative Takai and Representative Leong, we've had 45 minutes of discussion on this Second Reading bill, but I will allow Representative Takai and Representative Leong and if we can move on. Representative Takai."

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

"Thank you, Madame Speaker. I rise in support of this measure.

"I'll pass on my 20 minutes speech and give you an abbreviated 10 minute version."

The Chair addressed Representative Takai, stating:

"How about 5?"

Representative Takai continued, stating:

"I'm just joking. Madame Speaker, I just wanted to raise a few points. After hearing the discussion for the last 45 minutes, I think the last time we had this discussion, the Minority, the other side was talking about how much the school principals are given discretion over right now. And we all agree that it's about 3%. In fact, we call it the School Priority Fund. The discretionary amount that a school principal currently has, it's about 3%. This 75% in this bill is remarkable. And it's not fake. It's not fake reform. And in fact, I agree with the Majority Leader, it is real reform.

"In fact if you take a look at what has happened in Edmonton, everyone now knows that Edmonton is the model that we aspire to. Many districts across the nation are aspiring to be like Edmonton. It took 31 years for Edmonton to be at 92%. In fact just a few years ago, in fact, I believe just 2 years ago, Edmonton had only reached 80%. And it wasn't until 2003, that Edmonton jumped from 80% to about 92%. Why? Because in the formula, they took a look at some of the items that were counted initially and threw them out.

"And I think when we go back to the initial discussion on the Governor's bill, House Bill 2332, when I asked at the Education Committee hearing, what does she mean by 90% and what in fact is the pie that she's talking about? That's the important question because the Minority Leader starts talking about \$1.9 billion. The representative from the CARE Committee is now talking about \$1.4 billion. What are we talking about? In fact the Governor and her representatives still have yet to answer my question that I asked in late January. What is the pie? How much money are we talking about? If we're talking about \$1.9 billion, it's not that simple because we're talking about all of the monies going to the various State agencies which we already know, the Governor has said to her department heads, that we're not going to even count. In addition, it includes the debt service for school construction which many people already say should be counted and taken off of the top.

"So if we're talking about the \$1.4 billion, let's talk about it. But what kind of effect will taking 90% of the \$1.4 billion general fund budget to the education system, what kind of

effect will that have on our schools? It will have profound effect because we're not only talking about the teachers' salaries and the custodial support, but we're also talking about things that the Education Chair brought up. Significant things like cafeteria services, services to our challenged students. In fact, there's been mention about autistic children. The amount of money that we spend for autistic children for one child is as high as \$200,000. That's significant, and we have got to have the discussion. Because we can't simply say that schools should be given 90%. I haven't heard one principal tell us, and they're going to be the CEOs of this whole system, one principal tell us, give me 90%. In fact, you know what they're telling us? They're telling us give us the flexibility, give us the weighted student formula. We'll work it out, but please give us the time to develop the system correctly. And again, Edmonton took 31 years to be at 92%.

"The Representative from Kailua mentioned two parts of the bill. Page 9 regarding principals and I quote, 'principals shall expend monies provided to the principal's school under the weighted student formula.' And she also quoted page 27 but I'd like to mention lines 13 to 17. 'Any powers not delegated to the Board of Education, the Superintendent, or the executive secretary of the Hawaii Teachers Standards Board by law, not prohibited by law to a school or the principal of a school, are reserved to the school and the principal of the school.' That is significant language, Members. What that says is that if there's no law prohibiting a school principal and a school, where no policies at the Board of Education level or no policies at the Superintendent level prohibiting a school to do something, they're going to be allowed to do that.

"Someone mentioned the flexibility that we've provided to University of Hawaii a few years ago. This is the type of flexibility we've provided University. And if I said it before, if there's no law prohibiting it, and we haven't taken a position against it, the University in this case..."

Representative Say rose to yield his time, and the Chair "so ordered."

Representative Takai continued, stating:

"I'll wrap it up. The schools and the principals in this case will be allowed to do that. That is significant reform. So I take umbrage when Members of the other side say that this is fake reform, or I hear comments made by others on the radio and newspapers or whatever saying that this bill in this form, House Draft 1 is fake reform. This is considerable reform. And I would suggest that Members take a look at the first seven and half pages because I think the Chairman of the Education Committee did a fine job in putting together not only this bill, but also the preamble to this bill. And by the way, make no mistake that the second section of this bill, the weighted student formula section is very, very real reform.

"Madame Speaker, may I also ask permission to insert the words of the Majority Leader and Chair of the Education Committee as if they were my own. Thank you, Madame Speaker."

Representative Leong rose in opposition of the measure and asked that the remarks of Representative Thielen be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3238, 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 Blundell, Finnegan, Fox, Jernigan, Leong, Meyer, Moses, Ontai,

Pendleton and Stonebraker voting no and with Representatives Arakaki and Chang being excused.

Representatives Takai and Hamakawa, for the Committee on Higher Education and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1005-04) recommending that S.B. No. 3125, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3125, SD 2, HD 1, passed Second Reading and be referred to the Committee on Finance, seconded by Representative Lee.

Representative Moses rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Fox rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Halford rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Leong rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

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

"Madame Speaker, a no vote. Also I would have voted for a constitutional amendment were it not one like this where we are seeking to take away powers historically, customarily, and traditionally given to the Governor. The consequence of passage of this amendment would be to take away powers that have for long been held by the Governor on this matter. Thank you."

Representative Finnegan rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Ching rose in opposition of the measure and asked that the remarks of Representative Pendleton be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

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

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

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

"Thank you, Madame Speaker. As your Chair of the Higher Education Committee, I took a look at this bill coming over from the Senate. And I think we have, working with the Judiciary Chairman, improved this bill. In fact, if you take a look at the comments made at the hearing by the Association of

Governing Boards of Universities and Colleges, they talked about a model like this that has been implemented in 4 states. And they're suggesting to Legislatures just like us throughout the nation to consider this type of process similar to the process that we used for selecting our judges in this State.

"Not only that Madame Speaker, if you take a look at the other parts of the bill, I think that's additional language that we added in the bill that should help in serving not only the University of Hawaii through the Board of Regents, but the entire State. We're streamlining the process of the Board. We're making sure that the Board no longer will lose half of its members in one year. We're saying that the representation of the Board be more geographically aligned with our communities. In fact, Madame Speaker, for many years, the Board of Regents, there's been this unwritten policy that we have representatives from the Neighbor Islands, but there's no law that says that the Governor shall appoint a certain number from the Neighbor Islands.

"Right now, the unwritten rule is 2 members from the Big Island, 1 member from Maui, and 1 member from Kauai. We put it in law that 2 members will be from the Big Island, 2 members will be from the County of Maui, and 1 member from Kauai. In addition, we've reduced the number to 11 because it was 12. We reduced the number to 11 requiring the 5 to be from Oahu and a student member to be from wherever.

"So, I think if you take a look at the various aspects of this bill, I think the process of selecting the Regents through the constitutional amendment and the creation of this Advisory Council in addition to the changes that we've made in the membership and representation of the Board will enhance the functions of the Board and will help our State move along in our higher education needs. 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. 3125, 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 Blundell, Ching, Finnegan, Fox, Halford, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton and Thielen voting no and with Representatives Arakaki and Chang being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1006-04) recommending that S.B. No. 1238, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1238, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1007-04) recommending that S.B. No. 2994, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2994, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1008-04)

recommending that S.B. No. 2840, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2840, SD 2, 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:

"Thank you, Madame Speaker. I'm rising in opposition to 1008, the tobacco bill.

"Thank you. Madame Speaker, there are some provisions in here that make sense, but there's one to which I strongly disagree. The bill is going to cap the amount of a supersedeas bond that a court may require a tobacco master settlement agreement signatory to post pending that appeal. What all that language means is that big tobacco gets sued, there is a judgment that may be quite substantial and so be it. But the tobacco company then would have to post 10%, I believe it is a bond in the amount of 10% of that judgment in order to appeal the judgment.

"Big tobacco came to our Committee hearing and said we want to be protected from, not from the lawsuits, but protected from having to post such a large bond because it could actually put our companies out of business. I don't think that would be a bad thing, Madame Speaker. I really don't, because cigarettes kill. And I think I've talked to Members before about my son, a nonsmoker developing cancer in the throat. He never smoked. Cigarettes kill. Second hand smoke kills. So I don't feel like protecting big tobacco, and I said so to the person from Cromwell and Sullivan, a Washington, D.C. law firm.

"And I said instead, isn't the message we should be sending that we want tobacco companies to find a healthy endeavor in which to engage, and not to continue to sell death to our youth, to Third World countries. So why should we want to protect them? Why should we want to limit the amount of a bond they would have to post in case the district court jury award was quite excessive? So I look at it as this is the bill that protects big tobacco and I think that's wrong, Madame Speaker. I just cannot do that. Cigarettes kill and I cannot vote in favor of a bill that will actually protect them. Thank you."

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

"In support. It's not that we want to protect anyone that's bad or ugly or whatever. The idea is we need to protect the process. Everyone is entitled constitutionally to appeal. There has been some ridiculously large amount or judgments from the mainland which are so ridiculous that obviously it's going to get turned over on appeal.

"In order for defendants, in this case it happens to be big bad tobacco, were to post these bonds at the regular way they do it at 10%, it would be quite impossible. This is not to protect tobacco. This is not to protect any special interest. This is to protect our legal system. By saying that we're protecting tobacco in this case is just by saying, 'You know what? You're a big bad attorney for defending a criminal.' People say, 'How can you?' They ask this of criminal defense attorneys all the time. How can you defend that bad, bad person? How can you stomach supporting that killer, that rapist, whatever? Well, you know the reasoning behind that is that we have a system, a judicial system that we must protect. We must go beyond personal feelings of passions about entities. Who or what they represent in our society.

"They are there to be protected by our laws because everyone is entitled to that protection. That's what this bond is for, reducing the requirements for the bond to \$150 million. And you know what? In the history of Hawaii's judgments, we have never had anything that comes close to these amounts anyway. So we are already overprotected by giving them this particular number of \$150 million. Let's protect the process. Thank you."

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

"Thank you, Madame Speaker. I rise in support of this measure.

"I just wanted to point out. Well first, I appreciate the concerns that the Representative from Kailua raises, and in fact, I applaud her advocacy against tobacco. But we had a similar bill starting in the House, the House bill earlier this Session. And during the discussions, I think it was she that pointed out the concern that the Department of the Attorney General raised about the bond level being at \$100 million and that it should have been raised to a \$150 million. And I think that with this House Draft 1, we all realize that the Judiciary Committee took that advice from the Attorney General and in fact raised it. So I think this is a good measure. And I think, in looking at the Standing Committee Report and all of the organizations that spoke in favor, I noticed the American Heart Association, Lung Association, Coalition for Tobacco Free Hawaii testified in support of the measure. And the Attorney General asked again that the bond be raised to \$150 million and the Committee did that. So I think this measure has moved forward and has moved forward well. Thank you."

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

"Thank you, Madame Speaker. In support.

"As I've told this Body before, I don't smoke. But if this Body doesn't want to get any more tobacco settlement money maybe we should just ban tobacco products period. We don't do that. We take the tobacco settlement money. If we drive tobacco companies out of business, if they're bankrupt, there won't be any tobacco settlement money. So I just think we ought to weigh what we're doing. Thank you, Madame Speaker."

Representative Thielen rose to respond, stating:

"Thank you, Madame Speaker, still in opposition.

"Thank you. I don't recall what the Representative from Pearl City said. But anyway, my concern continues. The tobacco settlement money came into the discussion and it was basically said like this. 'You want to keep getting your \$50 million, you give us this supersedeas bond ceiling limit'. So for the blood money, we want the limit. That to me was even more offensive, tremendously offensive. There's just no way that we can stand here without recognizing, without knowing that cigarettes do kill. So what this bill is doing in this latter portion of the bill is protecting the very industry that creates the product that kills people. And that industry is saying, 'Fine, then you get to keep your \$50 million a year.' That's not a good trade off. Think of the health impact that we have in our State from the people that develop cancer or emphysema or the other types of diseases that you get from smoking. Thanks, 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. 2840, 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 Representative Thielen voting no and with Representatives Arakaki and Chang being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1009-04) recommending that S.B. No. 643, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 643, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative Lee.

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

"I rise in support. First of all, I'd like to commend the Chair of Water, Land and Hawaiian Affairs for making the Bioprospecting Advisory Commission more balanced by adding the Chairperson of the Board of Agriculture and the Director of Health on the Commission. I would also like to commend the Chair of EDB for removing four sections of the prior draft, which included language that would hurt research and innovation. House Bill 2034, which also dealt with bioprospecting, which we passed over to the Senate, is very drastically different from this current form on this measure. And as of now, HB 2034 is dead and we are moving forward a better-balanced bill that would allow research and oversee our unique biodiversity. I would like to just note that on first page of the committee report, numerical one does not reflect the bill because the prohibitory language has been taken out. 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. 643, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BIOPROSPECTING," was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1010-04) recommending that S.B. No. 3104, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3104, SD 2, 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:

"Thank you, Madame Speaker. In opposition.

"I find that my guidance on these issues is from the gentleman who's single handedly doing more than anybody else to clean up the dirty campaign practices that we have in Hawaii. He is opposed to this bill. I am as well."

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

"In opposition. I don't have much to say. This is Second Reading. We can talk about it on Third Reading, but as the previous speaker mentioned, when the guy that's in charge of helping us keep clean elections is against it, I am too. Thank you."

Representative Stonebraker rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Halford rose and asked that the Clerk record 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. 3104, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Fox, Moses and Stonebraker voting no and with Representatives Arakaki and Chang being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1011-04) recommending that S.B. No. 2861, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2861, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki and Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1012-04) recommending that S.B. No. 2902, SD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2902, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TELEMARKETING," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki and Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1013-04) recommending that S.B. No. 3172, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3172, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki and Chang being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1014-04) recommending that S.B. No. 2394, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2394, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki and Chang being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1015-04) recommending that S.B. No. 2278, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2278, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki and Chang being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1016-04) recommending that S.B. No. 2443, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2443, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' LIENS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki and Chang being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1017-04) recommending that S.B. No. 3185, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3185, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki and Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1018-04) recommending that S.B. No. 2009, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2009, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki and Chang being excused.

SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representatives Arakaki and Chang were excused.)

THIRD READING

S.B. No. 2529, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2529, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES FOR THE PROTECTION OF PUBLIC FUNDS," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

S.B. No. 3098, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 3098, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KIKALAKEOKEA," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

S.B. No. 2983, SD 2, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2983, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

S.B. No. 3162, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 3162, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TECHNOLOGIES INCOME TAX CREDIT," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

At 9:40 o'clock p.m., the Chair noted that S.B. Nos.: 2529, HD 1; 3098, HD 1; 2983, SD 2, HD 1; and 3162 SD 1, HD 1; passed Third Reading.

At 9:40 o'clock p.m., Representative Lee requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:54 o'clock p.m.

END OF CALENDAR

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 978-04) recommending that S.B. No. 3193, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3193, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative Lee.

At this time, Representative Thielen offered Floor Amendment No. 7, amending S.B. No. 3193, SD 2, HD 2 as follows:

SECTION 1. Senate Bill No. 3193 Senate Draft 2, House Draft 2 is amended by deleting its contents and inserting the following language, to read as follows:

"SECTION 1. In Act 77, Session Laws of Hawaii 2002, the legislature found that there was a need to ensure lower gasoline prices for Hawaii's consumers because Hawaii consumers were paying a large premium at the gasoline pump. One way the legislature addressed this problem was the imposition of

gasoline price caps, which are to become effective on July 1, 2004.

During the interim preceding the imposition of the gasoline price caps, the department of business, economic development, and tourism was directed to: conduct an expert comprehensive, empirical examination of Hawaii's petroleum market; review options available to the legislature; and make findings and recommendations concerning appropriate remedies and solutions available to reduce wholesale and retail gasoline prices in Hawaii, including the provisions in Act 77 imposing maximum prices on wholesale and retail gasoline and the potential effects of imposing such price caps. The department of business, economic development, and tourism was to submit its findings and recommendations, including proposed legislation, to the legislature twenty days prior to the convening of the regular session of 2003.

The department of business, economic development, and tourism conducted its comprehensive study as directed by Act 77 and compiled its findings and policy options, which resulted with the following recommendations:

- (1) Repeal the gasoline price caps;
- (2) Eliminate the state petroleum commissioner's role by reassigning those duties to the director of business, economic development, and tourism;
- (3) Repeal the restriction on manufacturers or jobbers in operating service stations;
- (4) Repeal the lease rent caps on lessee operated gasoline dealers;
- (5) Repeal the petroleum commissioner's statutory requirement to conduct random and periodic audits and inspections of the petroleum industry; and
- (6) Revise existing petroleum industry data reporting requirements to provide market transparency, and provide adequate implementation funding.

The purpose of this Act is to implement those recommendations contained in the study by the department of business, economic development, and tourism that require action by the legislature.

SECTION 2. Act 77, Session Laws of Hawaii 2002, is amended by repealing section 2.

["SECTION 2. Chapter 486H, Hawaii Revised Statutes, is amended as follows:

1. By adding three¹ new sections to be appropriately designated and to read as follows:

"§486H-A Maximum pre-tax wholesale price for the sale of gasoline; civil actions. (a) Notwithstanding any law to the contrary, no manufacturer, wholesaler, or jobber may sell regular unleaded gasoline to a dealer retail station, an independent retail station, or to another jobber or wholesaler at a price above the maximum pre-tax wholesale prices established pursuant to subsection (b). The commission shall publish the maximum pre-tax wholesale prices by means that shall include the internet website for the State of Hawaii.

(b) On a weekly basis, the commission shall determine the maximum pre-tax wholesale price of regular unleaded gasoline for each island as follows:

(1) For the island of Oahu, the maximum pre-tax wholesale price of regular unleaded gasoline shall consist of the baseline price for regular unleaded gasoline, plus the location adjustment factor, and the marketing margin factor; and

(2) For the islands of Kauai, Molokai, Lanai, Maui, and Hawaii, the maximum pre-tax wholesale price of regular unleaded gasoline shall consist of the maximum pre-tax wholesale price of regular unleaded gasoline for Oahu, plus the neighbor island wholesale adjustment factor.

(c) The baseline price for regular unleaded gasoline for Oahu referred to in subsection (b) shall be determined on a weekly basis, and shall be equal to the average of:

(1) The spot pipeline daily price for regular unleaded gasoline for Los Angeles;

(2) The spot pipeline daily price for regular unleaded gasoline for San Francisco; and

(3) The spot daily price for the Pacific Northwest,

as reported and published by the Oil Price Information Service for the five business days of the preceding week.

(d) The location adjustment factor referred to in subsection (b) shall be \$.04 per gallon for the first year after the effective date of this section, and shall thereafter be subject to annual adjustment pursuant to section 486H-D(a).

(e) The marketing margin factor referred to in subsection (b) shall be \$.18 per gallon for the first year after the effective date of this section, and shall thereafter be subject to annual adjustment pursuant to section 486H-D(a).

(f) The neighbor island wholesale adjustment factor shall be the sum of the neighbor island location adjustment factor, plus the neighbor island marketing factor.

(g) The neighbor island location adjustment factor shall be \$.04 per gallon for the first year after the effective date of this section, and shall thereafter be subject to annual adjustment pursuant to section 486H-D(a).

(h) The neighbor island marketing factor shall be \$.04 per gallon for the first year after the effective date of this section, and shall thereafter be subject to annual adjustment pursuant to section 486H-D(a).

(i) Any manufacturer, wholesaler, or jobber who knowingly violates any requirement imposed or rule adopted under this section shall be subject to a civil penalty for each such violation, which penalty shall be three times the overcharge, or \$250,000, whichever is greater, and shall be liable for the costs of the action, and reasonable attorney's fees as determined by the court. Within two years from the date the commission obtains actual knowledge of the violation, the commission may institute a civil action in a court of competent jurisdiction to collect the civil penalty, the costs, and attorney's fees. In the case of ongoing violation, the two year period shall start from the date of the last violation. The commission may refer any such action to the attorney general as it deems appropriate. As used in this subsection, "overcharge" means the number of gallons of gasoline sold, times the wholesale price at which the manufacturer or jobber sold regular unleaded gasoline to a dealer retail station, less taxes assessed, less the maximum pre-tax wholesale price established pursuant to subsection (b).

(j) The commission shall have the power to determine the extent to which a manufacturer, wholesaler, or jobber is

complying with any requirement imposed or rule adopted under this section, including the power to compel a manufacturer, wholesale, or jobber to submit documents, data and information necessary and appropriate for the commission to determine such compliance. The commission may use data collected by the department of business, economic development, and tourism pursuant to chapter 486J, as well as obtain the assistance of that department in determining such compliance.

(k) The commission shall adopt rules pursuant to chapter 91 as may be necessary to implement this section.

~~§486H-B Maximum pre-tax retail price for gasoline sold on a self-serve basis; civil actions.~~ (a) Notwithstanding any law to the contrary, no retail station may sell regular unleaded gasoline at retail, on a self-serve basis, at a price above the maximum pre-tax retail prices established pursuant to subsection (b). The commission shall publish the maximum pre-tax retail prices by means that shall include the internet website for the State of Hawaii. The commission may also publish the retail prices inclusive of all taxes.

(b) On a weekly basis, the commission shall determine the maximum pre-tax retail price of gasoline. The maximum pre-tax retail price for regular unleaded gasoline shall consist of the maximum pre-tax wholesale price for regular unleaded gasoline established pursuant to section 486H-A(b), plus a retail marketing margin factor.

(c) The retail marketing margin factor shall be \$.16 per gallon for the first year, and shall thereafter be subject to adjustment pursuant to section 486H-D(b).

(d) Any retail station that knowingly violates any requirement imposed or rule adopted under this section shall be subject to a civil penalty equal to three times the amount of the overcharge or \$25,000, whichever is greater, and shall be liable for the costs of the action, and reasonable attorney's fees as determined by the court. Within two years from the date the commission obtains actual knowledge of the violation, the commission may institute a civil action in a court of competent jurisdiction to collect the civil penalty, the costs, and the attorney's fees. In the case of ongoing violation, the two-year period shall start from the date of the last violation. The commission may refer any such action to the attorney general as it deems appropriate. As used in this subsection, "overcharge" means the number of gallons of gasoline sold, times the retail price at which the retail station sold regular unleaded gasoline, less taxes assessed, less the maximum pre-tax retail price established pursuant to subsection (b).

(e) The commission shall have the power to determine the extent to which a retail station is complying with any requirement imposed or rule adopted under this section, including the power to compel a retail station to submit documents, data, and information necessary and appropriate for the commission to determine such compliance. The commission may use data collected by the department of business, economic development, and tourism pursuant to chapter 486J, as well as obtain the assistance of such department in determining such compliance.

(f) The commission shall adopt rules pursuant to chapter 91 as may be necessary to implement this section.

~~§486H-C Governor's emergency powers.~~ (a) Notwithstanding any law to the contrary, the governor may suspend in whole or in part, section 486H-A, section 486H-B, or any rule adopted pursuant to those sections whenever the governor issues a written determination that strict compliance with any section or a rule will cause a major adverse impact on the economy, public order, or the health, welfare, or safety of

the people of Hawaii. The governor shall publish this determination in accordance with section 1-28.5. The suspension shall take effect upon issuance of the written determination by the governor.

(b) Except as provided in subsection (c), the suspension under subsection (a) shall remain in effect until the earlier of:

- (1) The adjournment of the next regular or special session of the legislature; or
- (2) The effective date of any legislative enactment intended to address the major adverse impact;

provided that if the legislature has enacted legislation to address the major adverse impact, and the governor vetoes the legislation, the suspension shall terminate on the date of that veto, and the pre-tax maximum wholesale price or the pre-tax maximum retail price in effect immediately prior to the issuance of the written determination by the governor shall take effect on the day after the date of the veto; and provided further that if no action is taken by the legislature during the regular or special session to address the major adverse impact, then the pre-tax maximum wholesale price or the pre-tax maximum retail price in effect immediately prior to the issuance of the written determination by the governor shall take effect on the day after adjournment sine die of the regular or special session.

(c) If the written determination is issued while the legislature is in session, the suspension under subsection (a) shall remain in effect until the earlier of:

- (1) The adjournment of that session of the legislature; or
- (2) The effective date of any legislative enactment intended to address the major adverse impact;

provided that if the legislature has enacted legislation to address the major adverse impact, and the governor vetoes the legislation, the suspension shall terminate on the date of that veto, and the pre-tax maximum wholesale price or the pre-tax maximum retail price in effect immediately prior to the issuance of the written determination by the governor shall take effect on the day after the date of the veto; and provided further that if no action is taken by the legislature during the regular or special session to address the major adverse impact, then the pre-tax maximum wholesale price or the pre-tax maximum retail price in effect immediately prior to the issuance of the written determination by the governor shall take effect on the day after adjournment sine die of the regular or special session.

~~§486H-D Adjustments.~~ (a) A manufacturer, wholesaler, or jobber may petition the commission to adjust the maximum pre-tax wholesale price of regular unleaded gasoline in the event of a change in the value of the baseline price for regular unleaded gasoline, the location adjustment factor, the marketing margin factor, or the neighbor island wholesale adjustment factor. The petitioner shall bear the burden of proof to establish by clear and convincing evidence the need for and the amount of any adjustment. The adjustments shall be determined as follows:

- (1) The value of the baseline price shall be equal to the average of:
 - (A) The spot pipeline daily price for regular unleaded gasoline for Los Angeles;
 - (B) The spot pipeline daily price for regular unleaded gasoline for San Francisco; and
 - (C) The spot daily price for the Pacific Northwest;

- as reported and published by the Oil Price Information Service for the five business days of the preceding week;
- (2) The value of the location adjustment factor in effect at the time the petition is filed shall be adjusted to equal the average of the actual acquisition cost to non-refiner marketers to obtain gasoline from refiners or importers for sale on the island of Oahu over the prior twelve-month period, which cost shall be taken from arm's length transactions between non-refiner marketers, and refiners or importers, such as exchange agreements, sales agreements, or other similar agreements; provided that the location adjustment factor shall not exceed the reasonable cost of importing gasoline to the island of Oahu. As used in this paragraph, "actual acquisition cost" means the amount over the base price of regular unleaded gasoline that a non-refiner marketer pays to a third party for delivery of such gasoline into a terminal located on the island of Oahu;
- (3) The value of the marketing margin factor in effect at the time the petition is filed shall be adjusted by adding to such value the difference between:
- (A) The average of the difference over the prior twelve-month period between:
- (i) The dealer tank wagon price for sales for resale; and
- (ii) The bulk price for sales for resale, for PAD District V,
- as reported and published by the Energy Information Administration or its successor in Table 31—"Motor Gasoline Prices by Grade, Sales Type, PAD District, and State" or other source containing the same information; less
- (B) The average of the difference over the period from 1994 until the most current year between:
- (i) The dealer tank wagon price for sales for resale; and
- (ii) The bulk price for sales for resale, for PAD District V,
- as reported and published by the Energy Information Administration or its successor in Table 31—"Motor Gasoline Prices by Grade, Sales Type, PAD District, and State" or other source containing the same information;
- (4) The value of the neighbor island location adjustment factor in effect at the time the petition is filed shall be adjusted to equal the actual acquisition cost to non-refiner marketers to obtain gasoline from a refiner or importer for sale on the island of Kauai, Molokai, Lanai, Maui, or Hawaii, over the prior twelve-month period, which cost shall be taken from arm's length transactions between non-refiner marketers, and refiners or importers, such as exchange agreements, sales agreements, or other similar agreements; provided that the neighbor island location adjustment factor shall not exceed the reasonable cost of importing gasoline to the island of Kauai, Molokai, Lanai, Maui, or Hawaii, from any port on the island of Oahu. As used in this subsection, "actual acquisition cost" means the amount over the base price of regular unleaded gasoline that a non-refiner marketer pay to a third party for delivery of such gasoline into a terminal located on Kauai, Molokai, Lanai, Maui, or Hawaii; and
- (5) The value of the neighbor island marketing factor in effect at the time the petition is filed shall be adjusted if there are material changes in the cost factors associated with marketing gasoline on the island of Kauai, Molokai, Lanai, Maui, or Hawaii, such as terminaling, storage, or distribution costs.
- (b) A retail station may petition the commission to adjust the maximum pre-tax retail price of gasoline in the event of a change in the maximum pre-tax wholesale price for regular unleaded gasoline, or the value of the retail marketing margin factor. The petitioner shall bear the burden of proof to establish by clear and convincing evidence the need for and the amount of any adjustment. The adjustment shall be determined as follows:
- (1) The value of the retail marketing margin factor for regular unleaded gasoline established in section 486H-B(e) shall be adjusted upward only if such value is less than the average of the difference over the prior twelve-month period between:
- (A) The "through-retail outlets" price for sales to end-users for regular unleaded gasoline; and
- (B) The dealer tank wagon price, for sales for resale for regular unleaded gasoline, for PAD District V,
- as reported and published by the Energy Information Administration or its successor in Table 31—"Motor Gasoline Prices by Grade, Sales Type, PAD District, and State" or other source containing the same information.
- (c) If the commission adjusts the maximum pre-tax wholesale price or the maximum pre-tax retail price of regular unleaded gasoline, the commission shall publish its findings and the adjusted prices by means that shall include the internet website for the State of Hawaii.
- (d) In its discretion and without a petition having been filed, the commission may adjust the maximum pre-tax wholesale price or the maximum pre-tax retail price of regular unleaded gasoline if an adjustment is necessary as a result of a change in the value of the baseline price for regular unleaded gasoline, the location adjustment factor, the marketing margin factor, the neighbor island wholesale adjustment factor, or the retail marketing margin factor.
- (e) Nothing in section 486H-A or 486H-B shall be construed to prohibit the filing of a petition during the first year after the effective date of this section."
2. By adding twelve new definitions to section 486H-1, Hawaii Revised Statutes, to be appropriately inserted and to read as follows:
- "Commission" means the public utilities commission.
- "Company retail station" means a retail service station owned and operated by a manufacturer or jobber and where retail prices are set by that manufacturer or jobber.
- "Dealer retail station" means a retail service station owned by a manufacturer or jobber and operated by a qualified gasoline dealer other than a manufacturer or a jobber under a franchise.
- "Independent retail station" means a retail service station not owned by a manufacturer or jobber and operated by a qualified gasoline dealer.
- "Non-refiner marketer" means any person who acquires gasoline for sale in the State of Hawaii, and who is not a refiner

~~located and operating in the State of Hawaii, nor an importer owned by or affiliated with, directly or indirectly, by a refiner located and operating in the State of Hawaii.~~

~~"Operate" means to engage in the business of selling motor vehicle fuel at a retail service station through any employee, commissioned agent, subsidiary company, or person managing a retail service station under a contract and on a fee arrangement with the manufacturer or jobber.~~

~~"Other areas" means the second congressional district of the State.~~

~~"Pre tax" when used in reference to a price means such price net of the fuel related or other taxes assessed when the gasoline is sold.~~

~~"Retail" means a sale of gasoline made to the general public at prices that are displayed on the dispensing equipment.~~

~~"Retail station" means and includes a company retail station, a dealer retail station, and an independent retail station.~~

~~"Self serve basis" means that the retail station allows customers to dispense gasoline into vehicles.~~

~~"Urban" means the first congressional district of the State."~~

3. By amending section 486H-10.4, Hawaii Revised Statutes, to read as follows:

~~"[§486H-10.4] Restrictions on manufacturers or jobbers in operating service stations; lease rent controls; definitions. (a) Beginning August 1, 1997, no manufacturer or jobber shall convert an existing dealer [operated] retail [service] station to a company [operated] retail [service] station; provided that nothing in this section shall limit a manufacturer or jobber from:~~

- ~~(1) Continuing to operate any company operated retail service stations legally in existence on July 31, 1997;~~
- ~~(2) Constructing and operating any new retail service stations as company [operated] retail [service] stations constructed after August 1, 1997, subject to subsection (b); or~~
- ~~(3) Operating a former dealer [operated] retail [service] station for up to twenty four months until a replacement dealer can be found if the former dealer vacates the service station, cancels the franchise, or is properly terminated or not renewed.~~

~~(b) No new company [operated] retail [service] station shall be located within one eighth mile of a dealer [operated] retail [service] station in an urban area, and within one quarter mile in other areas. [For purposes of this subsection, "urban" means the first congressional district of the State, and "other areas" means the second congressional district of the State.]~~

~~(c) All leases as part of a franchise as defined in section 486H-1, existing on August 1, 1997, or entered into thereafter, shall be construed in conformity with the following:~~

- ~~(1) Such renewal shall not be scheduled more frequently than once every three years; and~~
- ~~(2) Upon renewal, the lease rent payable shall not exceed fifteen per cent of the gross sales, except for gasoline, which shall not exceed fifteen per cent of the gross profit of product, excluding all related taxes by the dealer operated retail service station as defined in section~~

~~486H-1 and 486H-10.4 plus, in the case of a retail service station at a location where the manufacturer or jobber is the lessee and not the owner of the ground lease, a percentage increase equal to any increase which the manufacturer or jobber is required to pay the lessor under the ground lease for the service station. For the purposes of this subsection, "gross amount" means all monetary earnings of the dealer from a dealer operated retail service station after all applicable taxes, excluding income taxes, are paid.~~

The provisions of this subsection shall not apply to any existing contracts that may be in conflict with its provisions.

~~(d) Nothing in this section shall prohibit a dealer from selling a retail service station in any manner.~~

~~[(e) For the purposes of this section:~~

~~"Company operated retail service station" means a retail service station owned and operated by a manufacturer or jobber and where retail prices are set by that manufacturer or jobber.~~

~~"Dealer operated retail service station" means a retail service station owned by a manufacturer or jobber and operated by a qualified gasoline dealer under a franchise.~~

~~"Operate" means to engage in the business of selling motor vehicle fuel at a retail service station through any employee, commissioned agent, subsidiary company, or person managing a retail service station under a contract and on a fee arrangement with the manufacturer or jobber.~~

~~"Retail" means a sale of gasoline made to the general public at prices that are displayed on the dispensing equipment.]"~~

SECTION 3. Section 486H-10.4, Hawaii Revised Statutes, is repealed.

~~"[§486H-10.4] Restrictions on manufacturers or jobbers in operating service stations; lease rent controls; definitions. (a) Beginning August 1, 1997, no manufacturer or jobber shall convert an existing dealer operated retail service station to a company operated retail service station; provided that nothing in this section shall limit a manufacturer or jobber from:~~

- ~~(1) Continuing to operate any company operated retail service stations legally in existence on July 31, 1997;~~
- ~~(2) Constructing and operating any new retail service stations as company operated retail service stations constructed after August 1, 1997, subject to subsection (b); or~~
- ~~(3) Operating a former dealer operated retail service station for up to twenty four months until a replacement dealer can be found if the former dealer vacates the service station, cancels the franchise, or is properly terminated or not renewed.~~

~~(b) No new company operated retail service station shall be located within one eighth mile of a dealer operated retail service station in an urban area, and within one quarter mile in other areas. For purposes of this subsection, "urban" means the first congressional district of the State, and "other areas" means the second congressional district of the State.~~

~~(c) All leases as part of a franchise as defined in section 486H-1, existing on August 1, 1997, or entered into thereafter, shall be construed in conformity with the following:~~

- (1) ~~Such renewal shall not be scheduled more frequently than once every three years; and~~
- (2) ~~Upon renewal, the lease rent payable shall not exceed fifteen per cent of the gross sales, except for gasoline, which shall not exceed fifteen per cent of the gross profit of product, excluding all related taxes by the dealer operated retail service station as defined in section 486H-1 and 486H-10.4 plus, in the case of a retail service station at a location where the manufacturer or jobber is the lessee and not the owner of the ground lease, a percentage increase equal to any increase which the manufacturer or jobber is required to pay the lessor under the ground lease for the service station. For the purposes of this subsection, "gross amount" means all monetary earnings of the dealer from a dealer operated retail service station after all applicable taxes, excluding income taxes, are paid.~~

The provisions of this subsection shall not apply to any existing contracts that may be in conflict with its provisions.

~~(d) Nothing in this section shall prohibit a dealer from selling a retail service station in any manner.~~

~~(e) For the purposes of this section:~~

~~"Company operated retail service station" means a retail service station owned and operated by a manufacturer or jobber and where retail prices are set by that manufacturer or jobber.~~

~~"Dealer operated retail service station" means a retail service station owned by a manufacturer or jobber and operated by a qualified gasoline dealer under a franchise.~~

~~"Operate" means to engage in the business of selling motor vehicle fuel at a retail service station through any employee, commissioned agent, subsidiary company, or person managing a retail service station under a contract and on a fee arrangement with the manufacturer or jobber.~~

~~"Retail" means a sale of gasoline made to the general public at prices that are displayed on the dispensing equipment."~~

SECTION 4. Chapter 486J, Hawaii Revised Statutes, is amended as follows:

1. By amending section 486J-1, Hawaii Revised Statutes, to read as follows:

"§486J-1 Definitions. As used in this chapter:

"Aviation fuel" means and includes all liquid substances of whatever chemical composition usable for the propulsion of airplanes.

"Classes of retail trade" means the separate subdivisions, or "classes", of outlets or methods of retail sales of liquid fuels, typically but not limited to gasoline and diesel for motor vehicles, and includes any:

- (1) Company-operated station that is a retail service station owned and operated by a refiner or wholesale distributor and where retail prices are set by that refiner or wholesale distributor;
- (2) Lessee dealer operated station that is a retail service station owned by a refiner or wholesale distributor and operated by a qualified gasoline dealer other than a refiner or wholesale distributor under a franchise; or

- (3) Owner operated station that is a retail service station not owned by a refiner or wholesale distributor and operated by a qualified gasoline dealer.

"Competitively priced" means fuel-grade ethanol for which the wholesale price, minus the value of all applicable federal, state, and county tax credits and exemptions, is not more than the average posted rack price of unleaded gasoline of comparable grade published in the State.

"Corporate overhead expenses" means the expenses or costs allocated by the refiners that reflect their Hawaii business units' share of corporate staff costs such as legal, finance, accounting, information technology, and the like.

"Department" means the department of business, economic development, and tourism.

"Director" means the director of business, economic development, and tourism.

"Distributor" means ~~[and includes]:~~

- (1) Every person who refines, manufactures, produces, or compounds fuel in the State, and sells it at wholesale or at retail, or who utilizes it directly in the manufacture of products or for the generation of power;
- (2) Every person who imports or causes to be imported into the State, or exports or causes to be exported from the State, any fuel; ~~[and]~~
- (3) Every person who acquires fuel through exchanges with another distributor~~[-]; or~~
- (4) Every person who purchases fuel for resale at wholesale or retail from any person described in paragraph (1), (2), or (3).

"Energy" means work or heat that is, or may be, produced from any fuel or source whatsoever.

"Fuel" means ~~[and includes]~~ fuels whether liquid, solid, or gaseous, commercially usable for energy needs, power generation, and fuels manufacture, that may be manufactured, grown, produced, or imported into the State or that may be exported therefrom~~[-]~~, including petroleum and petroleum products and gases, coal, coal tar, vegetable ferments, and all fuel alcohols.

"Liquid fuel" means fuels in liquid form, commercially usable for energy needs, power generation, and fuels manufacture, that may be manufactured, produced, or imported into the State or that may be exported therefrom, including petroleum and petroleum products and all fuel alcohols.

"Major marketer" means any person who sells natural gas, propane, synthetic natural gas or oil in amounts determined by the department as having a major effect on energy supplies.

"Major oil producer" means any person who produces oil in amounts determined by the department as having a major effect on energy supplies.

"Major oil storer" means any person who stores oil or other petroleum products in amounts determined by the department as having a major effect on energy supplies.

"Major oil transporter" means any person who transports oil or other petroleum products in amounts determined by the department as having a major effect on energy supplies.

"Month" or "calendar month" means each full month of the calendar year.

"Person"^[5] means any person, firm, association, organization, partnership, business trust, corporation, or company. "Person" also includes any city, county, public district or agency, the State or any department or agency thereof, and the United States to the extent authorized by federal law.

~~["Petroleum commissioner" or "commissioner" means the administrator of the energy, resources, and technology division of the department of business, economic development, and tourism.]~~

"Refiner" means any person who owns, operates, or controls the operations of one or more refineries in Hawaii.

"Refinery" means any industrial plant, regardless of capacity, processing crude oil feedstock and manufacturing oil products.

"Wholesale liquid fuel prices" means the prices at which liquid fuel is sold at wholesale for resale at wholesale or retail, typically but not limited to gasoline and diesel for motor vehicles, and includes:

- (1) "Refiner wholesale price" which means the wholesale price at which liquid fuel is sold by a refiner to any distributor, not a refiner, for resale at any subsequent wholesale, or retail transaction;
- (2) "Non-refiner wholesale price" which means the wholesale price at which liquid fuel is sold by any distributor, not a refiner, to any other distributor, not a refiner, for resale at any subsequent wholesale, or retail transaction; and
- (3) "Dealer tank wagon price" means the wholesale price at which liquid fuel is sold to any retail outlet by any distributor priced on a delivered basis to a retail outlet."

2. By amending section 486J-2, Hawaii Revised Statutes, to read as follows:

"**§486J-2 Distributors to register.** Every distributor, and any person before becoming a distributor, shall register as such with the ~~[commissioner]~~ director on forms to be prescribed, prepared, and furnished by the ~~[commissioner]~~ director."

3. By amending section 486J-3, Hawaii Revised Statutes, to read as follows:

"**§486J-3 Statements.** (a) Each distributor ~~[shall]~~, at such reporting dates as the ~~[commissioner]~~ director may establish, shall file with the ~~[commissioner]~~ director, on forms prescribed, prepared, and furnished by the ~~[commissioner]~~ director, a certified statement showing, separately for each county and for the islands of Lanai and Molokai within which and whereon fuel is sold or used during the last preceding reporting period, the following:

- (1) The total number of gallons or units of fuel refined, manufactured, or compounded by the distributor within the State and sold or used by the distributor, and if for ultimate use in another county or on another island, the name of that county or island;
- (2) The total number of gallons or units of fuel imported or exported by the distributor or sold or used by the distributor, and if for ultimate use in another county or on another island, the name of that county or island;

(3) The total number of gallons or units of fuel sold as liquid fuel, aviation fuel, diesel fuel, and other types of fuel as required by the ~~[commissioner]~~ director;

(4) The total number of gallons or units of fuel and the types thereof sold to: federal, state, and county agencies, ships stores, or base exchanges, commercial agricultural accounts, commercial nonagricultural accounts, retail dealers, and other customers as required by the ~~[commissioner]~~ director;

(5) Monthly weighted average acquisition cost per barrel, and volumes of foreign or domestic crude oil or other liquid fuels, finished or unfinished, imported to Hawaii;

~~[(5)]~~ (6) ~~[Monthly—Hawaii]~~ Weekly weighted average wholesale prices, and sales volumes of finished [leaded regular,] unleaded regular, and premium motor gasoline, and of each other grade of gasoline sold, by island, [through] to [company-operated] retail distributor outlets, by class of retail trade, [to other end-users,] and to all other wholesale [customers] distributors[;]. Weighted average wholesale prices and sales volumes shall be reported by type of wholesale liquid fuel price;

(7) Weekly weighted average retail prices, and sales volumes of finished unleaded regular, and premium motor gasoline, and of each other grade of gasoline sold, by island, by retail distributor outlets of all classes of retail trade, and by any distributor to other end-users. The department may purchase retail price data from data service companies, which the department may use to substitute some or all data to meet the reporting requirement for retail price data under this section;

~~[(6)]~~ (8) ~~[Monthly]~~ Weekly [Hawaii] weighted average wholesale prices, and sales volumes [for residential sales, commercial and institutional sales, industrial sales, sales through company-operated retail outlets, sales to other end-users, and wholesale sales] of No. 2 diesel fuel and No. 2 fuel oil;] of No. 2 diesel fuel and No. 2 fuel oil, by island, to retail distributor outlets, by class of retail trade, and to all other wholesale distributors. Weighted average wholesale prices and sales volumes shall be reported by type of wholesale liquid fuel price[and];

(9) Weekly weighted average retail prices, and sales volumes of No. 2 diesel fuel and No. 2 fuel oil sold, by island, by retail distributor outlets of all classes of retail trade, and by any distributor to other end-users. The department may purchase retail price data from data service companies, which the department may use to substitute some or all data to meet the reporting requirement for retail price data under this section; and

~~[(7)]~~ (10) ~~[Monthly]~~ [Hawaii] weighted average prices, and sales volumes for retail sales and wholesale sales, by island, of No. 1 distillate, kerosene, finished aviation gasoline, kerosene-type jet fuel, No. 4 fuel oil, residual fuel oil, and consumer grade propane.

~~[The commissioner shall prescribe by rule when the first report shall be submitted.]~~

~~[(b)]~~ In addition to the above reporting, each distributor shall file with the director, Federal Form FEO 1000 or an equivalent state form to be prescribed, prepared, and furnished by the director, showing the expected supply of fuel products for the coming month, and their intended distribution as categorized by Form FEO 1000 or the equivalent state form. The state form shall be supplied in the event that the Federal Mandatory

~~Petroleum Allocation Regulations should expire, be revoked, or be amended to delete or substantially change the reporting requirements provided therein.]~~

~~[(e)] (b) Each major marketer shall submit to the [commissioner,] director, at a time and in a form as the [commissioner] director shall prescribe, information including petroleum and petroleum product receipts, exchanges, inventories, and distributions. [The commissioner shall prescribe by rule when the first report shall be submitted.]~~

~~[(d)] (c) The [commissioner] director may [request] require reports of additional information as and when [(the commissioner)] the director deems it necessary to perform [(the commissioner's)] the director's responsibilities under this chapter."~~

4. By amending section 486J-4, Hawaii Revised Statutes, to read as follows:

"§486J-4 Informational reports. (a) Each major oil producer, refiner, marketer, oil transporter, and oil storer shall submit to the [commissioner,] director, in such form as the [commissioner] director shall prescribe, information [which] that includes the following:

- (1) Major oil transporters shall report on petroleum by reporting the capacities of each major transportation system, the amount transported by each system, and inventories thereof. The provision of the information shall not be construed to increase and decrease any authority the [commissioner] director may otherwise have;
- (2) Major oil storers shall report on storage capacity, inventories, receipts and distributions, and methods of transportation of receipts and distributions;
- (3) Refiners shall report on facility capacity and utilization and method of transportation of refinery receipts and distributions; and
- (4) Major oil marketers shall report on facility capacity and methods of transportation of receipts and distributions.

~~[The commissioner shall prescribe by rule when the first report shall be submitted.]~~

~~(b) The [commissioner] director may [request] require reports of additional information as and when [(the commissioner)] the director deems it necessary to perform [(the commissioner's)] the director's responsibilities under this chapter."~~

5. By amending section 486J-5, Hawaii Revised Statutes, to read as follows:

"§486J-5 Analysis of information; [audits and inspections,] summary reports. (a) The [petroleum commissioner,] director, with the [commissioner's] director's own staff and other support staff with expertise and experience in, or with, the petroleum industry, shall gather, analyze, and interpret the information submitted to it pursuant to sections 486J-3 [and], 486J-4, and 486J-A and other information relating to the supply and price of petroleum products, with particular emphasis on motor vehicle fuels, including, but not limited to, all of the following:

- (1) The nature, cause, and extent of any petroleum or petroleum products shortage or condition affecting supply[;] and price;

(2) The economic and environmental impacts of any petroleum and petroleum product shortage or condition affecting supply[;] and price;

(3) Petroleum or petroleum product demand and supply forecasting methodologies utilized by the petroleum industry in Hawaii;

(4) The prices, with particular emphasis on wholesale and retail motor vehicle fuel prices, and any significant changes in prices charged by the petroleum industry for petroleum or petroleum products sold in Hawaii and the reasons for such changes;

(5) The income, expenses, and profits, both before and after taxes, of the industry as a whole and of major firms within it, including a comparison with other major industry groups and major firms within them as to profits, return on equity and capital, and price-earnings ratio;

(6) The emerging trends relating to supply, demand, price, and conservation of petroleum and petroleum products; and

(7) The nature and extent of efforts of the petroleum industry to expand refinery capacity and to make acquisitions of additional supplies of petroleum and petroleum products[; and

~~(8) The development of a petroleum and petroleum products information system in a manner which will enable the State to take action to meet and mitigate any petroleum or petroleum products shortage or condition affecting supply.~~

~~(b) The commissioner shall conduct random or periodic audits and inspections of any supplier or suppliers of oil or petroleum products to determine whether they are unnecessarily withholding supplies from the market or are violating applicable policies, laws, or rules. The commissioner may solicit assistance of the department of taxation in any such audit. The commissioner shall cooperate with other state and federal agencies to ensure that any audit or inspection conducted by the commissioner is not duplicative of the data received by any of their audits or inspections which is available to the commissioner].~~

~~[(e)] (b) The [commissioner] director shall analyze the impacts of state and federal policies, rules, and regulations upon the supply and pricing of petroleum products.~~

~~[(d)] (c) The [commissioner] director shall publish annually and submit to the governor and the legislature twenty days prior to the first day of [the current] each legislative session a summary, including any analysis and interpretation of the information submitted to it pursuant to this chapter, and any other activities taken by the [commissioner,] director, including civil penalties imposed and referrals of violations to the attorney general under section 486J-9. Any person may submit comments in writing regarding the accuracy or sufficiency of the information submitted. At the option of the director, this report may be combined with reporting required by section 196-4(11), in the director's role as state energy resources coordinator."~~

6. By amending section 486J-6, Hawaii Revised Statutes, to read as follows:

"§486J-6 Confidential information. (a) Confidential commercial information presented to the [commissioner] director pursuant to this chapter shall be held in confidence by

the ~~[commissioner]~~ director or aggregated to the extent necessary to assure confidentiality as governed by chapter 92F, including its penalty provisions.

~~[(b) No data or information submitted to the commissioner shall be deemed confidential if the person submitting the information or data has made it public.]~~

~~[(e)]~~ (b) Unless otherwise provided by law, with respect to data provided pursuant to sections 486J-3 ~~[and]~~, 486J-4, ~~and 486J-A~~, neither the ~~[commissioner]~~ director, nor any employee of the department, may do any of the following:

- (1) Use the information furnished under sections 486J-3 ~~[and]~~, 486J-4, ~~and 486J-A~~ for any purpose other than the statistical purposes for which it is supplied;
- (2) Make any publication whereby the data furnished by any particular establishment or individual under sections 486J-3 ~~[and]~~, 486J-4, ~~and 486J-A~~ can be identified; or
- (3) Permit anyone to examine the individual reports provided under sections 486J-3 ~~[and]~~, 486J-4, ~~and 486J-A~~ other than the department of taxation, the public utilities commission, the attorney general, and the consumer advocate, and the authorized representatives and employees of each."

7. By amending section 486J-7, Hawaii Revised Statutes, to read as follows:

"§486J-7 Confidential information obtained by another state agency. Any confidential information pertinent to the responsibilities of the ~~[commissioner]~~ director specified in this chapter that is obtained by another state agency, including the department of taxation, the public utilities commission, the attorney general, and the consumer advocate, shall be available to the attorney general, the attorney general's authorized representatives, and the ~~[commissioner]~~ director and shall be treated in a confidential manner."

8. By amending section 486J-8, Hawaii Revised Statutes, to read as follows:

"§486J-8 Sharing of information obtained by the ~~[commissioner]~~ director. The ~~[commissioner]~~ director shall make all information obtained by the ~~[commissioner]~~ director under this chapter, including confidential information, available to the attorney general, the department of taxation, the public utilities commission, the consumer advocate, and the authorized representative of each, who shall safeguard the confidentiality of all confidential information received."

9. By amending section 486J-9, Hawaii Revised Statutes, to read as follows:

"§486J-9 Failure to timely provide information; failure to make and file statements; false statements; penalties; referral to the attorney general. (a) The ~~[petroleum commissioner]~~ director shall notify those persons who have failed to timely provide the information specified in section 486J-3 ~~[or]~~, 486J-4, ~~or 486J-A~~ or requested by the ~~[commissioner]~~ director under section 486J-3 ~~[or]~~, 486J-4~~[-]~~, ~~or 486J-A~~. If, within five business days after being notified of the failure to provide the specified or requested information, the person fails to supply the specified or requested information, the person shall be subject to a civil penalty of not less than \$50,000 per day nor more than \$100,000 per day for each day the submission of information is refused or delayed~~[-unless the person has timely filed objections with the commissioner regarding the information and the commissioner has held a hearing and, following a ruling by the commissioner, the~~

~~person has properly submitted the issue to a court of competent jurisdiction for review].~~

(b) Any person who willfully makes any false statement, representation, or certification in any record, report, plan, or other document filed with the ~~[commissioner]~~ director shall be subject to a civil penalty not to exceed \$500,000, and shall be deemed to have committed an unfair or deceptive act or practice in the conduct of a trade or commerce and subject to the penalties specified in chapter 480.

~~[(c)]~~ The ~~[commissioner]~~ director shall refer any matter under ~~[this subsection]~~ subsection (a) or (b) to the attorney general, who may exercise any appropriate legal or equitable remedies that may be available to the State.

~~[(e)]~~(d) For the purposes of this section, "person" means, in addition to the definition contained in section 486J-1, any responsible corporate officer."

10. By amending section 486J-10, Hawaii Revised Statutes, to read as follows:

"§486J-10 Ethanol content requirement. (a) The ~~[commissioner]~~ director shall adopt rules in accordance with chapter 91 to require that gasoline sold in the State for use in motor vehicles contain ten per cent ethanol by volume. The amounts of gasoline sold in the State containing ten per cent ethanol shall be in accordance with rules as the ~~[commissioner]~~ director may deem appropriate. The ~~[commissioner]~~ director may authorize the sale of gasoline that does not meet these requirements as provided in subsection (d).

(b) Gasoline blended with an ethanol-based product, such as ethyl tertiary butyl ether, shall be considered to be in conformance with this section if the quantity of ethanol used in the manufacture of the ethanol-based product represents ten per cent, by volume, of the finished motor fuel.

(c) Ethanol used in the manufacture of ethanol-based gasoline additives, such as ethyl tertiary butyl ether, may be considered to contribute to the distributor's conformance with this section; provided that the total quantity of ethanol used by the distributor is an amount equal to or greater than the amount of ethanol required under this section.

(d) The ~~[commissioner]~~ director may authorize the sale of gasoline that does not meet the provisions of this section:

- (1) To the extent that sufficient quantities of competitively-priced ethanol are not available to meet the minimum requirements of this section; or
- (2) In the event of any other circumstances for which the ~~[commissioner]~~ director determines compliance with this section would cause undue hardship.

(e) Each distributor, at such reporting dates as the ~~[commissioner]~~ director may establish, shall file with the ~~[commissioner]~~ director, on forms prescribed, prepared, and furnished by the ~~[commissioner]~~ director, a certified statement showing:

- (1) The price and amount of ethanol available;
- (2) The amount of ethanol-blended fuel sold by the distributor;
- (3) The amount of non-ethanol-blended gasoline sold by the distributor; and

(4) Any other information the ~~commissioner~~ director shall require for the purposes of compliance with this section.

(f) Provisions with respect to confidentiality of information shall be the same as provided in section ~~[486J-7.] 486J-6.~~

(g) Any distributor or any other person violating the requirements of this section shall be subject to a fine of not less than \$2 per gallon of nonconforming fuel, up to a maximum of \$10,000 per infraction.

(h) The ~~commissioner~~ director, in accordance with chapter 91, shall adopt rules for the administration and enforcement of this section."

11. By adding a new section to be appropriately inserted and to read as follows:

"§486J-A Informational cost reports. (a) Each refiner, at such reporting dates as the director may establish, shall file with the director, on forms prescribed, prepared, and furnished by the director, a certified statement of operating and overhead costs for the refiner's Hawaii operations, which shall include but not be limited to the following:

- (1) Crude oil costs;
- (2) Other feedstock costs;
- (3) Refinery operating expenses;
- (4) Marketing operating expenses;
- (5) Distribution expenses; and
- (6) Corporate overhead expenses.

(b) In addition to the reporting required under subsection (a), each distributor shall file with the director, any Securities and Exchange Commission Forms 10-K, 10-Q, Annual Reports, Quarterly Reports, and Earnings Supplements published by the distributor.

(c) Each distributor, except a distributor who is so defined solely by criteria in paragraph (4) of that definition in section 486J-1, who sells liquid fuel only at retail and is not a refiner, shall file with the director, at such reporting dates as the director may establish, on forms prescribed, prepared, and furnished by the director, a certified statement of operating and overhead costs, which shall include the following:

- (1) Gasoline purchases;
- (2) Diesel purchases;
- (3) Marketing expenses; and
- (4) Distribution expenses."

12. By adding a new section to be appropriately designated and to read as follows:

"§486J-B Petroleum industry information reporting system. The department shall develop and maintain an automated petroleum information reporting system that meets the requirements of government, industry, and the public while promoting sound policy making, and consumer information and protection. The purpose of the petroleum industry information reporting system is to conduct and facilitate the efficient reporting analysis of information described in section 486J-5. The department shall develop the petroleum industry information reporting system in a manner that will result in

greater market transparency and provide useful information to those agencies that are authorized to conduct oversight of the petroleum industry and ensure compliance with all relevant laws."

13. By repealing section 486J-12, Hawaii Revised Statutes:

~~"§486J-12 Rules. The commissioner shall adopt, amend, or repeal such rules as [the commissioner] may deem proper to fully effectuate this chapter."~~

SECTION 5. This Act reflects the functions required to implement those recommendations contained in the Act 77, Session Laws of Hawaii 2002, study by the department of business, economic development, and tourism that require action by the legislature. Section 1 of this Act lists the sixth such recommendation as:

"(6) Revise existing petroleum industry data reporting requirements to provide market transparency, and provide adequate implementation funding."

Having addressed the recommendation to strengthen the state's petroleum industry data reporting, monitoring, and analytic functions in sections 2 and 4 of this Act, the purpose of this section is to provide adequate implementation funding. This funding will support establishment of a statewide system of "watchdog" monitoring, analysis, and reporting of petroleum industry prices, volumes, and profitability data for market transparency and oversight by enforcement agencies.

The department of business, economic development, and tourism's consultants who assisted in preparation of the study, the National Conference of State Legislatures and Stillwater Associates LLC, conducted resource assessments to estimate funding requirements under various policy implementation scenarios. Those estimates were analyzed and adjusted by the department of budget and finance.

Full implementation of Act 77, Session Laws of Hawaii 2002, was projected to cost the State up to a total of approximately \$1.2 million annually. It would require adding a total of twelve full-time staff positions – five in the department of business, economic development, and tourism, and seven in the public utilities commission. The first year start up cost would total approximately \$1.5 million, after adding the required one-time estimated cost of \$300,000 to develop the petroleum industry database and information system. These resources will be required to implement, administer and enforce the Act 77 gasoline price caps.

Implementation of the DBEDTT functions required by this Act reflects the minimum, least-cost set of policy options, developed for and recommended in the study with the department of budget and finance's adjustments. This funding will support establishment of a statewide system of "watchdog" monitoring, analysis, and reporting of petroleum industry prices, volumes and profitability data for market transparency and oversight by enforcement agencies. Irrespective of gasoline price control implementation, the resources necessary for DBEDTT to implement these functions will total \$551,769, the first year, and \$251,769 annually thereafter. Of the first year funding, \$300,000 is a one-time estimated cost to develop the petroleum industry database and information system in section 7 of this Act.

Therefore, there is appropriated out of the general revenues of the State of Hawaii the sum of \$552,000, or so much thereof as may be necessary for fiscal year 2004-2005, to carry out the purposes of this Act, including the establishment and operation of the market monitoring and analysis structure required by section 4 of this Act. The sum appropriated shall be expended

by the department of business, economic development, and tourism.

SECTION 6. In codifying the new sections added by section 4 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval; provided that section 2 shall take effect on June 30, 2004, and section 5 shall take effect on July 1, 2004."

Representative Thielen moved that the Floor Amendment No. 7 be adopted, seconded by Representative Marumoto.

Representative Thielen rose to speak in support of the proposed floor amendment, stating:

"Thank you, Madame Speaker. Madame Speaker, I'm rising to speak in support of the amendment.

"Thank you. I'm going to read briefly from a letter that we received in our Committee on Consumer Protection and Commerce. And I quote:

I have owned and operated my station for the past 8 years in Haleiwa, which is a rural area of Honolulu. I also have another full time job as a nurse. Seven days a week, I come home sleep for three hours then go to work at my service station. I work very hard.

This gas cap law I've been hearing about has me very worried. Government should not interfere with the business of hard working business people trying to make a living. From what I can see, the country I came to twenty years ago is starting to remind me of communism all over again. I always felt that America was a free country that believed in the free enterprise system. Please do not impose a gas cap in the State of Hawaii. Do not delay the implementation date. This will make it worst. We barely make any profit at all.

This gas cap law will hurt everyone in this industry and cause the oil companies to leave Hawaii. Then who will supply us? We just want to make an honest living. A gas cap would seriously hurt my little business in Haleiwa. I ask you to please repeal this gas cap law. Also the amendment you are planning to put in its place will hurt others in my business such as the jobbers who make deliveries to out of the way places. Who do you think supplies the hospitals for their generators and in the small retailers? If you hurt them, you hurt the whole industry. If you look back at history, price caps have never worked. They cause shortages. Our island is too small. Repeal is the right thing to do.

Sincerely Hyang-Sook Kim, owner Haleiwa Chevron

"Madame Speaker, I think that that small business person says so eloquently, that immigrant to Hawaii says so eloquently why this amendment should pass.

"Madame Speaker, what the amendment would do is repeal the gasoline price caps. It would also set forth a way in which we could provide market transparency. Where we could find out the existing petroleum industry data and make that information transparent to the people of Hawaii. This is the way that we should go Madame Speaker. Not with a "just delayed" implementation of a gas cap.

"Madame Speaker, the other thing I wanted to just mention is the testimony that we received from Tesoro, which scares me frankly, Madame Speaker. We could push one of our refiners, one of the two refiners out of Hawaii if we keep on doing what we're doing. And simply delaying the implementation of a gas cap keeps the business uncertainty at its heightened level. There was a statement by Tesoro, the company itself did not appear but we had their written testimony, and I quote. "This bill will affect Tesoro's view of future investment and will effect the viability of our operations in Hawaii." Tesoro, Hawaii will be forced to consider all of its alternatives to survive. These include exporting gasoline and closing stations that will no longer be profitable. What does that do to the consumer? What does that do to our public? I lived through long gas lines here, Madame Speaker. I think some Members in this Chamber may not have even been born then, in 1978, although, I'm not absolutely certain. Those were very, very difficult times for everyone in Hawaii. People were sleeping overnight in their cars to be able to get enough gas so they could go to work. They were carpooling. They were taking the bus. They were doing other things that they could do to survive. But this kind of a gas cap and the uncertainty in the underlying bill and the uncertainty it would create will put us back into gasoline lines. But it may put us back in those lines and we would not even have Tesoro here and the stations with which it is involved. They may be gone. I think we can push these businesses just so far and then they will say, Hawaii's too small a market. We don't need to stay.

"So Madame Speaker, I will have more comments on the underlying bill in the event the motion fails. But I would just like to close with the Federal Trade Commissions' comments that price controls usually create shortages, reduce quality and generate inconvenience for consumers. I think the inconvenience coupled with Tesoro's statement could be very major. Thank you."

Representative Hiraki rose, stating:

"Madame Speaker, I rise in support."

The Chair addressed Representative Hiraki, stating:

"Please proceed. In support of the amendment?"

Representative Hiraki continued in opposition to the proposed floor amendment, stating:

"Sorry, against the amendment. Is this April 1? No? Okay. Against. Madame Speaker, I'd like to be given permission to also read from other sources into the record why I am against the floor amendment. I believe the previous speaker and the Minority Leader also quoted extensively from some *Advertiser* article on Tuesday.

"And Madame Speaker, I'd like to request a roll call vote at the appropriate time," and the Chair "so ordered."

Representative Hiraki continued, stating:

"I'll try to be brief and I'll try to paraphrase where possible. Madame Speaker, I'd like to quote from an article written by former Governor, Ben Cayetano. And the reason I want to use this particular article is I think in order to Act 77, we have to put it in the historical context. Act 77 just didn't appear over night. It was as a result of several years of litigation between the State and some of the oil companies. In addition, we passed Act 77 about two years ago. And so for many Members here on the Floor, they weren't in office when we had the big debate on Act 77. So if you'll allow me an opportunity, I'd like to put in the historical context first and then state my reasons why I oppose.

"Thank you, and I'm quoting from former Governor Ben Cayetano.

For decades now, Hawaii's drivers have paid the nation's highest gasoline prices. At times, paying as much as 60 cents per gallon more than the average mainland price. The negative impact of these high prices in the cost of goods and services in Hawaii cannot be overstated. Hawaii's oil companies have regularly stonewalled the State government's inquiries into the high cost of gasoline. It's part of the price of living in paradise they argue. The reality of course is that Hawaii's gasoline market is an oligopoly. A market where a few players control price and do pretty much what they please.

Past attempts by the State government to investigate gasoline prices followed a pattern. An investigation would be called. Testimony given. And little would be done. The biggest obstacle was the high cost of taking legal action. Paying for lawyers and other experts was just too costly.

The first break came in 1995, when the Legislature authorized the Governor to hire private lawyers on a contingency fee basis. They made it possible for the State to hire the nation's best law firms at minimal costs.

In 1998, the State sued Hawaii's 5 oil companies for antitrust violations. It was a first. Lawyers for the oil companies put up a ferocious defense contesting the State's attempt to look into their books with a blizzard of legal motions and paperwork.

Subsequently, court appointed mediators met with the State's lawyers and suggested that unless the State had direct evidence of an actual meeting of conspirators, the judge would not let the case go to the jury regardless how strong the State's circumstantial proof. The State had to make a decision. Proceed? And if the judge rules against the State, appeal the ruling, or settle? An appeal could take many years. I decided to settle. The settlement cost the oil companies \$35 million.

Suing the oil companies and winning is tough. They have tremendous resources and employ top notch lawyers. Their tremendous economic power discourages witnesses from coming forward to testify against them. Basically the law allows them to do as they please as long as they don't conspire to set prices. Oil companies executives don't meet like the mob did in Appalachia. They usually operate in an oligopoly. A market where a few big players exert great influence on price. They behave like elephants. The bull sets the lead and the others follow.

The 1998 lawsuit however, produced a wealth of new information which justify the case for State involvement of gasoline prices. For example, contrary to what the oil companies had been saying over the years, transportation costs were a small part of the gasoline price structure. No more than 3 to 5 cents a gallon. Gasoline made from Indonesian crude oil is one of the few products that can be made in Hawaii cheaper or at the same cost as gasoline on the mainland. One of the oil companies regularly sold gasoline to military exchanges. A national rental companies had prices equal to or less than mainland."

Representative Jernigan rose to a point of order, stating:

"Madam Speaker, I believe the speakers time is expired."

Representative Lee rose to yield her time, and the Chair "so ordered."

Representative Hiraki continued, stating:

"Although, Hawaii made up only 3% of one of the companies' national market, it accounted for nearly 23% of the companies annual national profits. Competition among oil companies in Hawaii was virtually nonexistent. Given this information, the 2002 State Legislature responded by approving a gas law. The first of its kind in the nation. The new law is scheduled to go into effect in 2004.

In September 2002, two university professors, Jeff Gramlich and Jim Wheeler presented the State with a bombshell. Their research concluded that Chevron and Texaco created a tax scheme that defrauded the federal government in some states of billions and hundreds of millions of tax dollars respectively. The research papers first appeared on September 13, 2002, New York Times article and later in the national tax and accounting journals.

Gramlich and Wheeler became interested when they learned of a 1998 case in which the IRS sued one of the companies for refusing to disclose 648 documents relating to a foreign tax credit issue. To block the IRS, the oil attorneys argued that the documents were protected by the attorney-client privilege. In ordering the company to disclose 129 of the 648 documents, U.S. District Court Judge Steele Langford made this startling statement:

The court concludes that the documents themselves, adequately support a finding of probable cause to believe that one or more crimes or frauds have been committed or attempted and that the attorney-client privilege communications at issue were created in furtherance of those crimes or frauds, including a showing of the client's intent.

This ruling was appealed only to have a second federal judge, Sandra J. Armstrong, go a step further and order that Chevron disclose all 648 documents to the IRS.

According to Gramlich and Wheeler, here is how the fraudulent tax scheme worked:

Before they merged in 2001, these companies set up a 50-50 joint venture named Caltex in Indonesia. The two companies bought crude oil from Caltex at excessive prices, estimated at \$4.50 per gallon over market, leading to excessive dividend income and cost of sales deductions on their U.S. income tax returns. When either companies bought more overpriced oil than the other, Caltex paid monthly what they called special dividends that could be construed as cost rebates, not dividends. To compensate Caltex for the added Indonesian income tax it paid because of the inflated prices, the government of Indonesia provided Caltex with free oil, which it called the Western Hemisphere Allowance, what we call WHA. Gramlich and Wheeler believed this scheme dated from 1964 to 2002 and estimated that these two companies had defrauded the federal government and the states of approximately \$8.6 billion and \$433 million, respectively, before assessment of any penalty or interest.

The case had all the signs of an illegal kick-back tax dodge issue. A serious inquiry was clearly justified. I asked the attorney general to hire a law firm to sue and, if appropriate, sue companies for fraud. An attorney from Winston and Strawn was selected. During this time the administration had changed and so the present Governor assigned Randy Roth, her chief of staff, to take the lead. Roth, who described the case as having nuisance value, ordered the state lawyers to put the case on hold until he could review it."

Representative Ito rose to yield his time, and the Chair "so ordered."

Representative Hiraki continued, stating:

"This was reasonable enough. But the actions of the State's attorneys, the state Attorney General's office and Winston Strawn which followed revealed that the Administration's position was not going to change.

The case against companies is highly complex. Professors Gramlich and Wheeler estimated they reviewed more than 2,000 pages of documents in researching the case. Yet, the State Tax Director spent a mere half-hour discussing it with Professor Jim Wheeler. And Gramlich was never contacted.

Wheeler described his one-time meeting with the Tax Director as one in which the Tax Director would not let him finish a sentence. First deputy Attorney General Richard Bissen substituting for Attorney General Mark Bennett, who had properly recused himself because he had defended Chevron in the state's 1998 lawsuit never met or contacted Wheeler. In fact, no one from the AG's office met with the two professors.

On July 20, Bissen and Winston and Strawn issued a final report. The report concluded that the State had no case against these companies. And there would be no lawsuit."

Representative Bukoski rose to a point of inquiry, stating:

"Madame Speaker, point of inquiry. I was just wondering are we still speaking as to why we shouldn't adopt this resolution? Or are we speaking to the underlying bill in general?"

Vice Speaker Luke: "We are still on the amendment."

Representative Bukoski: "Okay, just checking."

Representative Hiraki continued, stating:

"Thank you. The report contains numerous errors: It compares wholesale and retail prices and attributes payments of the WHA to these companies when in fact it was paid by the Indonesian government to Caltex. The report omits entirely any discussion of the special dividends that are an integral part of the overall tax scheme. It offers numerous conclusions but provides little reference to supporting information.

"I will try to summarize here.

And there were good reasons for suing these oil companies, and the State's attorneys were negligent in not doing it. Filing a lawsuit was the only way to compel these companies to produce all relevant documents and elicit truthful testimony from witnesses under oath. Tax returns, for example, are confidential by laws until they become the subject of a lawsuit. Leaving it to these companies to decide what documents and witnesses it would make available to the State's attorneys was foolish. Resolving disputes with global giants are not Boy Scout meetings.

Had a lawsuit been filed, it may have been that the additional evidence discovered would have shown the State of Hawaii's case against these companies was without merit. Unfortunately, highly unlikely the public will ever get to know the truth. The State's attorneys virtually assured this by entering unnecessary confidentiality agreements with these companies, which barred some future court order. And this will keep the truth of the case a secret forever.

"So that sort of puts Act 77 in the historical context of how we got from the investigation and lawsuit to Act 77. The Minority Leader quoted from an article also from the *Advertiser*, I guess to support his position against Act 77. I'd also like to quote from an *Advertiser* editorial in support of Act 77.

One reason critics gave for opposing proposed gasoline price caps in Hawaii is that they would intensify the situation that the State already has with being anti-business. But business in Hawaii, like everyone else pay very high prices for gasoline and has been for many years.

What could be more anti-business than that?

There's no doubt at all that the local market alone is not enough to set prices on gasoline. As conclusively demonstrated by testimony merging from the antitrust lawsuit by the State against Hawaii wholesalers settled last year. Hawaii wholesalers hit prices high enough to make themselves among the highest profits in the nation because there's nothing to impede them.

You can believe what the oil company officials admitted under oath or you can believe a report commissioned by the Governor's office from Stillwater and Associates that say oil industry profits are not excessive, that gasoline price caps would lead to higher prices and that the price cap law should be repealed.

The administration, which opposes the price cap, paid \$250,000 for the Stillwater report, which simply ignores the damning testimony in the antitrust lawsuit.

In a related dispute when two college professors alleged that these companies had evaded a little more than a half billion dollars in State taxes, the State's lawyers produced a report, which the public isn't allowed to see, that exonerates these companies.

If the Legislature needs any further incentives to pursue gasoline price caps, it might be the words of the oil spokesman, who last year said proposals to cap the price of gasoline provide one more example of the deteriorating."

Representative Magaoay rose to yield his time, and the Chair, "so ordered."

Representative Hiraki continued, stating:

"And another reason why companies will not risk investing in Hawaii.

The argument about too much government won't fly. Even when it comes from the Governor. What the gasoline antitrust lawsuit demonstrates was that the gasoline market here is so profitable that mainland businesses obviously would give their eyetooth to get into it, if they could.

"A previous speaker has quoted testimony from my hearing. I would like to quote some letters to the editors on this subject also. This is from John Tobin from Koloa, Kauai.

When world conditions cause the price per barrel of oil to rise, the price at the pump does so, too, literally overnight. But when oil prices stabilize or are lowered, pump prices fall at a snail's pace, especially in Hawaii.

The companies fail to show any justification for this or why Hawaii oil prices are so inflated. Throughout Hawaii's history outsiders have taken advantage and it's about time someone put a stop to the outrageous prices we are paying at the pumps.

On Kauai we suffer with gas prices of \$2.19 per gallon on average, 20 cents higher than Oahu and 60 cents higher than the national average. Oahu and Kauai are a mere 80 miles apart. Does that justify a 20-cent increase?

We are at the mercy of these companies, filling our tanks and emptying our wallets simultaneously. It's time to take serious action and get realistic prices at the pumps.

"Roger Chang from Mililani writes, I have a bone to pick..."

The Chair addressed Representative Hiraki, stating:

"Representative Hiraki, let me stop you right there. Per the agreement between the Majority Leader and Minority Leader, both sides have been allotted 20 minutes for the entire issue. Representative, that includes the amendment and the underlying bill. So let me just let the Majority know that we have 3 minutes remaining for the entire issue."

Representative Hiraki continued, stating:

"Okay, I like to yield some time to the Chair of the Energy Committee.

"But to summarize, Madame Speaker, I'd like the Members to think about the history, the historical context of when we passed Act 77. What was going on and why the State got involved. If you look at the evidence, the lawsuit, the public opinion, the letters to the editor, the editorials from the major dailies, it seems pretty clear that we're on the right track. This may not be the perfect bill and if you're against the bill, you should also support the bill because I think the effective date is the year 2099. But saying that, we still want to keep this issue alive to talk about future amendments that we have to make to the bill. But for the time being, with this amendment that's before us, we won't have that opportunity because what the bill does is actually repeals Act 77. So with that, I'd like to yield my time thanks."

Representative Marumoto rose to speak in support of the proposed floor amendment, stating:

"Thank you, Madame Speaker. I was afraid I wouldn't have a chance to speak even though I seconded the motion. Thank you very much. I would like to rise in favor of the repeal of Act 77, which is the gas cap provision.

"Two nights ago, the Consumer Protection Committee of the House held a long and emotional hearing on Senate Bill 3193, Senate Draft 2, House Draft 1. There was much opposition to the measure. Many called for the repeal. For these people who sat through the hearing and waited to testify, who had done the same thing at previous House and Senate hearings and had also attended hearings in past years, I wish to mention a few of them for the record.

"Madame Speaker, they were pleading for mercy. They were pleading for survival. This amendment is a chance to help these folks. This amendment will get us out of an ill advised law passed two years ago in the shadow of a gubernatorial election. We can correct that now. So for all the people who are begging for repeal, I would just like to run through maybe couple lines of their testimony:

My name is Barney Robinson and I have been involved with the petroleum industry since 1976, both as an employee of local jobbers and self-employed as a Chevron branded retail gasoline dealer. There is only one solution to all the problems associated with Act 77. It should be repealed.

I am Roy Kamitaki, owner of Wong Yuen Store, a 'mom and pops' gas and convenience store in Waiohinu, Kau, Hawaii. I object to a price control of any kind on fuels.

Both Act 77 and S.B. 3193 will be devastating to our class of trade (jobbers), small independent retail stations and consumers. We oppose Act 77. Signed by Kimo Haines, President, Hawaii Petroleum, Inc., Vice President, Maui Petroleum, Inc.

There is no other state in the U.S. that caps the price of fuel. Repeal Act 77. --Jeff Guest, Princeville

The deferral of Act 77 will only prolong the slow death of fuel jobbers in Hawaii. --Ben Borthwick, employed by the jobber for 23 years

I am speaking on behalf of my father, Paul Ogasawara, owner of Paul's Repair, Inc. in Pahoa. The only action is to repeal the gas cap. --Hardy Ogasawara, Paul's Repair Shop in Pahoa

I disagree with Act 77, the gas cap law. If the gas business is so profitable in Hawaii, there should be companies entering the market instead of leaving. --Brian Siperly of Aiea

I am opposed to Act 77. Experts have studied Hawaii gasoline market and concluded that gasoline prices are higher because of the highest in the nation, gas taxes, high cost of manufacturing and distribution of petroleum products, small market size and government regulations. --Thomas Todd

My name is Kathryn Kawamata, Kawamata Brothers Unlimited is a small independent dealer situated in a rural area of Honolulu. I respectfully ask that you repeal Act 77 and reconsider the adverse consequences which will be opposed on my business should you pass S.B. 3193.

My name is Gavin Tanouye, my father is Calvin Tanouye. My father has operated Cal's Union 76 for over 25 years at the KTA Puainako Center in Hilo. Over the years, we have gone through rough times but none more fated than the future with a gas cap going into effect.

As a member of gas buying public, I want to say that I am opposed to Act 77..."

Representative Leong rose to yield her time, and the Chair "so ordered."

Representative Marumoto continued, stating:

"That testimony was from George Ushijima.

I as a taxpayer born and raised in Hawaii, trying to raise a family here in paradise, am opposed to SB 3193 and Act 77. --R. Kaito-Haasenritter, a Chevron-Texaco employee.

The Legislators need to look at repeal not revamping. Their gas cap law's ultimately going to cost the consumers more money, cost the jobbers, then retailers their business. --Lionel Lindo, Lionel's Union 76

As a small business owner of a retail store, I firmly believe we must repeal the gas price cap legislation. If this law is allowed to come on in July, you will see multiple forced station closures. --Stephanie M. Choi, Stephanie C., Inc.

As a business person, this kind of government interference offends me and gives all Hawaii a black eye for business. --Rick Toledo Jr., Chairman, Government Affairs, Hawaii Island Portuguese Chamber of Commerce

I have had a gas station in Waipahu for a long time. This industry is struggling as it is. I have fought long and hard about closing down the gas side of this business. The stations smaller than mine are closing up right and left. This testimony is signed by Jason Kim, President, Mison, Inc. of Waipahu.

Akana Petroleum, Inc. supports the total repeal of Act 77.
--The Akana family, Akana Petroleum, Big Island of Hawaii

I have worked at Chevron's Hawaii Refinery for over twenty years and sincerely believe that our company has been a vital part of the Hawaii's economy. And this is signed by Calvin Oishi, Unit 7 Chairman, IBEW, Local 1260

I am in very strong opposition. My name is Vernon Kim, Jr. and I am a Conoco Phillips fuel transport driver. And he asks for repeal.

Amending or tweaking the gas cap law will not work. Stillwater said so. The FTC said so. This has been told many times. That this is unconstitutional. Repeal this foolish law. --Allan Gustason, President, Dairy Road Tesoro, Hanalo Shell, Lahaina Shell

Act 77 needs to be repealed. If you truly care about Hawaii's consumer, Hawaii's economy, repeal. --Robert Dixon, Dixon 76

Repeal this very bad piece of law before it is too late for the people of Hawaii. Repeal, not amend. --Jon M. Tsutsumi, Vice President, Koko Marina 76.

"Another person asking for repeal.

The gas cap law would definitely put dealers and jobbers out of business, create a shortage of fuel, raise gas prices, cause further devastation to our island economy. It is so ironic that you sit on a Consumer Protection Committee when you are trying to hurt the consumer. It makes no sense to me. --Lee Irasaki, President, Hiro Hawaii

"Madame Speaker, I have just twice as much more of these very emotional types of testimony. I was totally drained. I felt so badly for these people. We cannot do this to them.

"I've never seen a Republican amendment passed on this floor. And I've been here 26 years. And maybe there is a first time. I think it's a very good idea. I think you should stop and think about this very hard. Please do the right thing this time and vote aye. I will submit the rest of my comments, the rest of my testimony for the Journal. Thank you."

Representative Marumoto's additional written remarks are as follows:

"Madam Speaker, these are additional written remarks in favor of the floor amendment offered by Rep. Thielen and seconded by me.

"Thinking that there is nothing more eloquent than the testimony submitted by individuals begging legislators to repeal Act 77, the ill-advised law to cap gasoline prices to West Coast prices, I read several excerpts. I want to mention several others who took the time and trouble to submit testimony:

Tom Shaffer said that, 'trying to fix the existing law is a waste of time and taxpayer money. It should be repealed!' He enclosed a *Wall Street Journal* article that quoted Paul Brewbaker, Chief Economist with the Bank of Hawaii, who

said that he's worried that oil refiners – there are only two in the state – might cut back supply.

The WSJ also quoted UH economist Christopher Grandy who said, 'this is not a recipe for lowering gasoline prices to consumers.'

Gilbert Kalawe, Sr. wrote, 'I need this job. I have a family to care for.'

My name is Lynell Yuu. 'I am against Gas Caps and government interention and hope that you will kill this in its entirety rather than subject us to more torture.'

Mary Au wrote that, 'Prices will be higher 69% of the time so they can pay less 31% of the time.'

Chevron employee and small business owner, Les Uehara: 'I had the impression that America is the land of opportunity....'

Joey Coveleskie: 'Independent and neutral agencies (Federal Trade Commission and Stillwater and Associates) have studied this matter and recommended against the Gas Cap, and some lawmakers won't surrender.'

Steve Sakuma: 'Government should not interfere in regulating gasoline prices when no interference is required.'

A very frustrated taxpayer and voter: 'I was so frustrated by the B.S. that came out of the former governor's office and the waste of taxpayers money on the failed antitrust lawsuit....'

Ken Shoda: 'There will be more than 1400 jobs affected....It is my hope that this Committee will see the wisdom in repealing this law.'

Naomi P. Culhane, Waimanalo Resident: 'The Hawaii Gasoline market is no different than other industries, trying to keep profitable in a non-elastic market in the middle of the sea.'

Chie Usami: 'There are very few commodities where the prices are highly advertised like gasoline – signs are clearly labeled at every gas station!'

Julia Maloy: "The Legislature needs to focus on the real reasons consumers pay what they pay and stop fooling around with 'shibai' or 'phony' caps."

Richard Rosen, refinery employee: "...this legislation appears to be politically motivated....vote no on the gasoline price cap."

Katherine Lee, Ewa Beach: "I hope to count on your leadership in helping your colleagues to see the wisdom of repealing this bad law."

Wolfgang Green, service station employee: "Where once there stood a business will be an empty lot or 'for sale' sign, when people worked and made a living will be gone."

Kirk Avery, Chevron employee: "As a consumer and taxpayer, I ask that government re-think their regressive gas tax policy."

Dawn Kaone, Princeville Chevron Station employee: "...with all the talk of a price cap, people are getting anxious that there is a good possibility that our station will be closing."

Jim Hanle, Makena's Chevron Inc.: "Repeal this flawed piece of law. Delaying it any further will cost all of us more time and money. I don't need to suffer a long, slow death."

Betty Shintaku-Tomori, Cost Plus Gas and Ken's Service Station – Hilo: "Let me put it plainly, a price cap based on prices on the mainland (national average) which is the current proposal, would put me out of business, even if that cap applies only to wholesale prices."

Russell Yoshimura, Hi-way Service 76, Pearl City: "I feel this measure would devastate my business and result in me laying off workers which would compound our financial problems."

Lawrence Montero, Kamuela Shell: "If you want to do something about gas prices, repeal the gas cap, don't amend it."

Ryuichiro Ishida, West 1 Properties, LLC – Kahului: "I am hopeful that the Committee will come to a wiser decision to abandon this very bad, ill-fated law."

Wendi K. Ichinose, Kapolei, Kapahulu, Kailua and Beretania Shell: "What has been proposed in the current gas cap legislation is a shallow attempt at fixing a complex issue, and it is doomed to fail because it is NOT SUSTAINABLE."

Dr. Fereidun Fesharaki, Senior Fellow, East-West Center in charge of energy projects: "The proposed gas cap (delay) adds economically unacceptable burden to the oil industry over and above the faulty previous legislation."

Gary Kaneshiro, Diamond Head Petroleum, Inc.: "Price fixing by government will send a negative message to the business community throughout the U.S."

Bill Green, Kahala Shell: "The Oil Industry is a very complex and rapidly changing business. The Costcos, Safeways, Walmarts are getting into the gas business where they can do high volumes (10 times the average station) on low cost properties, cutting prices and making it impossible for many of us to stay open. The oil companies, for several reasons, including laws like these, want out of direct retail and are selling their stations wherever they can. As a business man, I accept the evolution in the market place and expect competition to determine my success or failure. But, I cannot accept that this legislature know so much about an incredibly complex, dynamic industry, that you can set prices for me or any supplier without totally destroying the system that has for 100 years brought quality products to every corner of this far flung island state, without ever having a disruption or shortage in spite of wars, the depression or embargoes."

Ray Sweeney, testifying for Fuelman Services: "Repeal of Act 77 and killing 3193 will save the neighbors and friends and the embarrassment of unsuccessful legislation."

The Chamber of Commerce of Hawaii: "The Chamber continues to oppose any cap on gasoline prices in Hawaii."

Jack P. Suyderhoud, Professor of Business Economics, UH Manoa: "I do not believe that Act 77 and SB 3193 SD 2 HD1 are appropriate public policy responses to the "problem" of gasoline prices in Hawaii."

Leslie A Berry, Kapolei: "It is a phony cap. Tying Hawaii to a mainland index would make local prices more volatile...."

Hawaii Transportation Association: "Our concern is the principle of government making a statutory determination of the amount that can be recouped from a business' cost of goods sold."

Harry Fujiwara, Honolulu: "This is the most ridiculous law I've seen yet. Repeal this crazy law!"

Hyang-Sook Kim, Haleiwa Chevron: "I ask you to please repeal this gas cap law. Also the amendment you are planning to put in its place will hurt others in my business such as the jobbers who make deliveries to out of the way places. Who do you think supplies the hospitals for their generators and the small retailers. If you hurt them, you hurt the whole industry."

"The aforementioned are not all of the testimony for repeal. There were more. The desperation, the pleading, the fear, the frustration, the fury were evident in all.

"Those of you legislators who want the gas cap may be angry with "the big oil companies". Your speeches indicate that you believe that there has been tax fraud, antitrust activity, collusion and price-fixing, and purposely support the existing oligopoly. But the courts have not borne this out at all.

"Rather, evidence points to the fact that Act 77 will clearly hurt the people of Hawaii, retail dealers, refinery employees, jobbers, and many others employed in the industry. It hurts small businesses, job creation and consumers. It hurts the little guy much more than the big ones. The onset of Act 77 scares those who work in the petroleum industry. They fear for their businesses and their jobs. Such simplistic over-regulation will ultimately hurt the entire system, skewing it so that it will no longer work.

"Please support this floor amendment to repeal the gas cap law."

Representative Stonebraker rose to speak in support of the proposed floor amendment, stating:

"Thank you, Madame Speaker. I'd like to support the amendment or the motion rather. And I would also like to incorporate the words of the speaker from Kahala as my own. And I will be as brief as possible in order to have other people speaking.

"As you can tell, the majority of the testimony in the Committee was very proactive for repealing Act 77 altogether. There were some testimony in support of the underlying measure. But basically the testimony capitulated that indeed the lawsuit that the State engaged in was not completely conclusive. The testimony was that we have gas prices because the market is artificially high. We have an oligopoly. We have lack of competition. And yet the lawsuit that was meant to bring prices down or to prove collusion did not prove collusion rather it just suspected sort of that the players were conspiring. It was not proven.

"And thus the gas cap bill, Act 77 sought to do what the lawsuits wouldn't or couldn't punish the oil companies. And so we passed a measure, I voted against it, but we passed a measure to punish the oil companies. I don't like an oligopoly either. I think the prices are high. I don't like that. I don't like the fact that my milk is high as well. Or the eggs that we purchase in the store are high either. But we live in Hawaii. And yet this bill, Act 77 does not punish the oil companies. As we've seen by the testimony, it punishes the jobbers, the station owners, and ultimately the consumers of Hawaii.

"It will be detrimental to our economy. There is no question that this will be detrimental to our economy. The prices are high because things like prepaid healthcare is high. Things like workers comp. insurance is high. Things like the rent that the gas station owners have to pay is high. See the answer to artificially high, lack of competition, suspected collusion is not a gas cap but increased competition. There is no debate on this. The answer is increased competition, it is not a gas cap. And so therefore to delay the date of implementation to tinker or to adjust merely affirms a faulty premise from the get go.

"To say that we have to vote for the underlying measure to delay it one year may give you some wiggle room, it might allow you to squirm out of something that's a bad bill. But if I may remind the House here, that nearly one third of the Members never voted on the original Act 77. You didn't vote. You're not culpable in that sense. Now you have the opportunity to do the right thing. Now the right thing is to repeal Act 77. To increase transparency and to move toward competition and that's what this amendment does.

"I will close with this story. I was a wrestler in college. And once a wrestler, we always like to be a wrestler, so I say that I'm still a wrestler. I get to coach but Madame Speaker, I want to tell you a story about younger guy than myself, his name was Dan Punzel. He was a good wrestler. He was a strong young man. And yet he made bad decisions late in the match. Often times he was ahead in points, but he would lose because he would make bad judgments. He would make bad decisions. He had great ability, great potential, but sometimes he lost when he should have won. He lost in the final seconds. One of my coaches leaned over onto me one occasion and said that, Dan has the ability to snatch defeat out of the jaws of victory.

"I would propose to you today that we have the jaws of victory closing down. A vote yes on this amendment would be a victory for the people of Hawaii, for the jobbers, for the gas station owners, and every person living here. We have a chance. Let's not let defeat snatch a victory from us."

The Chair addressed the Members, stating:

"Thank you. Any other discussion? Either Representative Ontai or Representative Finnegan. But let me just remind the Minority and the Majority, both sides only have 3 minutes left. Representative Finnegan."

Representative Finnegan rose to speak in support of the proposed floor amendment, stating:

"Thank you, Madame Speaker. Sorry, in support.

"I'm glad that the Chair of CPC shared these articles. I read most of them to learn about the history of Act 77. But what I also did read is the Stillwater report and I read the FTC report and I read the NCSL report. And it was pretty amazing to me because by this amendment, it is not saying that these refineries or these oil companies weren't gouging. What this is saying is where do we go from here? And these other reports are saying, let's go with transparency and increased competition. That's what this amendment is about. It's about transparency and increased competition. The transparency that was also mentioned by the Chair was that we didn't have transparency.

"In the court, we weren't able to get some of these records and all of that. What the amendment is saying is it's putting in statute that they must give to DBEDT and some of the other agencies in confidentiality this information so that we can review them. And then from there, should there be a gas cap, which I don't think will work, but from there we have information to deem how we're going to do these calculations and formulas. Right now we don't know. We don't know and

when you look at the FTC, did I say FCT before? I'm sorry. FTC report, Federal Trade Commission report, it says, these are experts saying, most economists and antitrust experts, it doesn't say some, it doesn't say half, it says most economists and antitrust experts doubt that price controls are a viable mechanism to increase consumer welfare in markets where competition is possible. And we see no reason that competition is not possible in Hawaii's gasoline market.

"Historical experience demonstrates that price controls tend to create shortages, reduce quality, and generate other inefficiencies. I am just going to state, I know we have limited time, this amendment basically gives us the tools to decide whether or not, and how to put in a gas cap if that should be what we want to do. But these experts in these many, many pages in these intricate details of how the oil industry works, I'm telling you, I read every single page of these reports, and I'm telling you that's some intricate information. It talks about self-sustainability of our ability for electricity, as well as jet fuel and residential fuel and gasoline. I mean this is a lot of information from all these experts. I don't think we can ignore that. The consequences are too high. The risks are too high. I support this amendment and I hope that everybody else will take a good look at it and then support it as well. Thank you."

Roll call having been previously requested, and by unanimous consent, granted, the motion that Floor Amendment No. 7 amending S.B. No. 3193, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMERS," be adopted, was put to vote by the Chair and failed to carry on the following show of Noes and Ayes:

Noes, 33: Representatives: Abinsay, Caldwell, Chang, Evans, Hale, Hamakawa, Herkes, Hiraki, Ito, Kahikina, Kaho'ohalahala, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Mindo, Morita, Nishimoto, B. Oshiro, M. Oshiro, Saiki, Say, Schatz, Shimabukuro, Sonson, Souki, Takamine, Takumi, Tamayo, Wakai, and Waters.

Ayes, 15: Representatives: Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen.

Excused, 3: Representatives: Arakaki, Nakasone and Takai.

(Main Motion)

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

"Opposition..."

The Chair then addressed the members, stating:

"Hold on, Representative Bukoski. Per agreement between the Majority and Minority, it was 20 minutes for the entire issue including the amendment and the motion itself."

At 10:40 o'clock p.m., Representative Fox requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:45 o'clock p.m.

The Chair addressed the members, stating:

"Members, we're on the underlying bill, S.B. 3193, SD 2, HD 2. And although, there was an alleged agreement, the Chair will allow some discussion, although we do want to leave before 11, at least. So at this point, I'm going to recognize Representative Bukoski."

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

"Thank you, Madame Speaker, in opposition. And I just have a few, well just quick remarks. I know it's going to be coming to Finance, so I will save my comments for Third Reading. I just want to say that if this is such a great idea, then I would prefer that this be implemented upon passage. Because the longer we delay the implementation of this plan, it's going to continue to hurt existing 'mom and pop' stations as it already has been. It's put a dark cloud over all dealings in this industry. And I say if you guys feel so strongly about this thing, let's implement it upon passage and let's let the chips fall where they may."

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

"Yes, Madame Speaker, I wish to speak with some strong reservations.

"First of all, I want to thank the respective Chairmen for making an improvement on this bill and for having some compassion for the people out there, the owners of the service station. One of the reasons I'm not voting against it is because our Senate counterpart is very determined to continue with Act 77. In the event that we would not have anything, Act 77 would continue. We would have no choice at all and the Act would continue. This is bilateral. You would need to have the Senate to concur with the House, as far as to the repeal of Act 77. The Senate is not ready to repeal and I believe the Chairmen did the best they could under the circumstances.

"However, Madame Speaker, this certainly does provide a cloud as the previous speaker had said, on all the businesses that we have here. They would not be able to get a loan. They would have some difficulty in expanding their business, getting more capitalization to continue with the business. It will cast a cloud upon the Legislature in that we are infringing in private enterprise. So Members, I wish that we can, as this continues, you can continue to talk with your counterparts in the Senate and hopefully we can get this thing done. Otherwise we have no choice but to continue with the bill that's before us. Thank you very much."

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

"Thank you, Madame Speaker, in opposition. I just want to say briefly on the subject of oligopolies, virtually everything we do in Hawaii is an oligopoly. That's the way our newspapers are run, our banks, our transportation systems, our milk industry, it's just one oligopoly after another. So it's like some big bad word but that's the way our entire economy works. We're going after this one with everything.

"Second, I really appreciate the introduction of the *Advertiser* again. The *Advertiser* is certainly entitled to change its mind. And on Monday of this week, they said the bottom line is that we don't much like the idea of price caps on gasoline. And we doubt seriously they will work. Thank you, Madame Speaker."

The Chair addressed the members, stating:

"I will recognize people who haven't spoken during the floor amendment first."

Representative Ontai rose to speak, stating:

"Thank you, Madame Speaker, real quickly, just for kicks. Rhetorical question is, whom are we kidding? The problem is that here we are, we have the highest per gallon taxes in the

nation. And yet we're going after the oil companies for gouging. I think this ingenious for the government to do so. Sure it's not the Legislature that has all that but we have State taxes in there, and the county has taxes, and the feds have taxes. But the point is that the taxes are the highest in the nation. And then here we want to say well the taxes can be high in the nation but the price can't. Now that's absolutely ridiculous.

"Second thing is that this industry is not showing great signs of health. Tesoro laid off a few dozen employees a few months ago. If you look around your neighborhoods, at least all the older stations that I used to use are disappearing. This is not an indication of a healthy industry. And we're about ready to stick a fork in it and see if we got anymore life or anymore guts to it. So I don't think that this is the proper way.

"And finally, Madame Speaker, a government as a body doesn't really know how to make a gallon of gasoline. And so I have no idea how we think that we can regulate its price. Thank you, Madame Speaker."

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

"Thank you, Madame Speaker. I rise in support of this measure.

"Previously, the Representative from Waialae, Kahala cited testimony from many people associated with the gasoline industry. Please note that none was a consumer who pays the unfair high prices.

"I think we all understand that consumers are best served when vigorous competition exists. And I think we all can agree that Hawaii's motor fuel market is served by an oligopoly. Where we may not be in agreement is the role of the State in not only insuring a level of competition in the market but also in protecting consumers from market abuses. The oligopoly structure of the gasoline market confers significant market power to the existing companies allowing a few buyers or sellers in a market to exert significant influence over the quantity of goods and services created or the price at which they are sold. Because of the limited size of Hawaii's market and the large economies of scale needed in gasoline refining, a natural oligopoly has been created with only a few companies sustaining profitability. Therefore a small number of companies will continue to dominate the market in Hawaii for the foreseeable future.

"The existence of an oligopoly, a market power, does not always guarantee high prices but there appears to be two main behavioral strategies. Either companies work together to maximize the profits of the group by maintaining high prices or they compete with each other by cutting prices and improving services that they provide to their customers, demonstrating that competition is possible. However, the potential of firms exercising market power to raise prices is immense and undeniable. I believe Hawaii is exhibiting characteristics of the first example, where companies work together to maximize the profits of the group. Therefore this oligopoly situation requires careful scrutiny to maximize competition within the market, and to regulate when justifiable by proving that the market is not competitive and further is unlikely to become competitive in the future.

"In the past few years, I have learned that Hawaii is not alone in questioning the high cost of gasoline. For example, in April 2002, the United States Senate's Permanent Subcommittee on Investigations held a hearing on gas prices, how are they really set. A *Los Angeles Times*, March 11, 2003 commentary is entitled Gasoline Prices, A Case of Cheating, Not Competing.

Sound familiar? Think back to the electricity crisis. This commentary mentions that the increased cost to motorists are turning out to be pure profit for the oil companies and not reflective of real production costs.

"And just last Thursday, with Attorney Generals from 40 other states listening in, Florida Attorney General, Charles Crist met with executives of several top oil companies to ask why the price of gasoline is rising to record levels in some areas. As an aside, Crist said the answers were "a little insulting."

"While a lot of people held stock in the Stillwater report, here are some of the findings of the U.S. Senate's Permanent Subcommittee on Investigations where U.S. Senator Daniel K. Akaka described Hawaii's situation as one long price spike. So here are some of the findings.

"The price of gasoline increased significantly from 2000 to 2002. Price spikes hurt the economy and consumers since the price of gasoline affects the price of transportation of many goods and services. Concentration in the oil industry is increasing and high concentration contributes to price spikes."

Representative Lee rose to yield her time, and the Chair, "so ordered."

Representative Morita continued, stating:

"Refiners have market power in concentrated markets. Hawaii is described by the Federal Trade Commission as a highly concentrated market. High concentration increases prices. Vertical integration increases prices. In Hawaii, we have a situation where not only oil companies own retail outlets but jobbers also own and operate retail outlets.

"Gasoline prices are not based on cost. Oil companies do not set wholesale prices or retail prices based solely on costs to manufacture and sell gasoline. Rather wholesale and retail prices are set on the basis of market conditions including the prices of competitors. Gasoline prices go up and down together. Most oil companies and gasoline stations try to keep their prices at a constant price difference with respect to one or more competitors. As a result of these interdependent practices, gasoline prices tend to go up and down together. Oil companies rather than service station operators set retail prices. For many service stations owned or leased by major oil companies it is the major oil company, rather than the local dealer that determines the competitive price position of the location station that benefits from high prices and profit margins.

"These are only a few of the findings that I've found to be germane to the situation we face in Hawaii where there are all kinds of red flags waving that something is wrong in this market. I would rather this Body be called a prodigious plotter in the investigation of gasoline prices for Hawaii consumers, rather than caving in to the pressures oil industry thus ignoring our fiduciary responsibilities as Legislators to protect Hawaii's consumers.

"And I just want to mention with regards to the Minority Leader quoting the *Honolulu Advertiser's* editorial where they said that this is a national problem that needs a national solution. The investigation in 2002 that was started by the U.S. Senate Permanent Subcommittee on Investigations stopped. And I want to remind this Body why that investigation stopped. The Majority changed in the U.S. Senate after the 2002 elections. And look at who we have in the White House right now. These conditions will not make for a national solution to a national problem. Thank you."

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

"Thank you, Madame Speaker. I'm rising in opposition.

"And I will probably reserve the majority of my comments, but why do we speak here? What's the point? I mean many Members are going to vote here today and say well I had no choice, I had to vote for this measure 3193 because it would have gone to effect. You know what? You had a chance to avert this bill going into effect, Act 77. We just offered an amendment. And to the speaker from Kahala, I'd like to say 26 years you haven't seen an amendment passed that was introduced by a Republican, well it looks like 27 years. So Madame Speaker, why do we speak here today? What are we talking about? We list dozens, twenty, thirty testimonies of people that are not the oil industry, they're people that drive trucks, that pump gas, that turn wrenches for a living. They're saying don't do this, it will put us out of business. I'm not a big fan of oil companies, big oil companies. But I tell you this thing is a political football that hurts people. We're going to stand on the line, we're going to fight for this."

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

"Thank you, Madame Speaker. Madame Speaker, I would like to request to adopt the remarks of Speaker Emeritus and very, very grave reservations on the bill.

"And in fact Madame Speaker, if you'll take a look at the Committee Report, you'll see for the first time I've noticed that we get double x's with our with reservations vote because they were so grave. And there are a number of us that did that in passing this bill through and out of the Consumer Protection Committee.

"I want briefly to just mention a court case that did get a decision. And this was a recent case where Federal Judge Susan B. Mollway struck down the dealer rent control law as unconstitutional and counterproductive. The court cited the following, 'Price levels in Hawaii were relatively high due in part to high taxes and high barriers to entry that dissuade new companies from entering the market.' The court noted that those barriers included an adverse political climate, that's us folks, including rent controls, government proposals to take over petroleum terminals and restrictions on the location and type of stations that may be built. That is a court decision in which the judge in the federal court showed what is the real problem in Hawaii. Thank you."

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

"Thank you, Madame Speaker. Very briefly, I'm voting no.

"And I'll remind you that 56 cents a gallon is taxes, federal, State, and City or County. And in addition to that cost of the price of gasoline, we have rent and land prices that are very, very high here, utility prices, other high barriers to entry. So we have limited competition. But that's why gas is high here. Thank you."

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

"I rise in support, but just one comment and I think a previous speaker mentioned that Act 77 has the effect of decreasing competition in the market place but nothing can be further from the truth. In fact, while we've had Act 77 in place, we've actually increased competition. For example, Costco has drastically changed the market place in the two islands, two on

Oahu and one on the Big Island. Tremendous competition. If Act 77 was so bad, why would Costco open up three gasoline stations?

"In addition, I'm hearing Sam's Club will also be having gasoline stations. And the reason is this. Before Act 77, local jobbers like Aloha could not buy local supply of gasoline. Under the Act 77 scenario, jobbers like Aloha can buy locally produced gasoline and then supply retail outlets like Costco and Sam's Club. In fact we have more competition than we've had in the last 15 years. And that's happened only in the last two years under Act 77.

"So Members, when you hear those kinds of statements, think about it, it's not true. Thank you."

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

"Thank you. And I'm standing in opposition again.

"I just wanted to point out that well first of all, I just wanted to put it on the record that I don't cave to any industry and I'm not caving to the oil industry. My opposition to this measure is simple economics. The previous speaker just spoke to Costco and Sam's Club. It's simple economics. It's apples and oranges. Maybe he should go talk to them about what a loss leader is. Maybe he can understand better how Costco and Sam's Club maybe can benefit in this situation.

"I also want to point out that there was some mention as far as previous testimony towards no consumers testifying against this. Well I only counted two supporters who might be considered as a consumer and maybe one or two other supporters of this gas cap amongst a thick inch of opposition to this gas cap. So if we're looking at how many support and how many doesn't, there's no comparison. There's very little support for this gas cap. And I guess I'll just reserve the rest for Third Reading, for brevity. Thanks."

Representative Pendleton rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

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

"In opposition. I will be voting no on this measure today.

"I think that competition is the answer. In West Hawaii, probably the entire Island of Hawaii, but I'm mostly familiar with West Hawaii, there's no new gas stations. I know of several that were on the drawing boards to be built but the only one that was built wasn't a for-profit gas station. It was Costco that operates on membership fees. But as far as for-profit operations, none have been built. None have been improved. And as a matter of fact, they tore some down. So I will be opposed to this measure. If it's such a great idea let's implement it right away. Why do we want to delay it a year. Let these businesses do their business planning and make their future certain instead of uncertain."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Blundell rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

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

"Thank you, Madame Speaker. In opposition.

"If this is such a good idea, my question is why do we delay it? My question is if we want to attract business to Hawaii, what do we think the message of telling these businesses what they can charge is going to do for the business reputation of our State? I hear reports on one side of the argument, I hear reports on the other. I know I took economics, microeconomics and I took macroeconomics. And I'll just tell you my personal opinion is that what I learned is that you have price caps like this, you're interfering in a market and you're going to have repercussions but that's just my personal opinion. What I will say is the reality of my district, which is what I was elected to serve. The reality of my district is one of the favorite service stations went out of business. When I asked him and he was a favorite person of our district on Liliha and School, and he said, 'Please, you know what? We hardly make any profit as it is.' He's out of business. That's my reality for my district. And that's who I serve. Not the oil company."

At this time, Representative Saiki called for the question.

The Chair addressed the Members, stating:

"Representative Saiki, before I recognize you, I'm going to recognize Representative Hale because she has stood up."

Representative Hale rose in support of the measure with reservations and asked that the remarks of Representative Souki be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Caldwell rose in support of the measure with reservations and asked that the remarks of Representative Souki be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Karamatsu rose in support of the measure with reservations and asked that the remarks of Representative Souki be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Madame Speaker, I'm rising to express reservations.

"Just like to remind people that if you don't like an oligopoly, perhaps this law will drive Tesoro out of business. They've reported that they lost \$8 million in the last quarter of 2003. I vote with reservations because it delays the onset of this terrible law one year. Thank you."

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

"In opposition. And just two quick comments. And the comments would just be the cost to implement the gas cap is going to be \$1.2 million and the cost to implement the amendment would have been \$251 thousand, almost \$252 thousand. So there's a financial benefit as well as I believe that the competition with Aloha did start in 1999, if my recollection is correct when Aloha was able to import. So it actually started before the gas cap. Thanks."

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

"In support. And the subject of taxes came up and I just want to mention the fact that the Republican Mayor on the Big Island wants to raise gas taxes by 6 cents a gallon."

Representative Evans rose in support of the measure with reservations and asked that the remarks of Representative Souki be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Leong rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

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

"Thank you, Madame Speaker. I'm rising in opposition to this bill.

"And I just want to make one comment that I believe that in the form this bill is in now, it will have constitutional problems. There's no guarantee that savings from the gas cap at the wholesale level will be passed on to consumers. Thus the State's interest in placing the limits will not be served by the limits which may be considered an unconstitutional regulatory takings. Thank you."

Representative Kahikina rose in support of the measure with reservations and asked that the remarks of Representative Souki be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"In support. And I'd like to thank the Chair of CPC for having the great big courage to push through with this bill. And just to quick comment to answer the response why not implement it right away such a good idea? I think it's a good idea to delay it because the more we learn about this problem of high prices which all agree, everyone that testified, even the industry leaders. The people that came to testify against it also admitted that we have the highest gas prices, which can't be explained. It can be explained because there's no truthfulness in the kinds of information that's provided. That's why transparency as advocated by the opponents of Act 77 is 'bull'.

"Again, thank you for the Chair of CPC for delaying this because we know what the problem is by the testimony that came in, we know that the problem is competition. There is a lack of it. So as we delay, as we give ourselves more time, we will study. Further get more information to see how we can cure these barriers to entry so that we can actually have real competition in the marketplace. Yes, we all agree.

"And I think I can agree that a gas cap is a bad thing. But it is a good thing temporarily to correct a bad market. A bad market that we have in Hawaii because of this duopoly that we have. Certainly, the people who are in this business are to make money. They're here to make money in the control of a lot of people who are related to their business. And if we listen to these same people that have come to testify on the line from the top all the way down to the gas stations, we should really understand that these are controlled by the very people who are making money. In this case, they hold them hostage.

"Again, CPC is for consumer protection. I love that Committee because we really are thinking of the little guys. Those little guys are the ones we represent. Thank you, Madam Speaker."

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

"Thank you, Madame Speaker. In support. I love my wife. I love my dog, Spot. And I love my Ford F-150 XLT Extended

Cab with a V8, but I had to sell it because I couldn't afford the gas.

"Could I also have the words of the Speaker Emeritus placed in the Journal as my own? 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. 3193, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMERS," was referred to the Committee on Finance with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Jernigan, Meyer, Moses, Ontai, Pendleton and Stonebraker voting no and with Representatives Arakaki and Nakasone being excused.

ANNOUNCEMENTS

Representative Ching: "Thank you, Madame Speaker. On a positive note, I realize all of us want to go home right now and it's late, but tomorrow we are in recess in celebration and enjoy our vacation for the birthday of an important statesman. And my announcement is that I hope that I announced that it is Prince Kuhio's Birthday tomorrow. A great statesmen who we had conversation about the Hawaiian Homes Act, who accomplished the Hawaiian Homes Act. He hails from your district Madame Speaker and is buried up in your district and my district. He was known as Kealii Makaainanana, Citizen Prince. And I think that perhaps we can be inspired not only by his great accomplishments for his Hawaiian people but his noble statesmanship and his behavior as well. Thank you, Madame Speaker."

Representative Fox: "Thank you, Madame Speaker. On behalf of the House, I wanted us all to be able to thank Representative Leong for the wasabi peas and other goodies that were laid at our desks yesterday when her wonderful son and daughter in-law visited."

Vice Speaker Luke: "Thank you, Representative Leong.

"Members, I have an announcement if no one else has an announcement. Members, you can leave your materials on your desk and you can come back and retrieve them on Monday. I know lot of your staff have already gone home and instead of taking everything with you, you can just go home. And then it will be left on your desk until Monday. Your staff can retrieve it on Monday. Thank you."

ADJOURNMENT

At 11:16 o'clock p.m. on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, March 29, 2004. (Representatives Arakaki, Hiraki, and Nakasone were excused.)

THIRTY-EIGHTH DAY

Monday, March 29, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Jason Aquino of the New Hope Oahu – Leeward Campus, after which the Roll was called showing all members present with the exception of Representatives Evans, Hamakawa, Hiraki, Kaho'ohalahala, Morita and Takamine, who were excused.

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

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following resolutions (H.R. Nos. 111 through 193) and concurrent resolutions (H.C.R. Nos. 163 through 270, and S.C.R. Nos. 17, 28, and 45) were referred to committee by the Speaker:

H.R.
Nos.Referred to:

- | | | | |
|-----|--|-----|--|
| 111 | Jointly to the Committee on International Affairs and the Committee on Tourism and Culture | 124 | Committee on Higher Education, then to the Committee on Finance |
| 112 | Committee on Water, Land Use and Hawaiian Affairs | 125 | Committee on Water, Land Use and Hawaiian Affairs |
| 113 | Committee on Water, Land Use and Hawaiian Affairs | 126 | Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance |
| 114 | Committee on Water, Land Use and Hawaiian Affairs | 127 | Committee on Human Services and Housing, then to the Committee on Finance |
| 115 | Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance | 128 | Jointly to the Committee on Public Safety and Military Affairs and the Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance |
| 116 | Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Public Safety and Military Affairs, then to the Committee on Finance | 129 | Committee on Education, then to the Committee on Finance |
| 117 | Jointly to the Committee on Health and the Committee on Legislative Management, then to the Committee on Finance | 130 | Committee on Transportation, then to the Committee on Finance |
| 118 | Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Judiciary | 131 | Committee on Public Safety and Military Affairs, then to the Committee on Finance |
| 119 | Committee on Tourism and Culture, then to the Committee on Judiciary | 132 | Committee on Economic Development and Business Concerns, then to the Committee on Finance |
| 120 | Jointly to the Committee on Labor and Public Employment and the Committee on Public Safety and Military Affairs, then to the Committee on Finance | 133 | Committee on Public Safety and Military Affairs |
| 121 | Committee on Judiciary, then to the Committee on Finance | 134 | Committee on Consumer Protection and Commerce |
| 122 | Committee on Judiciary | 135 | Committee on Education |
| 123 | Committee on Transportation | 136 | Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance |
| | | 137 | Committee on Labor and Public Employment |
| | | 138 | Jointly to the Committee on Higher Education and the Committee on International Affairs, then to the Committee on Finance |
| | | 139 | Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Public Safety and Military Affairs, then to the Committee on Finance |
| | | 140 | Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Public Safety and Military Affairs, then to the Committee on Finance |
| | | 141 | Jointly to the Committee on International Affairs and the Committee on Tourism and Culture |
| | | 142 | Jointly to the Committee on Education and the Committee on Labor and Public Employment, then to the Committee on Finance |
| | | 143 | Committee on Education, then to the Committee on Finance |
| | | 144 | Jointly to the Committee on Labor and Public Employment and the Committee on Health, then to the Committee on Consumer Protection and Commerce |

145	Jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Judiciary	168	Jointly to the Committee on International Affairs and the Committee on Education, then to the Committee on Finance
146	Committee on Judiciary	169	Committee on Water, Land Use and Hawaiian Affairs
147	Jointly to the Committee on Judiciary and the Committee on Human Services and Housing, then to the Committee on Finance	170	Committee on Public Safety and Military Affairs
148	Committee on Finance	171	Committee on Education
149	Committee on Education, then to the Committee on Finance	172	Committee on Finance
150	Committee on Human Services and Housing, then to the Committee on Finance	173	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance
151	Committee on Human Services and Housing	174	Committee on Energy and Environmental Protection, then to the Committee on Transportation
152	Committee on Higher Education, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance	175	Committee on Energy and Environmental Protection
153	Committee on Water, Land Use and Hawaiian Affairs	176	Committee on Energy and Environmental Protection
154	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance	177	Committee on Energy and Environmental Protection
155	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance	178	Committee on Economic Development and Business Concerns, then to the Committee on Energy and Environmental Protection, then to the Committee on Finance
156	Committee on Energy and Environmental Protection, then to the Committee on Finance	179	Committee on Health, then to the Committee on Consumer Protection and Commerce
157	Committee on Water, Land Use and Hawaiian Affairs	180	Jointly to the Committee on Energy and Environmental Protection and the Committee on Agriculture, then to the Committee on Higher Education
158	Committee on Agriculture	181	Committee on Public Safety and Military Affairs
159	Committee on Agriculture, then to the Committee on Finance	182	Committee on Labor and Public Employment
160	Committee on Water, Land Use and Hawaiian Affairs	183	Committee on Water, Land Use and Hawaiian Affairs
161	Jointly to the Committee on Transportation and the Committee on Judiciary, then to the Committee on Finance	184	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Energy and Environmental Protection
162	Committee on Water, Land Use and Hawaiian Affairs	185	Committee on Water, Land Use and Hawaiian Affairs
163	Jointly to the Committee on Education and the Committee on Public Safety and Military Affairs, then to the Committee on Finance	186	Committee on Public Safety and Military Affairs
164	Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Higher Education, then to the Committee on Judiciary	187	Jointly to the Committee on Higher Education and the Committee on Agriculture, then to the Committee on Finance
165	Committee on Human Services and Housing, then to the Committee on Finance	188	Committee on Judiciary, then to the Committee on Finance
166	Committee on Higher Education, then to the Committee on Finance	189	Committee on Judiciary
167	Committee on Health, then to the Committee on Finance	190	Jointly to the Committee on Human Services and Housing and the Committee on Judiciary
		191	Committee on Energy and Environmental Protection
		192	Committee on Judiciary
		193	Committee on Judiciary

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>		
163	Jointly to the Committee on International Affairs and the Committee on Tourism and Culture	184	Jointly to the Committee on Public Safety and Military Affairs and the Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance
164	Committee on Water, Land Use and Hawaiian Affairs	185	Committee on Education, then to the Committee on Finance
165	Committee on Water, Land Use and Hawaiian Affairs	186	Committee on Transportation, then to the Committee on Finance
166	Committee on Water, Land Use and Hawaiian Affairs	187	Committee on Public Safety and Military Affairs, then to the Committee on Finance
167	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance	188	Committee on Economic Development and Business Concerns, then to the Committee on Finance
168	Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Public Safety and Military Affairs, then to the Committee on Finance	189	Committee on Labor and Public Employment, then to the Committee on Finance
169	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance	190	Committee on Labor and Public Employment, then to the Committee on Finance
170	Jointly to the Committee on Higher Education and the Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance	191	Committee on Public Safety and Military Affairs
171	Committee on Transportation	192	Committee on Consumer Protection and Commerce
172	Jointly to the Committee on Health and the Committee on Legislative Management, then to the Committee on Finance	193	Committee on Education
173	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Judiciary	194	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance
174	Committee on Tourism and Culture, then to the Committee on Judiciary	195	Committee on Labor and Public Employment
175	Jointly to the Committee on Labor and Public Employment and the Committee on Public Safety and Military Affairs, then to the Committee on Finance	196	Jointly to the Committee on Higher Education and the Committee on International Affairs, then to the Committee on Finance
176	Committee on Judiciary, then to the Committee on Finance	197	Committee on Water, Land Use and Hawaiian Affairs
177	Committee on Labor and Public Employment, then to the Committee on Finance	198	Committee on Transportation
178	Committee on Judiciary	199	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Public Safety and Military Affairs
179	Committee on Transportation	200	Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Public Safety and Military Affairs, then to the Committee on Finance
180	Committee on Higher Education, then to the Committee on Finance	201	Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Public Safety and Military Affairs, then to the Committee on Finance
181	Committee on Water, Land Use and Hawaiian Affairs	202	Jointly to the Committee on International Affairs and the Committee on Tourism and Culture
182	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance	203	Jointly to the Committee on Education and the Committee on Labor and Public Employment, then to the Committee on Finance
183	Committee on Human Services and Housing, then to the Committee on Finance	204	Jointly to the Committee on Health and the Committee on Human Services and Housing, then to the Committee on Finance
		205	Committee on Education, then to the Committee on Finance

206	Jointly to the Committee on Labor and Public Employment and the Committee on Health, then to the Committee on Consumer Protection and Commerce	228	Committee on Human Services and Housing, then to the Committee on Finance
207	Jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Judiciary	229	Committee on Higher Education, then to the Committee on Finance
208	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Judiciary	230	Committee on Health, then to the Committee on Finance
209	Committee on Judiciary	231	Jointly to the Committee on International Affairs and the Committee on Education, then to the Committee on Finance
210	Jointly to the Committee on Judiciary and the Committee on Human Services and Housing, then to the Committee on Finance	232	Committee on Health, then to the Committee on Finance
211	Committee on Finance	233	Jointly to the Committee on International Affairs and the Committee on Public Safety and Military Affairs, then to the Committee on Finance
212	Committee on Education, then to the Committee on Finance	234	Committee on Water, Land Use and Hawaiian Affairs
213	Committee on Human Services and Housing, then to the Committee on Finance	235	Committee on Human Services and Housing, then to the Committee on Finance
214	Committee on Human Services and Housing	236	Committee on Public Safety and Military Affairs
215	Committee on Higher Education, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance	237	Committee on Education
216	Committee on Water, Land Use and Hawaiian Affairs	238	Committee on Finance
217	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance	239	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance
218	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance	240	Committee on Energy and Environmental Protection, then to the Committee on Transportation
219	Committee on Energy and Environmental Protection, then to the Committee on Finance	241	Committee on Energy and Environmental Protection
220	Committee on Water, Land Use and Hawaiian Affairs	242	Committee on Energy and Environmental Protection
221	Committee on Agriculture	243	Committee on Energy and Environmental Protection, then to the Committee on Finance
222	Committee on Agriculture, then to the Committee on Finance	244	Jointly to the Committee on Energy and Environmental Protection and the Committee on Legislative Management, then to the Committee on Finance
223	Committee on Water, Land Use and Hawaiian Affairs	245	Committee on Energy and Environmental Protection
224	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance	246	Committee on Economic Development and Business Concerns, then to the Committee on Energy and Environmental Protection, then to the Committee on Finance
225	Jointly to the Committee on Transportation and the Committee on Judiciary, then to the Committee on Finance	247	Committee on Health, then to the Committee on Consumer Protection and Commerce
226	Jointly to the Committee on Education and the Committee on Public Safety and Military Affairs, then to the Committee on Finance	248	Committee on Public Safety and Military Affairs
227	Jointly to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Higher Education, then to the Committee on Judiciary	249	Committee on Transportation
		250	Committee on Public Safety and Military Affairs
		251	Committee on Labor and Public Employment
		252	Committee on Energy and Environmental Protection, then to the Committee on Finance

- 253 Committee on Energy and Environmental Protection, then to the Committee on Finance
- 254 Committee on Energy and Environmental Protection, then to the Committee on Finance
- 255 Committee on Water, Land Use and Hawaiian Affairs
- 256 Jointly to the Committee on Public Safety and Military Affairs and the Committee on Energy and Environmental Protection
- 257 Committee on Economic Development and Business Concerns
- 258 Committee on Public Safety and Military Affairs
- 259 Jointly to the Committee on Energy and Environmental Protection and the Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 260 Committee on Higher Education and the Committee on Agriculture, then to the Committee on Finance
- 261 Committee on Judiciary, then to the Committee on Finance
- 262 Committee on Consumer Protection and Commerce
- 263 Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance
- 264 Committee on Judiciary
- 265 Jointly to the Committee on Human Services and Housing and the Committee on Judiciary
- 266 Committee on Energy and Environmental Protection
- 267 Committee on Judiciary
- 268 Committee on Judiciary
- 269 Committee on Finance
- 270 Jointly to the Committee on Energy and Environmental Protection and the Committee on Agriculture, then to the Committee on Higher Education

S.C.R.**Nos. Referred to:**

- 17 Committee on Health
- 28 Committee on Tourism and Culture
- 45, SD1 Jointly to the Committee on Health and the Committee on Human Services and Housing

COMMITTEE REASSIGNMENTS

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

S.B.**Nos. Re-referred to:**

- 2470, SD1, HD1 Committee on Energy and Environmental Protection, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance

- 3170, SD2, HD1 Committee on Energy and Environmental Protection, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1019-04), recommending that H.R. No. 38, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 38, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A STATE COIN PROGRAM," was referred to the Committee on Finance with Representatives Evans, Hamakawa, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1020-04), recommending that H.C.R. No. 59, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 59, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A STATE COIN PROGRAM," was referred to the Committee on Finance with Representatives Evans, Hamakawa, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1021-04), recommending that H.C.R. No. 5, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 5, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR OBESITY REDUCTION PROGRAMS FOR CHILDREN AND ADOLESCENTS," was referred to the Committee on Finance with Representatives Evans, Hamakawa, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1022-04), recommending that H.C.R. No. 16, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 16, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR COGNITIVE REHABILITATION," was referred to the Committee on

Finance with Representatives Evans, Hamakawa, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1023-04), recommending that H.C.R. No. 11, be referred to the Committee on Water, Land Use and Hawaiian Affairs.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 11, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK," was referred to the Committee on Water, Land Use and Hawaiian Affairs with Representatives Evans, Hamakawa, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1024-04), recommending that H.C.R. No. 56, as amended in HD 1, be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 56, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF INTERISLAND AIR CARRIER FARE PRICE MECHANISMS," was referred to the Committee on Consumer Protection and Commerce with Representatives Evans, Hamakawa, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1025-04) recommending that H.R. No. 29, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 29, entitled: "HOUSE RESOLUTION ENCOURAGING THE UNITED STATES POSTAL SERVICE TO HOST THE FINAL CEREMONY MARKING THE RELEASE OF THE "SOUVENIR SHEET" OF ALL TWELVE CHINESE LUNAR NEW YEAR COMMEMORATIVE POSTAGE STAMPS IN HAWAII IN JANUARY 2005," was adopted, with Representatives Evans, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1026-04) recommending that H.C.R. No. 47, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE UNITED STATES POSTAL SERVICE TO HOST THE FINAL CEREMONY MARKING THE RELEASE OF THE "SOUVENIR SHEET" OF ALL TWELVE CHINESE LUNAR NEW YEAR COMMEMORATIVE POSTAGE STAMPS IN HAWAII IN JANUARY 2005," was adopted, with Representatives Evans, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1027-04) recommending that H.R. No. 48, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 48, entitled: "HOUSE RESOLUTION URGING THE HAWAII TOURISM

AUTHORITY TO SPONSOR A STATEWIDE CONFERENCE ON TOURISM IN HAWAII," was adopted, with Representatives Evans, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1028-04) recommending that H.C.R. No. 71, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO SPONSOR A STATEWIDE CONFERENCE ON TOURISM IN HAWAII," was adopted, with Representatives Evans, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1029-04) recommending that H.C.R. No. 40, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THAT MISS HAWAII, OF THE MISS AMERICA SCHOLARSHIP PROGRAM, SHALL SERVE AS THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII DURING HER TERM AS MISS HAWAII," was adopted, with Representatives Evans, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1030-04) recommending that H.C.R. No. 50, as amended in HD 1, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 50, HD 1, be adopted, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I just wanted to rise in strong support of HCR 50, House Draft 1.

"Thank you. Hawaii Capital Cultural District will help to preserve and enhance that area making sure that a number of our buildings and our attractions are given the attention just due. This coming May, the Historic Hawaii Foundation will be doing a first ever conference with the Travel Industry Management School of University of Hawaii. And that focus will be on how important cultural tourism is to the State of Hawaii. It's a win-win for all of us. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 50, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE HAWAII CAPITAL CULTURAL DISTRICT AND ENCOURAGING THE MAXIMUM INVOLVEMENT AND SUPPORT OF ALL PUBLIC AND PRIVATE ORGANIZATIONS TO COLLABORATE WITH THE STATE FOUNDATION ON CULTURE AND THE ARTS TO SUSTAIN AND PROMOTE CULTURE AND THE ARTS IN HAWAII," was adopted, with Representatives Evans, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep.

No. 1031-04) recommending that H.R. No. 36, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 36, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO WORK WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND COOPERATING PARTNERS TO PROTECT AND ENHANCE THE KANEOHE MEADOWLAND (HE'EIA WETLANDS)," was adopted, with Representatives Evans, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1032-04) recommending that H.C.R. No. 54, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 54, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO WORK WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND COOPERATING PARTNERS TO PROTECT AND ENHANCE THE KANEOHE MEADOWLAND (HE'EIA WETLANDS)," was adopted, with Representatives Evans, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1033-04), recommending that S.C.R. No. 6, be referred to the Committee on Water, Land Use and Hawaiian Affairs.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 6, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK," was referred to the Committee on Water, Land Use and Hawaiian Affairs, with Representatives Evans, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1034-04), recommending that S.C.R. No. 12, SD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 12, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR," was referred to the Committee on Finance with Representatives Evans, Hiraki, Kaho'ohalahala, Morita and Takamine being excused.

SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representatives Evans, Hiraki, Kaho'ohalahala, Morita and Takamine were excused.)

THIRD READING

S.B. No. 2294, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2294, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Third Reading by a vote of 47 ayes, with Representatives Evans, Hiraki, Kaho'ohalahala and Morita being excused.

S.B. No. 2844, SD 1, HD 1:

Representative Saiki moved that S.B. No. 2844, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"On Stand. Com. Report 902-04, S.B. Number 2844, SD 1, HD 1, I stand in opposition to this measure. Mr. Speaker, this measure does what I believe, is what is inequitable and unfair because it treats certain misdemeanor crimes when committed three times, as a felony. Two reasons that I will object to such legislation, Mr. Speaker, are this.

"First, it would treat people that would steal small amounts of food, which is a misdemeanor, and probably commit criminal trespass, some little crime, small value property crime which are misdemeanors – this lumps them all together and then we'd punish these people as though they were felons. That would be five years in jail. It would be unfair to do that, Mr. Speaker, since it's not actually the same crime. It's different little crimes and we lump them together and say, 'You're a bad person.' Little mistakes eventually will become a huge crime which will be punishable as if this person has committed something that's atrocious.

"Two, are we really prepared to commit to such a measure, such legislation where we are going to need bigger and probably larger amounts of bed space in our prison system? I have not seen our prison system providing the bed space necessary for the inmates that we have today. We are shipping them to the mainland at a cost to the State; at a cost to the people of Hawaii. I disagree with shipping them to the mainland for one, for a lot of reasons. But this particular legislation will make it even worse. It will compound the problem that we already have.

"Property crime, Mr. Speaker, is different from those crimes where one individual will hit and injure another person. These are nonviolent crimes often committed in need of food. Often committed by, let's say, people who are not in the same mental state as we are. Those individuals who are homeless, who could find themselves trespassing and have a misdemeanor on them three times. And then they will be in jail. For what? For being poor? For being a social outcast? For what, Mr. Speaker? Are we ready to commit? Are we ready to commit to provide this prison space? That's a question that has never been answered for the past ten years, at least, I have been recalling the debates on the prison system. Mr. Speaker, I oppose this bill."

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

"Mr. Speaker. I rise in strong support of this bill. Thank you very much. This bill was introduced by the Law Enforcement Coalition, and basically what it does is tries to address the problem that we've seen throughout our community in terms of people who find theft and those types of crimes necessary in order to support their drug habit. Unfortunately, what we have seen is a rash series of crimes committed in communities where people have been victimized. And that's why we need a bill like this.

"Basically, the allegation that what we're doing is taking small amounts of theft which could amount to this habitual property crime, is really unfounded because basically what you need is a threshold value of at least \$100. If it is a small amount that is being taken, less than \$100, that constitutes a petty misdemeanor which is not necessarily encompassed in this bill.

"And because we've heard complaints, numerous times, from people in the community telling us that they're tired of their homes being burglarized. They're tired of their homes being broken into. They're tired of having to deal with these habitual property criminals. What they want is strong penalties. And it's for that reason we are passing this bill. Thank you."

Representative Finnegan rose in support of the measure and asked that the remarks of Representative B. Oshiro be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Yes, Mr. Speaker, with reservations. Again, the concern I have is the increasing number of bills that provide for charges of felonies. And we don't have the prison space. Thank you."

Representative Kahikina rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and, S.B. No. 2844, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Third Reading by a vote of 46 ayes to 1 no, with Representative Sonson voting no, and Representatives Evans, Hiraki, Kaho'ohalahala and Morita being excused.

S.B. No. 2902, SD 2:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2902, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TELEMARKETING," passed Third Reading by a vote of 47 ayes, with Representatives Evans, Hiraki, Kaho'ohalahala and Morita being excused.

S.B. No. 3172, SD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 3172, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL," passed Third Reading by a vote of 47 ayes, with Representatives Evans, Hiraki, Kaho'ohalahala and Morita being excused.

S.B. No. 2394, SD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2394, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Third Reading by a vote of 47 ayes, with Representatives Evans, Hiraki, Kaho'ohalahala and Morita being excused.

S.B. No. 2278:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2278, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING

VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Third Reading by a vote of 47 ayes, with Representatives Evans, Hiraki, Kaho'ohalahala and Morita being excused.

S.B. No. 2443, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2443, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' LIENS," passed Third Reading by a vote of 47 ayes, with Representatives Evans, Hiraki, Kaho'ohalahala and Morita being excused.

S.B. No. 3185, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 3185, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Third Reading by a vote of 47 ayes, with Representatives Evans, Hiraki, Kaho'ohalahala and Morita being excused.

S.B. No. 2009, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2009, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Third Reading by a vote of 47 ayes, with Representatives Evans, Hiraki, Kaho'ohalahala and Morita being excused.

At 12:20 o'clock p.m., the Chair noted that S.B. Nos. 2294, SD 1, HD 1, 2844, SD 1, HD 1; 2902, SD 2; 3172, SD 1; 2394, SD 1; 2278; 2443, SD 1, HD 1; 3185 SD 1, HD 1; and 2009, SD 1, HD 1, passed Third Reading.

The Chair then announced:

"At this time the Chair will call a recess in awaiting our honoree."

At 12:20 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:22 o'clock p.m.

INTRODUCTION OF RESOLUTION (FLOOR PRESENTATION)

The following resolution (H.R. No. 194) was announced by the Clerk and the following action taken:

H.R. No. 194, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING GENERAL ERIC K. SHINSEKI FOR HIS DISTINGUISHED CAREER AND SERVICE TO THIS STATE AND NATION," was jointly offered by Representatives Kawakami, Kanoho, Morita, Ito, Ontai, Evans, Abinsay, Schatz, Herkes, Lee, Tamayo, Magaoay, Nishimoto, Souki, Takai, Luke, Caldwell, Takumi, Saiki, Arakaki, Kahikina, Wakai, Jernigan, Moses, Leong, Say, Kaho'ohalahala, Sonson, Hale, Shimabukuro, Waters, Fox, Hiraki, Takamine, Ching, Meyer, Stonebraker, Blundell, Mindo, Karamatsu, Nakasone, B. Oshiro, Hamakawa, Chang, Finnegan, Bukoski, M. Oshiro, Thielen, Marumoto and Halford.

Representative Ito, moved that H.R. No. 194 be adopted, seconded by Representative Kawakami.

Representative Kawakami introduced the honoree, General Eric K. Shinseki and his wife, Mrs. Pat Shinseki who were seated on the floor of the House:

Representative Kawakami also recognized family members who were here for the presentation: Mrs. Shinseki's sister and nephew, Ms. Betty Lou Yoshinobu and Mr. Chad Yoshinobu; their friend, Ms. Kim Ng; and Mrs. Gail Haruki

The motion was put to vote by the Chair and carried, and H.R. No. 194 was adopted with Representatives Evans, Halford, Hamakawa, Kaho'ohalahala, Morita, Nakasone and B. Oshiro being excused.

At this time, the Chair announced:

"Before calling a recess in this Chamber, the Chair will allow General Shinseki to say a few words to the Members of this illustrious Body.

"General Shinseki, please approach the rostrum."

General Shinseki assumed the rostrum and addressed the Members of the House as follows:

"Well Speaker Say, thank you very much for both this recognition and this opportunity. I know that you have many visitors to this Chamber and not all of them have the opportunity to speak at this microphone. Thank you for this privilege.

"No pep talks. None of you are young enough to be recruited. Well, there may be a couple here. I will just tell you that, some of you may know this, the Army alone, of all the services, when you add the other services into it, the number goes up. But the Army every year recruits anywhere from 174,000 to 180,000 young Americans into its ranks every year. That's a huge number. It's bigger than some of the armies I've served with. But what it also tells you is that it's a great opportunity for young Americans to find maturity, and find discipline, find educational opportunity in our ranks.

"The Army clearly is not a career for everyone. But for those of us who chose to stay, I've never felt more challenged than when I answered those mission calls that the Army gave me. And in 38 years, I never had a bad day. Soldiers never let me have a bad day. So I would tell you, while the recognition today is for Shinseki because of the four years that he spent as the Chief of Staff of the Army, the high honor of my life, and truly a great privilege was to be able to spend every day of my 38 years as a soldier.

"And now that, that part of my life is over, I tell you that there is a great tradition from this State of young Americans who have stepped forward in service to the nation, usually in time of peace. But on those occasions where the fate of the Nation hung in the balance, young men and women from this State stepped forward, and did their duty. And part of the reason that we remain in this 21st century, and finished the 20th century as the great nation that we are, and a strong economy that we have, it's because of these young Americans who feel that service in uniform is part of their responsibility.

"I'm an average kid that grew up prowling the wilds of Kauai. Nothing special. I'm a product of the public school system there. And today, youngsters like me are deploying with the 25th, with the Marines out of FMFPAC, out of the Air Force and the Navy. The Nation's business is still at hand. And they deserve our recognition and our thanks for what they do. And all of us stand in a long line of Americans that go back to times in World War II when truly heroic performance was rendered by men of average stature, but uncommon character, for what they did for our Nation.

"And if there's a request that I leave with you, Speaker Say today, is to give every other youngster who grows up in this State, the same opportunity that I had. And that was to have a tremendous education in our public school system. And I'm not talking about just education, but it's learning that has value for the rest of your life. That truly learning is a lifelong responsibility and that we, each citizen, has a responsibility in that. It is not on the shoulders of the institution. And I learned that from family. And I learned that from tremendous classroom teachers, who I can even today name from kindergarten all the way through high school because of the impact they had on me. They are truly the 'front lines' in our efforts in this country.

"And for those of us that have traveled the world and lived in all the other alternatives, I would offer to you that Hawaii is very special in many, many more ways than climate and geography. There's something very special about growing up in this State and we ought not to lose sight of that. And if you give every kid like myself the same opportunities, our future is bright.

"Thank you for the honor today. This is rare privilege to address this Body. Thank you very much."

At 12:36 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:47 o'clock p.m.

ANNOUNCEMENTS

Representative Ito: "Mr. Speaker, this is just a reminder. The reception for General Shinseki will be held at 12:30 today in room 325."

Representative Arakaki: "Thank you, Mr. Speaker. Speaker, I would like to request the waiver of the requirement for 48 hour advanced notice of a public hearing for the purposes of adding to our current agenda, HCR 230 and HCR 232," and the Chair "so ordered."

Representative Arakaki: "Thank you, Mr. Speaker. Our hearing is tomorrow at 9:00 in room 329. And just for the information of our colleagues, these two resolutions have to do with patient safety. However, they are duplicate resolutions and it is the intent of the Chair to amend one of them to include

language for an audit of the Randolph-Shepherd Blind Vendors' account. Thank you, Mr. Speaker."

ADJOURNMENT

At 12:49 o'clock p.m. on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, March 30, 2004. (Representatives Evans, Halford, Hamakawa, Kaho`ohalahala, Morita, Nakasone and B. Oshiro being excused.)

THIRTY- NINTH DAY

Tuesday, March 30, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:09 o'clock p.m., with the Vice Speaker presiding.

The invocation was delivered by Brother Gregg O'Donnell of Damien High School, after which the Roll was called showing all members present with the exception of Representatives Say and Stonebraker who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 383 through 388) were received and announced by the Clerk:

Sen. Com. No. 383, transmitting S.C.R. No. 30, entitled: "SENATE CONCURRENT RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE NORTH KOREAN GOVERNMENT TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA," which was adopted by the Senate on March 29, 2004.

Sen. Com. No. 384, transmitting S.C.R. No. 37, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR COGNITIVE REHABILITATION," which was adopted by the Senate on March 29, 2004.

Sen. Com. No. 385, transmitting H.B. No. 2251, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 291E," which passed Third Reading in the Senate on March 29, 2004.

Sen. Com. No. 386, transmitting H.B. No. 2206, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on March 29, 2004.

Sen. Com. No. 387, transmitting H.B. No. 2280, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on March 29, 2004.

Sen. Com. No. 388, transmitting H.B. No. 2337, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAME CHANGES," which passed Third Reading in the Senate on March 29, 2004.

On motion by Representative Saiki, seconded by Representative Lee and carried, the House disagreed to the amendments made by the Senate to H.B. Nos.: 2206, HD 1 (SD 1); 2280 (SD 1) and 2337, HD 1 (SD 1); and requested a conference on the subject matter of said amendments. (Representatives Say and Stonebraker were excused.)

INTRODUCTIONS

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

Representative Lee introduced Ms. Florenda Gutierrez of a Support Group for Kokua Kalihi Valley Elderly Program and Ms. Jody Mishan, a Family Primary Caregiver for 88-year-old father with Alzheimers and Public Awareness Coordinator for Kokua Mau, a partnership to improve end-of-life care in Hawaii.

Representative Abinsay introduced his brother, Mr. Caesar Abinsay, visiting from Stockton, California, accompanied by his staff, Mr. Jake Manegdeg.

Representative Ontai introduced Ms. Susan Polgar of New York. She is the 4 time Women's World Chess Champion and 3 time Olympiad Champion. Also introduced was her coach and Women's Olympiad Team manager, Mr. Paul Truong of New York. They were accompanied by his office manger, Mr. Randy Prothero.

At 12:18 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:34 o'clock p.m.

LATE INTRODUCTION

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

Representative Tamayo introduced on behalf of herself and Representative Mindo, members of the Boys and Girls Club of Hawaii, Hale Pono Club House in Ewa Beach. They were accompanied by their chaperones, Ms. Jane Kihewa and Ms. Velma Pantohan.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 195 and 196) were announced by the Clerk and the following action taken:

H.R. No. 195, entitled: "HOUSE RESOLUTION CONGRATULATING THE GAS COMPANY ON THE CELEBRATED OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY," was jointly offered by Representatives Morita, Waters, Bukoski, Kanoho, Thielen, Wakai and Schatz.

Representative Morita moved that H.R. No. 195 be adopted, seconded by Representative Evans.

Representative Morita introduced representatives from the Gas Company, who were seated on the floor of the House:

Mr. Jim Yates, President;
Mr. Tom Young, Director of Operations; and
Mr. Steve Golden, Director of External Affairs and Planning.

Representative Morita also introduced Ms. Lynne Ebisui, Senior Planner/Compliance Administrator for The Gas Company, who was seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 195 was adopted with Representatives Chang, Hamakawa, Herkes, Jernigan, Kahikina, Magaoay, Nakasone, B. Oshiro, Stonebraker, Takai, and Takamine were excused.

H.R. No. 196, entitled: "HOUSE RESOLUTION HONORING THE U.S. SMALL BUSINESS ADMINISTRATION'S 2004 SMALL BUSINESSPERSONS OF THE YEAR," was offered by Representative Schatz.

Representative Schatz moved that H.R. No. 196 be adopted, seconded by Representative Wakai.

Representative Schatz introduced the honorees who were seated on the floor of the House:

Mr. Peter Robson, President and Mr. Randy Finlay, Vice President, of Unlimited Construction Services, Inc., recipients of the Small Business Persons of the Year;

Ms. Virginia Cho of Campus Music, recipient of the Small Business Exporter of the Year, who was represented by Mr. Andrew Poepoe; and

Mr. Rann Watumull, Creator and now Manager of the Family Wealth Management Department of Bank of Hawaii and the co-founder of Family Business Center of Hawaii, recipient of the Financial Services Advocate of the Year.

Representative Wakai continued with the introductions of the honorees who were seated on the floor of the House:

Ms. Robin Joy Puanani Danner, Leader and Creator of the Council for Native Hawaiian Advancement, recipient of the Minority Small Business Advocate of the Year;

Ms. Cathy S. Cruz of Pacific Basin Communications, recipient of the Small Business Journalist of the Year;

Ms. Ruth Corn of the Hawaii Business Research Library, recipient of the Small Business Research Advocate; and

Ms. Phoebe Lambeth of Hawaii Island Radiation Oncology, Ltd., recipient of the Women in Business Advocate of the Year.

The motion was put to vote by the Chair and carried, and H.R. No. 196 was adopted with Representatives Chang, Hamakawa, Herkes, Jernigan, Kahikina, Magaoay, Nakasone, B. Oshiro, Stonebraker, Takai, and Takamine being excused.

The Chair addressed the Members, stating:

"Members, to allow more time to greet these fine honorees, the Chair will allow you to greet the honorees after we adjourn. So at this point in time, are there any announcements?"

ANNOUNCEMENT

Representative Bukoski announced the recent passing of Mr. Michael H. Lyons, II. Mr. Lyons was just recently honored with the 2004 Junior Achievement of Hawaii Business Hall of Fame Inductees (HR No. 46) and a former Sr. Vice President and Regional Manager, Bank of Hawaii, Maui County, and founding member of the Maui Economic Development.

LATE INTRODUCTION

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

Representative Morita introduced Mrs. Joann Robson and Mr. Ben Robson, wife and son of Mr. Peter Robson who was honored today as the Small Business Person of the Year.

Representative Morita also introduced her former office manager, Ms. Brandi Lau and Mr. Olin Lagon, of the Council for Native Hawaiian Advancement with another honoree, Ms. Robin Danner.

ANNOUNCEMENTS

Representative Leong announced that her office received it's first basket from Representative Kawakami's office and will continue to collect them until the April 7 pick-up. If you need baskets or help wrapping the basket to please call her office. Picture day will be on April 7 and those who participate, you may receive a surprise.

Representative Lee announced that Representative Kaho'ohalahala is celebrating his birthday today.

ADJOURNMENT

At 1:02 o'clock p.m. on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, March 31, 2004. (Representatives Chang, Hamakawa, Herkes, Jernigan, Kahikina, Magaoay, Nakasone, B. Oshiro, Stonebraker, Takai, and Takamine were excused.)

FORTIETH DAY

Wednesday, March 31, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:17 o'clock p.m., with the Vice Speaker presiding.

The invocation was delivered by Dr. Larry Kelly, HPD Chaplain and Pastor of the Halawa Baptist Church in Aiea, after which the Roll was called showing all members present with the exception of Representatives Caldwell, Meyer and Schatz, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 161 through 164) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 161, transmitting the Hawaii Department of Agriculture's Annual Report for Fiscal Year 2003.

Gov. Msg. No. 162, transmitting a report, Regarding Maternal and Child Health Services and Contract Services for Early Identification and Home Visiting Services to Support Healthy Start Program, submitted by the Department of Health.

Gov. Msg. No. 163, transmitting a report, Requiring the Department of Health to Give an Annual Report on the Activities of the Office of Solid Waste Management.

Gov. Msg. No. 164, transmitting a report, Requiring the Department of Health to Give an Annual Financial Report for the Newborn Metabolic Screening Special Fund.

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 389) was received and announced by the Clerk:

Sen. Com. No. 389, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 2529, HD 1
"RELATING TO SECURITIES FOR THE PROTECTION OF PUBLIC FUNDS." (Certificate of Deposit Account; Networking Sharing FDIC Insurance)

S.B. No. 2983, SD 2, HD 1
"RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE." (Conformity; Income Tax; Internal Revenue Code)

S.B. No. 3098, HD 1
"RELATING TO KIKALA-KEOKEA." (Kikala-Keokea; Home Loans; Self-help; GO Bonds)

S.B. No. 3162, SD 1, HD 1
"RELATING TO RENEWABLE ENERGY TECHNOLOGIES INCOME TAX CREDIT." (Renewable Energy Technologies Income Tax Credit)

S.B. No. 2009, SD 1, HD 1

"RELATING TO CONDOMINIUM PROPERTY REGIMES." (Condominiums; Telecommunications Equipment)

S.B. No. 2294, SD 1, HD 1
"RELATING TO CRIMINAL TRESPASS." (Criminal Trespass; Illegal Campers or Squatters)

S.B. No. 2443, SD 1, HD 1
"RELATING TO ATTORNEYS' LIENS." (Attorney Liens)

S.B. 2844, SD 1, HD 1
"RELATING TO CRIME." (Criminal Law)

S.B. No. 3185, SD 1, HD 1
"RELATING TO INFORMATION PRACTICES." (Information Practices; Vexatious Requests)

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 30) was received by the Clerk and was placed on file:

Dept. Com. No. 30, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting their 2003 Annual Report.

INTRODUCTIONS

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

Representative Arakaki introduced students and teachers promoting 'Kick Butt Day, A Campaign for Tobacco-free Kids.'

Representative Pendleton introduced 5th and 6th grade students from Trinity Christian School; their teachers, Ms. Kimberly Hepburn and Ms. Cynthia Hewitt; and parents, Ms. Cheri Ambard, Mr. Stephen Switaj, Ms. Vicky Chaffin, Ms. Tricia Gerum, Ms. Jill Buss, Ms. Katrina Molenda and Ms. Marcia Nowack.

Representative Bukoski introduced students, Ms. Emma Landgraf of Wailuku, Maui; and Ms. Jennifer Ray of Wailua, Kauai, involved with the 'Kick Butt Day' campaign.

Representative Thielen also recognized the participants with the 'Kick Butt Day' campaign.

Representative Takamine, on behalf of the Big Island delegation, introduced student leaders from Kalaniana'ole Elementary and Intermediate School and their advisor, Ms. Mari Nakamura; and Paauilo Elementary and Intermediate School and their advisor, Mr. Brian Simon.

Representative Karamatsu introduced therapists with the Massage Therapists Association of Hawaii (MATAH), and the American Massage Therapy Association (AMTA) promoting Legislative Massage Awareness Day: Mr. Dustin Ebesu, MATAH Vice President; Ms. Mahana Byington, MATAH Past President; Mr. Nathan Okuma, MATAH Treasurer; and Ms. Diane Lang, AMTA Hawaii Chapter Past President.

Representative Abinsay introduced Ms. Ruth Farinas, Supervising Legislative Staff Officer for the Committee on Appropriation of the Philippines House of Representatives. Accompanying her were her son, Master Ryan Farinas; Mr. Ron Gallegos and Mrs. Teo Gallegos; as well as Representative

Abinsay's office manager, Ms. Christine Sabino, and staff member, Ms. Norma Chang.

Representative Chang introduced members of the Outrigger Hotels Political Action Committee.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following Senate concurrent resolutions were referred to committee by the Speaker:

S.C.R.

Nos. Referred to:

- | | |
|----|--|
| 30 | Jointly to the Committee on Legislative Management and the Committee on International Affairs |
| 37 | Committee on Health, then to the Committee on Consumer Protection and Commerce, 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:

- | | |
|--------------|---|
| 2843,
SD1 | Committee on Public Safety and Military Affairs, then to the Committee on Judiciary |
| 2846,
SD1 | Committee on Judiciary |

The following resolution and concurrent resolution were re-referred to committee by the Speaker:

H.R.

No. Re-referred to:

- | | |
|-----|---|
| 164 | Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Judiciary |
|-----|---|

H.C.R.

No. Re-referred to:

- | | |
|-----|---|
| 227 | Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Judiciary |
|-----|---|

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 197 and 198) were announced by the Clerk and the following action taken:

H.R. No. 197, entitled: "HOUSE RESOLUTION CONGRATULATING CURTIS J. YOUNG OF HONOWAI ELEMENTARY SCHOOL, PATRICIA ANN PARK OF ALIAMANU MIDDLE SCHOOL, AND NORMAN MINEHIRA OF LEILEHUA HIGH SCHOOL AS HAWAII'S 2003 NATIONAL DISTINGUISHED PRINCIPALS, ALSO KNOWN AS "PRINCIPALS OF THE

YEAR", was jointly offered by Representatives Karamatsu, M. Oshiro, Wakai, Chang, Finnegan, Magaoay, Takai, Takumi, Caldwell and Herkes.

Representative Karamatsu, moved that H.R. No. 197 be adopted, seconded by Representative M. Oshiro.

Representative Karamatsu introduced Mr. Curtis J. Young of Honowai Elementary School, 2003 National Distinguished Principal, and Hawaii's Elementary School Principal of the Year.

Representative Karamatsu also introduced Mr. Young's wife, Mrs. Carol Young, who was seated in the gallery.

Representative Wakai then introduced Mrs. Patricia Ann Park of Aliamanu Middle School, 2003 National Distinguished Principal, and Hawaii's Middle School Principal of the Year.

Representative Wakai also introduced Mrs. Park's husband, Mr. Harry Park, who was seated in the gallery.

Representative M. Oshiro then introduced Mr. Norman Minehira of Leilehua High School, 2003 National Distinguished Principal, and Hawaii's High School Principal of the Year. Mr. Minehira was also recognized as being nationally, one of the top three 2004 National Principal of the Year Finalists.

Representative M. Oshiro also introduced Mr. Minehira's wife, Mrs. Lynn Minehira; and mother, Mrs. Helene Minehira.

The motion was put to vote by the Chair and carried, and H.R. No. 197 was adopted with Representatives Caldwell, Hiraki, Meyer, Nakasone, Saiki, Schatz, Souki, Takai and Takumi being excused.

H.R. No. 198, entitled: "HOUSE RESOLUTION RECOGNIZING MARCH 2004 AS AMERICAN RED CROSS MONTH," was jointly offered by Representatives Lee, Shimabukuro, Hale, Finnegan, Say and Wakai.

Representative Lee, moved that H.R. No. 198 be adopted, seconded by Representative Morita.

Representative Lee introduced the following honorees with the Hawaii State Chapter of the American Red Cross, who were seated on the floor of the House:

Mr. Robert Fujioka, Chapter Chair;
Mr. Gerald Sumida, Member, Board of Directors;
Ms. Coralie Matayoshi, Chief Executive Officer; and
Mr. Glenn Lockwood, Director of Disaster Services.

The motion was put to vote by the Chair and carried, and H.R. No. 198 was adopted with Representatives Caldwell, Chang, Hiraki, Kahikina, Meyer, Nakasone, Saiki, Schatz, Souki, Takai and Takumi being excused.

At 12:59 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:07 o'clock p.m.

STANDING COMMITTEE REPORTS

Stand. Com. Rep. No. 1035-04, and S.B. No. 2851, SD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1036-04, and S.B. No. 2528, SD 1, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1037-04, and S.B. No. 3237, SD 1, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1038-04, and S.B. No. 1491, SD 1, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1039-04, and S.B. No. 2525, HD 1:

By unanimous consent, action was deferred one legislative day.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1040-04) recommending that S.B. No. 3238, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1040-04 on S.B. No. 3238, SD 2, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 3238, SD 2, HD 2, were made available to the members of the House.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1041-04), recommending that S.C.R. No. 5, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 5, entitled: "SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES," was referred to the Committee on Finance with Representatives Caldwell, Chang, Meyer, Schatz and Souki being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1042-04), recommending that S.C.R. No. 7, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 7, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT SPRECKELSVILLE, WAILUKU, MAUI, HAWAII, FOR MAINTENANCE OF ROCK GROIN PURPOSES," was referred to the Committee on Finance with Representatives Caldwell, Chang, Meyer, Schatz and Souki being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1043-04), recommending that S.C.R. No. 8, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.C.R. No. 8, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, HAWAII, FOR MAINTENANCE OF BREAKWATER PURPOSES," was referred to the Committee on Finance with Representatives Caldwell, Chang, Meyer, Schatz and Souki being excused.

ANNOUNCEMENTS

Representative Shimabukuro: "Your Joint Committee on Human Services and Housing and Health is going to reconvene at 1:30 in room 329 for decision making."

ADJOURNMENT

At 1:08 o'clock p.m. on motion by Representative Lee, seconded by Representative Bukoski and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, April 1, 2004. (Representatives Caldwell, Chang, Meyer, Schatz and Souki were excused.)

FORTY-FIRST DAY

Thursday, April 1, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Michael Anthony Q. Abagon – 'Pastor Bong' of the First Baptist Church of Wahiawa, after which the Roll was called showing all members present with the exception of Representatives Caldwell, Chang, Ching, Kahikina, and Karamatsu who were excused.

On motion by Representative Lee, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journal of the Thirtieth Day was approved with Representatives Caldwell, Ching, Kahikina and Karamatsu being excused.

INTRODUCTIONS

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

Representative Kanoho introduced on behalf of Representatives Morita and Kawakami, Ms. Lynn Morimoto and Ms. Gloria Nakea, who are here on behalf of their humanitarian project.

Representative Waters wished a Happy Birthday to his session staff, Ms. Tutti Baker.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following resolution and concurrent resolutions were re-referred to committee by the Speaker:

H.R.No. Re-referred to:

52 Committee on Higher Education, then to the Committee on Finance

H.C.R.Nos. Re-referred to:

233 Committee on International Affairs, then to the Committee on Finance

260 Committee on Agriculture, then to the Committee on Finance

UNFINISHED BUSINESS

The Chair addressed the Members, stating:

"Members, before we take action on Standing Committee Report Number 1035-04, the Chair is deferring Standing Committee Reports Number 1037-04 to 1039-04, one legislative day."

At 12:15 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 12:15 o'clock p.m.

The Chair addressed the Members, stating:

"The Chair stands corrected, Members. Instead of 1037, it's 1036-04 to 1039-04 for one legislative day. "

Representative Stonebraker rose, stating:

"The deferral of these bills from yesterday to today, and from today to tomorrow, is reminiscent of what we did with a number of constitutional amendments regarding education after we deferred those amendments 11 days. They were eventually killed by re-referring them to Committee. I believe that these measures have validity and I would request that we would hear them as soon as possible. I do not want to see them continually deferred until the time comes when they are killed."

The Chair addressed Representative Stonebraker, stating:

"Your point is well taken, Representative Stonebraker, and you will have that opportunity tomorrow."

Stand. Com. Rep. No. 1036-04, and S.B. No. 2528, SD 1, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1037-04, and S.B. No. 3237, SD 1, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1038-04, and S.B. No. 1491, SD 1, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1039-04, and S.B. No. 2525, HD 1:

By unanimous consent, action was deferred one legislative day.

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 200 and 199) were announced by the Clerk and the following action taken:

H.R. No. 200, entitled: "HOUSE RESOLUTION RECOGNIZING THE HAWAII LUPUS FOUNDATION ON ITS 30TH ANNIVERSARY AND ITS BOARD OF DIRECTORS; SHARLEEN OSHIRO, ED KAJIYAMA, DEAN YAMAMOTO, TRACY OKUBO, AND AMY LEONG," was jointly offered by Representatives Moses, Evans, Tamayo, Morita, Jernigan, Hale, Ching, Marumoto, Halford, Bukoski, Finnegan, Thielen, Blundell, Shimabukuro, Kahikina, Magaoay, Karamatsu, Chang, Takai, Takumi, Caldwell, Stonebraker, Leong, Nishimoto, Arakaki, Souki and Herkes.

Representative Moses, moved that H.R. No. 200 be adopted, seconded by Representative Marumoto.

Representative Moses announced that today is the National Lupus Alert Day and introduced the following honorees with the Hawaii Lupus Foundation, who were seated on the floor of the House:

Ms. Sharleen Oshiro, Executive Director;

Mr. Ed Kajiyama, President of the Board;

Mr. Dean Yamamoto, Vice President of the Board; and

Ms. Tracy Okubo, Chair for Lupus Alert Day and a Lupus patient.

The motion was put to vote by the Chair and carried, and H.R. No. 200 was adopted with Representatives Caldwell, Chang, Hamakawa, Herkes, Kahikina, Karamatsu, Nakasone, Saiki, and Takai being excused.

H.R. No. 199, entitled: "HOUSE RESOLUTION CONGRATULATING THE PRUDENTIAL "SPIRIT OF COMMUNITY" AWARDS 2004 STATE HONOREES AND DISTINGUISHED FINALISTS," was jointly offered by Representatives Bukoski, Luke, Kaho'ohalahala, Souki, Blundell, Halford and Nakasone.

Representative Bukoski, moved that H.R. No. 199 be adopted, seconded by Representative Luke.

Representative Bukoski introduced the honorees who were seated on the Floor of the House:

Ms. Tiffany Chou of Pukalani, a junior at Seabury Hall School, the high school state honoree;

Mr. Theodore Dodson of Wailuku, an eighth-grader at Saint Anthony Junior/Senior High School, the middle school state honoree;

Mr. Mika'ele Pavao, a senior at Hana High and Elementary School, one of the 256 distinguished finalists nationwide; and

Mr. Kelsey Yamasaki, a senior at President Theodore Roosevelt High School, also one of the 256 distinguished finalists nationwide.

At this time Representative Bukoski recognized Mr. David Izat, Managing Director, Prudential Financial Hawaii/Pacific Agency; and Mr. Todd Thakar, Vice President of Government Relations at Prudential Financial.

Representative Bukoski then introduced the parents of the honorees, who were seated in the gallery:

Mrs. Joann Chou, mother of Ms. Tiffany Chou;

Mr. John Dodson, father of Mr. Theodore Dodson;

Mrs. Irene Pavao, mother of Mr. Mika'ele Pavao; and

Mr. Burt and Mrs. Vera Yamasaki, parents of Mr. Kelsey Yamasaki.

At this time, Representative Bukoski recognized all the finalists in the "Spirit of Community" competition, who were seated in the gallery.

Speaker Say introduced one of the finalists, Mr. Christopher Kutsunai, his grandmother, Mrs. Betty Iwamoto and aunt, Ms. Karen Iwamoto, who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 199 was adopted with Representatives Caldwell, Chang, Hamakawa, Herkes, Kahikina, Karamatsu, Nakasone, Saiki, and Takai being excused.

At 12:40 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:49 o'clock p.m.

UNFINISHED BUSINESS

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1035-04) recommending that S.B. No. 2851, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2851, SD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading with Representatives Caldwell, Chang and Karamatsu being excused.

STANDING COMMITTEE REPORTS

Representative Chang, for the Committee on Tourism and Culture presented two reports:

(Stand. Com. Rep. No. 1044-04), recommending that H.R. No. 103, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1045-04), recommending that H.C.R. No. 146, as amended in HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the reports of the Committee be adopted and HR. 103, HD 1, and H.C.R. No. 146, HD 1, be adopted, seconded by Representative Lee.

Representative Mindo rose to speak in support of both measures, stating:

"In strong support, Mr. Speaker.

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 103, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO REDUCE BARRIERS TO TRAVEL AND PROMOTE TOURISM BETWEEN THE PHILIPPINES AND HAWAII," was referred to the Committee on Finance with Representatives Caldwell, Chang and Karamatsu being excused;

and

H.C.R. No. 146, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO REDUCE BARRIERS TO TRAVEL AND PROMOTE TOURISM BETWEEN THE PHILIPPINES AND HAWAII," was referred to the Committee on Finance with

Representatives Caldwell, Chang and Karamatsu being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1046-04), recommending that H.C.R. No. 127, as amended in HD 1, be referred to the Committee on Finance.

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

"Thank you, Mr. Speaker, in support. I'm sure that when some of us saw that Veteran's Stadium in Philadelphia, which was built in the early 70s, had just been blown up and replaced by two stadiums, we thought the wisdom of moving beyond this convertible rust bucket that we have at Aloha Stadium to something new. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 127, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONDUCT A STUDY ON THE COST OF MAINTAINING ALOHA STADIUM," was referred to the Committee on Finance with Representatives Caldwell, Chang and Karamatsu being excused.

Representatives Hale and Magaoay, for the Committee on International Affairs and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1047-04) recommending that H.C.R. No. 36, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 36, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING AND REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES AND THE STATE OF RABAT-SALÉ-ZEMMOUR-ZAËR OF THE KINGDOM OF MOROCCO," was adopted with Representatives Caldwell, Chang and Karamatsu being excused.

ANNOUNCEMENTS

Representative Hiraki: "Mr. Speaker, I'd like to ask for a waiver of the 48-hour hearing notice to hear the following resolutions.

"HCR 321, requesting the Attorney General investigate Breene Harimoto for libel and slander, introduced by Representative Thielen.

"HCR 666, requesting an Auditor's study on gas caps and why people leave them on top of their cars and drive away from the station, introduced Representative Morita.

"And finally, HCR 411, requesting the Department of Public Safety make inmates available to trench for underground utilities in Manoa Valley, and that's by Representative Caldwell.

"Happy April 1st. Thanks."

Representative Thielen: "Thank you, Mr. Speaker. I have a resolution to offer to the Members.

"Whereas the House of Representatives has decided to enact substantive governance changes which House Members believe will enhance our State Government; and

"Whereas, the first change is that the House will assume all functions heretofore held by the Governor of the State of Hawaii, including but not limited to using her offices on the fifth floor of the Capitol; and

"Whereas, the Attorney General will be directed to draft an opinion supporting the constitutionality of this takeover of the Executive branch; and

"Whereas, the Department of Budget and Finance will eliminate payments for the Executive branch as the powers and duties now will be performed by the Legislature; and

"Whereas, the money saved will be placed into the Rainy Day Fund and the Hurricane Relief Fund, which funds can be raided with impunity by the House of Representatives; and

"Whereas, since the Department of Commerce and Consumer Affairs has shown it can run a cost effective program, the Director of DCCA is invited to advise the House on how to fiscally manage its affairs; and

"Whereas, the energy needs of the newly reconstituted Capitol will be handled by the Department of Business, Economic Development, and Tourism's Energy Division which will immediately place solar and wind turbines on the Capitol roof and cut the Hawaiian Electric power cord; and

"Whereas, on sunless and windless days, the House will operate in darkness which some members of the public believe is already the case; and

"Whereas, the Department of Land and Natural Resource shall create a small boat harbor in the Capitol moat to provide mooring space for the long waiting list of small boaters; and

"Whereas, the Department of Transportation shall eliminate all parking spots for Legislators, opening the same up to free public parking; and

"Whereas, the Department of Taxation shall provide tax credit to Legislators who use skateboards, roller blades, bicycles or sneakers to get to work; and

"Whereas, the newly reconstituted Department of Education will bring its 185,000 school boards and its 185,000 students to the Capitol to learn how government works on April 1, 2004.

"Mr. Speaker, may be this matter be disposed of in the circular basket?" and the Chair "so ordered."

Representative Saiki: "I second the motion, call for the question, and request a roll call vote. Thank you."

Speaker Say: "Okay, we had a lot in regards to announcements on April Fool's so are there any serious announcements now at this points?"

Representative Souki: "Yes, Mr. Speaker. If any of you have time, there will be an April Fool's party this evening at 5:30 at the Ohana East Hotel."

ADJOURNMENT

At 12:56 o'clock p.m. on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, April 2, 2004. (Representatives Caldwell, Chang, and Karamatsu were excused.)

FORTY-SECOND DAY

Friday, April 02, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:10 o'clock p.m., with the Speaker presiding.

The Pledge of Allegiance was led by the Kindergarten and First grade students of Windward Adventist School. The invocation was then delivered by Chaplain Cartus Thomton of the Marine Corps Base Hawaii, after which the Roll was called showing all members present with the exception of Representatives Kahikina, Meyer and M. Oshiro, who were excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 165) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 165, transmitting the Foreign-Trade Zone No. 9's Annual Report to the Foreign-Trade Zones Board for federal fiscal year ending September 30, 2003, as submitted by the Department of Business, Economic Development, and Tourism.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 390 through 398) were received and announced by the Clerk:

Sen. Com. No. 390, transmitting S.C.R. No. 27, entitled: "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR FEDERAL LEGISLATION AUTHORIZING THE IMPORTATION OF PRESCRIPTION DRUGS," which was adopted by the Senate on April 1, 2004.

Sen. Com. No. 391, transmitting H.B. No. 1737, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS," which passed Third Reading in the Senate on April 1, 2004.

Sen. Com. No. 392, transmitting H.B. No. 2139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 1, 2004.

Sen. Com. No. 393, transmitting H.B. No. 2417, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSING," which passed Third Reading in the Senate on April 1, 2004.

Sen. Com. No. 394, transmitting H.B. No. 2418, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED APPLICATIONS FOR PROFESSIONAL AND VOCATIONAL LICENSES," which passed Third Reading in the Senate on April 1, 2004.

Sen. Com. No. 395, transmitting H.B. No. 2423, entitled: "A BILL FOR AN ACT RELATING TO COSMETOLOGY LICENSE RESTORATION," which passed Third Reading in the Senate on April 1, 2004.

Sen. Com. No. 396, transmitting H.B. No. 2140, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY CONTINUING EDUCATION FOR PHARMACISTS," which passed Third Reading in the Senate on April 1, 2004.

Sen. Com. No. 397, transmitting H.B. No. 2147, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," which passed Third Reading in the Senate on April 1, 2004.

Sen. Com. No. 398, transmitting H.B. No. 2421, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENTS FOR PRIVATE DETECTIVES AND GUARDS," which passed Third Reading in the Senate on April 1, 2004.

On motion by Representative Saiki, seconded by Representative Lee and carried, the House disagreed to the amendments proposed by the Senate to House bills returned to the House by 6:00 p.m. this evening. (Representatives Hiraki, Meyer, Nakasone and M. Oshiro were excused.)

INTRODUCTIONS

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

Representative Pendleton introduced the Kindergarten and First grade students of Windward Adventist School, their parents, and principal, Mr. Bruce Lane.

Representative Magaoay introduced his 'shadow' for the day, Mr. Kalani Cuaserna of Boy Scout Troop 329 in Kaneohe, who was accompanied by his cousin, Mr. Cale Llewellyn; and aunt, Ms. Andrea Barayuga.

Representative Finnegan introduced 4th, 5th and 6th grade Student Council leaders from Mokulele Elementary School at Hickam Air Force Base; their Student Council Supervisor, Ms. Darla Tomas; and chaperone, Ms. Cheryl Sasabe.

Representative Bukoski introduced Mr. Jonathan Nagatoshi and Ms. Lisa Hu of Mountain View Community Church. They were accompanied by the Representative's staff member, Mr. Ikaika Vasconcellos.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following concurrent resolution (S.C.R. No. 27) was referred to committee by the Speaker:

S.C.R.
No.

Referred to:

27 Committee on Consumer Protection and Commerce

COMMITTEE REASSIGNMENTS

The following bill was re-referred to committee by the Speaker:

H.B.
No.

Re-referred to:

369 Committee on Judiciary

The following concurrent resolution was re-referred to committee by the Speaker:

H.C.R.

No. Re-referred to:

9 Committee on Human Services and Housing, then to the Committee on Finance

**INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)**

The following resolution (H.R. No. 201) was announced by the Clerk and the following action taken:

H.R. No. 201, entitled: "HOUSE RESOLUTION RECOGNIZING AND EXPRESSING DEEP APPRECIATION TO THE DEDICATED INDIVIDUALS OF THE AGRICULTURAL WORKING GROUP FOR THEIR OUTSTANDING EFFORTS TO DEVELOP LEGISLATION TO EFFECTUATE THE CONSTITUTIONAL MANDATE TO CONSERVE AND PROTECT IMPORTANT AGRICULTURAL LANDS," was offered by Representative Kanohe.

Representative Kanohe, moved that H.R. No. 201 be adopted, seconded by Representative Abinsay.

Representative Kanohe recognized the work and contribution of the Agriculture Working Group.

Representative Abinsay then introduced the conveners of the Agricultural Working Group who were seated on the floor of the House:

Dr. Andrew Hashimoto, Dean of the University of Hawaii College of Tropical Agriculture and Human Resources;

Ms. Sandra Lee Kunimoto, Chairperson of the Board of Agriculture;

Mr. Anthony Ching, Executive Director of the Land Use Commission; and

Mr. Dan Davidson, Deputy to the Chair of the Department of Land and Natural Resources.

Representative Abinsay also acknowledged key members of the Working Group:

Facilitators:

Ms. Jane Yamashiro, Enterprise Honolulu; and
Ms. Donna Ching, University of Hawaii, College of Tropical Agriculture and Human Resources.

Subcommittee Chairs:

Agricultural Economic Feasibility
Ms. Donna Wong, Hawaii's Thousand Friends;

Criteria and Qualifications of Lands
Mr. Myrone Murakami, Hawaii Farm Bureau;

Agriculture Map Support
Ms. Ruby Edwards, Office of State Planning;
Mr. Jeff Melrose, Kamehameha Schools;

Jurisdictional Issues

Ms. Tracy Stice, Century 21;
Mr. Jeff Summers, Maui County; and

Drafting Standards and Criteria

Ms. Joanne Yukimura, Kauai County Council.

Staff Support:

Ms. Karen Stahl, Department of Land and Natural Resources; and
Ms. Kathy Lu, University of Hawaii, College of Tropical Agriculture and Human Resources.

Representative Abinsay then recognized Ms. Diane Ley, Deputy Director, Department of Agriculture, who was seated in the gallery.

Representative Thielen also acknowledged the work of Representative Kanohe, Chair of the Committee on Water, Land Use and Hawaiian Affairs.

The motion was put to vote by the Chair and carried, and H.R. No. 201 was adopted with Representatives Hiraki, Nakasone, M. Oshiro and Saiki being excused.

LATE INTRODUCTIONS

Representative Nishimoto introduced the 2004 Honolulu Japanese Junior Chamber of Commerce Cherry Blossom Queen and her Court:

Ms. Meredith Kuba, Queen and Ms. Popularity;
Ms. Jerilyn Itamoto, 1st Princess;
Ms. Audry Ida, Princess;
Ms. Natalie Yamada, Princess;
Ms. Christine Gibo, Princess; and
Ms. Roxine Kubo, Ms. Congeniality.

Representative Nishimoto also introduced Honolulu Japanese Junior Chamber of Commerce President, and former Representative, Mr. Devon Nekoba; and Executive Vice President, Mr. Steve Kaneko.

Representative Arakaki introduced former University of Hawaii Regent, Mr. Ed Kuba; and his wife Mrs. Barbara Kuba, parents of Cherry Blossom Queen, Ms. Meredith Kuba.

Representative Takai introduced Ms. Debbie Gibo, mother of Cherry Blossom Princess, Ms. Christine Gibo.

Representative Takai, on behalf of Representative Takumi, also introduced the 2003 National Mother of the Year, Mrs. Mervyn Kitashima of Pearl City. She was accompanied by her husband, Mr. Daniel Kitashima; son, Mr. Jarom Kitashima; daughter, Ms. Heather Park; and grandsons, Tyler and Nalu Park.

Representative Takai also introduced the representatives of American Mothers, Inc., Hawaii Chapter.

At 12:39 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:18 o'clock p.m.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 399) was received and announced by the Clerk:

Sen. Com. No. 399, transmitting H.B. No. 1800, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," which passed Third Reading in the Senate on April 2, 2004.

At this time, the Chair announced:

"Members, at this time, the Senate amendments to H.B. No. 1800, HD 1, SD 1, have been disagreed to pursuant to the earlier disagreement motion by the Majority Leader which was adopted by this Body.

"At this time, the Chair appoints the following members as conferees on the part of the House for consideration of amendments proposed by the Senate to H.B. No. 1800, HD 1, SD 1, Relating to the State Budget. The conferees are: Representative Takamine, Chair; and Representatives Kaho'ohalahala, Karamatsu, Kawakami, Magaoay, Mindo, Nakasone, Nishimoto, Shimabukuro, Wakai, Waters, Bukoski and Moses."

At 1:20 o'clock p.m., Representative Fox requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:20 o'clock p.m.

UNFINISHED BUSINESS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1039-04) recommending that S.B. No. 2525, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that S.B. No. 2525, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

At this time, Representative Stonebraker offered Floor Amendment No. 8, amending S.B. No. 2525, HD 1, as follows:

SECTION 1. Senate Bill No. 2525 House Draft 1 is amended by deleting its contents and inserting the following language, to read as follows:

"SECTION 1. The purpose of this Act is to propose amendments to sections 5, 7, and 9 of article VII of the Constitution of the State of Hawaii to clarify that the legislature is required to enact a balanced budget using the latest council on revenues estimates.

SECTION 2. Article VII, section 5, of the Constitution of the State of Hawaii, is amended to read as follows:

"EXPENDITURE CONTROLS

Section 5. Provision for the control of the rate of expenditures of appropriated state moneys, and for the reduction of such expenditures under prescribed conditions, shall be made by law.

No public money shall be expended except pursuant to appropriations made by law. In no case shall general fund appropriations for any fiscal year in a fiscal biennium exceed the State's current estimated general fund revenues and unencumbered cash balances. General fund expenditures for any fiscal year shall not exceed the State's current general fund revenues and unencumbered cash balances, except when the

governor publicly declares the public health, safety or welfare is threatened as provided by law."

SECTION 3. Article VII, section 7, of the Constitution of the State of Hawaii is amended to read as follows:

"COUNCIL ON REVENUES

Section 7. There shall be established by law a council on revenues which shall prepare revenue estimates of the state government and shall report the estimates to the governor and the legislature at times provided by law. The estimates shall be considered by the governor in preparing the budget, recommending appropriations and revenues and controlling expenditures. The estimates shall be considered by the legislature in appropriating funds and enacting revenue measures. The governor and the legislature shall use the latest estimates prepared by the council as base estimates against which their revenue estimates shall be compared. All revenue estimates submitted by the council to the governor and the legislature shall be made public. If the legislature in appropriating funds and enacting revenue measures, or if the governor in preparing the budget or recommending appropriations, exceeds estimated current revenues and unencumbered cash balances due to proposed expenditures, this fact shall be made public including the reasons therefor."

SECTION 4. Article VII, section 9, of the Constitution of the State of Hawaii is amended to read as follows:

"LEGISLATIVE APPROPRIATIONS; PROCEDURES; EXPENDITURE CEILING

Section 9. In each regular session in an odd-numbered year, the legislature shall transmit to the governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. No general appropriation bill or other bill appropriating money for any purpose shall be enacted if the appropriations contained therein, together with all other appropriations made for each fiscal year in the biennium, exceed current estimated revenues and unencumbered cash balances available to meet such appropriations during such fiscal period. In such session, no appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the governor.

In each regular session in an even-numbered year, at such time as may be provided by law, the governor may submit to the legislature a bill to amend any appropriation for operating expenditures of the current fiscal biennium, to be known as the supplemental appropriations bill, and bills to amend any appropriations for capital expenditures of the current fiscal biennium, and at the same time the governor shall submit a bill or bills to provide for any added revenues or borrowings that such amendments may require. In each regular session in an even-numbered year, bills may be introduced in the legislature to amend any appropriation act or bond authorization act of the current fiscal biennium or prior fiscal periods. No bill appropriating money for any purpose shall be enacted if the appropriations contained therein, together with all other appropriations made for each fiscal year of the same fiscal period, exceed current estimated revenues and unencumbered cash balances available to meet such appropriations during such fiscal period. In any such session in which the legislature submits to the governor a supplemental appropriations bill, no other appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the legislature, shall be passed on final reading until such

supplemental appropriations bill shall have been transmitted to the governor."

SECTION 5. The question to be printed on the ballot shall be as follows:

"Shall the Legislature be required to enact a balanced budget using the latest council on revenues estimates?"

SECTION 6. New constitutional material is underscored.

SECTION 7. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii."

Representative Stonebraker moved that Floor Amendment No. 8 be adopted, seconded by Representative Jernigan.

Representative Stonebraker rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I move for the adoption and I'm standing in favor of the proposed amendment.

"For you, Mr. Speaker and the Members, we've had a few days to look at this amendment. I hope we've read it carefully. In the State of the State speech this year, Mr. Speaker, the Governor outlined as one of her goals, a proposal to put on the ballot this year, a constitutional question asking if the people would want the Legislature to pass a balance budget. And so with that in mind, I have taken the contents of the underlying bill, Senate Bill 2525, and replaced with this balanced budget amendment.

"Mr. Speaker, to put into the Constitution a balanced budget amendment, which would require the Legislature to pass a balanced budget, is a responsible thing to do on the part of this Body, as well as a act of good will toward the people. Currently in Congress, prior to their convening to pass the budget, Congress passes a Budget Resolution. The Resolution is pretty much a statement from the House that they will stay within their own means. That they will pass a budget that meets the projected revenues. The problem with this Balanced Budget Resolution that Congress passes is, they break it all the time because it's not under the binding weight of the Constitution. And so this proposal pretty much, in a very simple way, asks the people if they would like us to pass a balanced budget.

"Now we have been telling the people of this State what to do for many years. We've been ordering them around. It's about time that we gave them a chance to order us around. It's about time that we give the people the chance to tell us what to do. To mandate us for a change. This would be a vote to give our communities the chance to force us to pass a balanced budget.

"Now some are going to rise, Mr. Speaker, and say that this is not necessary. We do this already. But what this bill would do, it would codify, and put the weight of the Constitution upon us to live within fiscal restraints. To live within our means. To have a responsible form of budgeting. It's a good thing to do, Mr. Speaker. And I ask that all the Members would vote in support."

Representative Fox rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In support. The Director of Budget and Finance said in earlier testimony on this proposal before Committee, that the proposed amendment clarifies that

general fund appropriations shall not exceed available resources. She pointed out that the State Constitution requires the Governor to submit to the Legislature a budget and six-year financial plan for the Executive branch, but no comparable requirement is placed on the Legislature. Appropriations and enacted revenue measures under this procedure, until we pass an amendment like this, may exceed the financial ability of the State to support the budget that's submitted.

"And the Director of Budget and Finance pointed out that 40 states currently require their legislatures to pass balance budgets. Thank you, Mr. Speaker."

Representative Takamine rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, thank you. Mr. Speaker, I rise to speak against the floor amendment.

"First of all, it should be made clear that we already have a balance budget requirement in our Constitution. Mr. Speaker, our Constitution clearly states, "General fund expenditures for any fiscal year shall not exceed the State's current general fund revenues and unencumbered cash balances."

"Mr. Speaker, I don't think anyone disagrees with the underlying concept of this floor amendment. No one disagrees with ensuring fiscal responsibility and accountability. Although the Constitution already has a balanced budget requirement, the framers of our Constitution decided to remain silent on assigning responsibility. They didn't point to the Governor, and they didn't point to the Legislature. In effect, the Constitution makes us all responsible for balancing the budget.

"In this amendment, or if this amendment is approved, neither the Governor nor the Legislature would be able to meet its conditions. This amendment creates a 'catch 22' situation, Mr. Speaker. The amendment offered have the effect of requiring the Governor and the Legislature to enact appropriations, which would include the budgets using the latest Council on Revenue estimates.

"The proposed constitutional amendment creates an impossibility to meet the scenario because the Council on Revenues only adopts revenue changes after they become laws. As such, any revenue enhancement measures proposed by the Governor or the Legislature would never be included in the latest Council estimates.

"For example, this year Mr. Speaker, the Governor submitted two bills that would generate over \$110 million in revenues to the general fund. One of the Governor's proposals changes the frequency in which employers must submit withholding amounts to the State, generating about \$50 million according to the Department of Taxation.

"The other proposal modifies the provisions of Act 221 resulting in over \$60 million in savings according to the Departments of Taxation, and Business, Economic Development, and Tourism.

"When the Governor submitted her financial plan to the Legislature, neither of these revenue proposals or impacts had been adopted by the Council on Revenues. If this floor amendment had been in place, the Governor would not have been able to submit a balance budget to the Legislature. In fact, this amendment would make it impossible.

"The Council on Revenues just met in March and did nothing to acknowledge or adopt either of the two revenue enhancement proposals. If this amendment were in place, the

Legislature would never be able to legally recognize the Governor's proposals as revenue generators for budget purposes.

"A constitutional amendment should never be reduced to a sound bite. In this case, the unintended consequences could cause real problems for both the Legislature and the Governor.

"If there is a perception that a problem exists, we should be changing the appropriate statute that addresses the balance of powers between the Legislative and Executive branches. If there is a perception that the budget process is flawed, we should take a close look at Chapter 37 and see what modifications make sense.

"Mr. Speaker, I don't think anyone disagrees with ensuring fiscal responsibility and accountability. And I don't believe anyone disagrees with the underlying concept behind the amendment. However, the amendment will cause serious problems.

"The Legislature has, and will pass a balanced budget and financial plan. The Constitution already demands it. The public demands it. Legislators demand it. And Governors demand it. This floor amendment, while well intended, simply won't work. Therefore we should vote it down. Thank you, Mr. Speaker."

Representative Pendleton rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, I rise in support and urge my colleagues to support this amendment.

"Also at the appropriate time would like to ask for a roll call vote."

Representative Wakai rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, I rise in opposition to this amendment.

"Mr. Speaker, I thought April Fool's was yesterday. Forcing us to carve the budget into stone is truly a foolish proposition. Balancing the State budget is a practice of hitting a moving target. Today's sound financial plan can easily be thrown off by a labor strike or perhaps a terrorist attack. Lawmakers need the flexibility to roll with the times. But this proposal locks us into a set figure. Lawmakers need the flexibility again to roll with the times.

"This year the Governor and Legislators have introduced numerous bills to enhance our State's revenues. This amendment would preclude us from taking those proposals into account and proactive in setting priorities.

"Last year, the Governor 'cried wolf' by saying we sent her an unbalanced budget. But at the end of the fiscal year, where was that wolf? The budget was balanced.

"This proposed amendment is not well-thought out and should be voted down. Thank you, Mr. Speaker."

Representative Thielen rose, stating:

"Thank you, Mr. Speaker. I respectfully disagree with the Finance Committee Chairman.

"In the Attorney General Opinion issued January 11, 1997, the Attorney General states there is no express requirement for a balanced budget in either the State Constitution or the applicable statutes. Evidently the operation is such that this

does occur. But there is no express requirement. That is what this amendment is trying to do. Thank you."

Representative Stonebraker rose to respond, stating:

"I'm happy that the opposers of this bill had three days to write their speeches and so forth and so on. Yesterday was April Fool's Day and I thought that maybe we could pass this yesterday and offer the people something. But apparently the Legislature said, 'April Fool's'. Unfortunately, the people of this State are being played as fools.

"Now this bill passed would do nothing except allow the people to vote if we would be required to pass a balanced budget. Now there's opposition to that. I think that we should give the people the right to decide, and then sell them our arguments against the amendment to the Constitution. But the role of this Body for this amendment is to allow the people to decide something that we've had a very difficult time doing this legislative session."

Representative Caldwell rose to speak in opposition to the proposed amendment, stating:

"Mr. Speaker, I rise in opposition. As the speaker from Hawaii Kai mentioned, Congress has struggled long and hard with trying to balance the budget. We currently see a deficit of half a trillion dollars.

"Back in the 70s and 80s, they looked and discussed doing a constitutional amendment to try and balance the budget. They came up with the Gramm-Rudman Act as an alternative that basically slashed, across the board, to try to get to a budget balanced, regardless of the impact in individual programs, they saw that didn't work and they let it lapse.

"But watching all of this, Mr. Speaker, what I've concluded is that coming up with a balanced budget amendment is really just a 'cop-out' for politicians. It's an excuse to hide behind making difficult decisions and saying, 'Gee, we have to pass a balanced budget. The Constitution requires it, so we're going to have to cut your programs that you support.'

"Instead, what we have today, Mr. Speaker, is a program that does work. As mentioned by the Chairman of Finance, it's required in the Constitution that we have to spend what our revenues bring in. And it works. We do pass out a balanced budget. We make difficult decisions and we have to go back into our districts and explain to our constituents why we voted against programs they may have supported. It's not a 'cop-out'. The other would be a 'cop-out', in my mind.

"Finally, Mr. Speaker, I could see supporting an amendment like this if it required both the Executive and the Legislative branch, when they introduce bills, to explain exactly where the revenue is going to come from, or what cuts we're going to make. Now I think that's good government. We're explaining to our constituents what we want to do, whether it's to raise taxes or cut something they support. This amendment does not do that. It provides a shield to hide behind. Thank you very much, Mr. Speaker."

At this time, Representative Saiki called for the previous question.

The Chair then stated:

"The question has been called. And we've had a lot of debate on this particular issue on this particular floor amendment."

Roll call having been previously requested, and by unanimous consent, granted, the motion that Floor Amendment No. 8 amending S.B. No. 2525, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," be adopted, was put to vote by the Chair and failed to carry on the following show of Noes and Ayes:

Noes, 36: Representatives Abinsay, Arakaki, Caldwell, Chang, Evans, Hale, Hamakawa, Herkes, Hiraki, Ito, Kahikina, Kaho`ohalahala, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Mindo, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Saiki, Say, Schatz, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tamayo, Wakai and Waters.

Ayes, 15: Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen.

(Main Motion)

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

"Thank you, Mr. Speaker. In opposition to this Stand. Com. Report.

"Mr. Speaker, you and many of the other individuals on this Floor were here in 1999 when Katherine Matayoshi, the head of the Department of Commerce and Consumer Affairs recommended to the Legislature that this Compliance Fund be created. It was embodied in House Bill 1083, House Draft 2. And she said the Department supports this Administration bill. This measure will allow DCCA greater flexibility in the management of its funds in order to support its goal of fiscal self-sufficiency.

"This bill will combine most of DCCA's special and revolving funds into the DCCA Compliance Resolution Fund. DCCA would manage the CRF to fund DCCA's activities. And the CRF would not be subject to the central service and department administrative expense reimbursement deductions or other reversions to the general fund.

"Over the last four year, general fund support for DCCA's various programs has declined significantly. The Department has been moving steadily towards self-sufficiency.

"Last session, the Legislature approved moving a large portion of DCCA's budget off the general fund. This bill furthers the Department's goal of being supported wholly by the revenue it collects.

"Mr. Speaker, you and I all know that DCCA was a remarkable success story. And that the Legislature was pleased with what they had been able to do with their special funds in particularly with the Compliance Resolution Fund.

"When this measure moved through the Finance Committee, it received the support of the current Chair and Vice Chair of the Finance Committee, and several other members who are currently sitting in this Body, and then got unanimous support when it went through the Floor of the House of Representatives. What's changed between 1999 and 2004, Mr. Speaker? What's the difference? We had a Department that was working very well and the business strongly supported. Now we have a Department that's working very well and business strongly supports. The testimony in opposition to this bill was overwhelming – seventy parties against, one party in favor. And that party adjusted his testimony as it got to the end of the session. We've got something that really works. Let's keep it. Let's vote down this bill. Thank you, Mr. Speaker."

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

"Thank you, Speaker. I rise to speak in support of the measure. Thank you very much, Mr. Speaker. Mr. Speaker, you have been here a while now. And I think you will recall that during the past decade, during the 90s, those were some lean times for this State, when you, in your previous capacity as Finance Committee Chairman, you had to go through a series of budget cuts. If you will recall at that time, the word 'self-sufficiency' became something that was focused on and various departments attempted, through the creation of special funds, to create a source of resources that they could go to, to address needs, real needs, for the departments because they were not able to get very much in terms of general funds because of the realities, because of the limitations that existed. And so we applauded departments like the DCCA. And we applauded, I applauded, Director Matayoshi for being the first and only department to achieve total self-sufficiency. Not one dollar being relied on from the general fund because they were able to create all of these special funds, and it assisted us in the dilemma of trying to provide for more needs than we had general funds to respond to.

"But I think after looking at all of those experiences, we've learned a few lessons, Mr. Speaker. In looking back, we found out that through the Compliance Resolution Fund, this one department was able to build up surpluses. In fact, surpluses to the extent of \$28 million. If you will recall, the Governor had a chance this past year to dedicate the brand new federal building, which was I guess was purchased for with resources provided by the Compliance Resolution Fund. It begs the question, if that much of a surplus was created, who were the fee-payers? And was there fairness to them?

"Second example, Mr. Speaker, even under the current Administration. Now that was, I admit, during the previous Administration and not during the current Administration. But even under the current Administration, we see the consequences. And we're learning what happens when you have the ability, the capacity to build up special fund surpluses. Just last year, basically the Legislature, in seeking accountability even in special fund circumstances, requires the department to project its revenues and project its expenditures. For this particular Fund, Mr. Speaker, based on the projections of revenues which were understated, and based on the projection of expenditures which were overstated, the Compliance Resolution Fund resulted or ended up with a \$14 million, now in one year, \$14 million surplus. And that was based on what was actually collected, and what was actually expended.

"Mr. Speaker, as we learn more about some of the things that are able, and none of this, I'm not saying that any of this is any scheme of sorts, but we're finding that people tend to be resourceful when they're faced with challenges. And one of the things we did find out was that from April 1 to September 15 of the previous year, as you will recall, there was a reference made to last year, there being such a deficit, presumably. That the budget wasn't going to balance. And therefore a number of vetoed items, in terms of expenditures, were made by the Governor. During that time there was a moratorium imposed. A moratorium on all departments."

Representative M. Oshiro rose to yield his time, and the Chair, "so ordered."

Representative Takamine continued, stating:

"Thank you very much, Mr. Speaker. During that time, there was a moratorium on all departments, and no expenditures

would be allowed for furniture and equipment. During the last hearing that we had on this bill, Mr. Speaker, the current Director was asked whether or not from April 1 to September 15, his Department was included in this moratorium and he affirmed that it was. And then he was asked whether or not he could recall whether over a million dollars was spent by DCCA during this period for wide-screen monitors, new furniture, and new equipment. He indicated that he would be more than willing to sit down and check on it. In fact it was verified, Mr. Speaker. And this was another consequence of the additional capacity of what can be when special funds are created and used creatively to address real needs. But it does create these questions of accountability and transparency.

"Mr. Speaker, we've just spent some time this morning on the floor amendment to this measure and people spoke about accountability. People spoke about transparency, government being accountable to the people. And I think that's something we all strive for. This measure, through the conversion to general funds creates that additional level of transparency, creates that higher level of scrutiny in general funds. And the one testimony that the Minority Leader referenced raised that point in his testimony. It is true. Seventy people testified against. There might have been more covering both hearings, and the Department was able to mobilize fairly well. But the numbers don't lie. And the lessons learned result in this bill being before us today. Thank you, Mr. Speaker."

The Chair then stated:

"Members, we're going to have another discussion on this particular measure because this is just passing Second Reading and being placed on the calendar for Third Reading. For those of you who want to speak on this particular Second Reading motion, I will allow you to, but on Third Reading, I'll just incorporate what you have stated in your Second Reading discussion. Is that fair for everyone?"

"This is Second Reading and being placed on the calendar for Third Reading. All I'm saying is that if you speak today, can we incorporate your comments, for or against, on Third Reading?"

Representative Fox rose, stating:

"Mr. Speaker, I think it's possible that individuals sitting in this Chamber will learn additional facts about this issue over the next 48 hours."

The Chair responded, stating:

"Your point is well taken. Yes, Representative Stonebraker. This is your second time."

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

"No, this is my first time, Mr. Speaker. I'd just like to register a no vote."

Representative Halford rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. I will be voting no on this. I just wanted to make a few points about the DCCA. As the previous speaker said, there was overwhelming opposition to this bill. And I just want to repeat the fact that this is a very successful department. We took a department that people were very unhappy with and turned it around to a place where the users,

the people that must go there to get licenses and things, now enjoy working with the department. They don't feel like they're being treated poorly. They don't have to wait in long lines. This is a real success story.

"The Chairman of Finance talked about the large surplus that collected in the special fund. Part of that was because we passed a series of bills that increased fees. There was no testimony. Or the Director at that time didn't really show why those fees needed to be increased to the degree that they were. It simply was, sort of, plucked from air. They do it in New York. Some kind of rationale like that. And obviously now, we know that those fees were way out of line.

"The Director of DCCA did, in Committee, say that they would be ... I would have to go backwards. In the budget we passed last year, there was a proviso that required the DCCA to submit annual reports that explained how the Department's expenditures are to be aligned with its revenue collections. And they did that this year when they came in with all the other departments. They would be happy to have that made a permanent requirement through statute. There was no problem in doing that.

"The Director acknowledged that there is surplus money. The Department, through the Executive branch had introduced a number of bills that would ask the Legislature to allow them to adjust and to reduce the fees that looked like they were in excess of what the service required. That would reduce the surplus. It's not like they're over there trying to grow a huge 'pot of gold' that they can decide how they want to spend it.

"The other thing that the Director offered was that they would be perfectly happy to have a cap put on this special fund. That what they ideally would like is at least nine months worth of funding because their fees, their licenses, come in at all different times of the year. So there may be periods where a lot of money is coming in, and other months where there's very little money coming in. So they are very agreeable to having a cap put on this.

"It seems that what the people are missing is, the people that work there now are happy. It's like they're in the private sector. It's like they're running a business. They're proud of the service that they provide. It's very pro-business. And by having funds that they can be assured of, and not have to come to the Legislature to beg every year. There's the fear that should finances get worst, more money would be taken away. They will not be able to provide this service. And there's a sense of pride over there. They would like to keep up the good work that they're doing.

"The other thing that happens with their self-sufficiency is that it ensures that they have regulatory independence. They are not being dictated too. They are professionals over there. And it's a good thing for the State of Hawaii to know that you're running a department that has a great responsibility and they have independence. So for those reasons, I will be voting no. Thank you."

Representative Jernigan rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. A no vote for me, and I will reserve my comments for Third Reading. Thank you."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. I rise in opposition and just a few comments.

"To give the adage, 'If it ain't broke, don't fix it'. I think that's appropriate here. There's plenty of other areas and issues that need and deserve our attention. And secondly, if this Department has gotten such a good report card, and it obviously has from those who testified, it reminds me of a A student. Let's not punish the A student for not slowing down. Thank you."

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

"Thank you, Mr. Speaker. A no vote, and I will keep my remark for Third Reading."

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

"Thank you, Mr. Speaker. A no vote and just a few comments. Mr. Speaker, I would ask the Members to look at the Committee Report to this bill. And I would ask them to look at the nearly seventy of names of organizations and entities that testified in opposition to this bill. I know that you'll recognize a number of those names, some of which probably operate right in your districts. These people are strongly, strongly against this bill moving forward.

"We have time to recommit this to Committee, Mr. Speaker. And I would think that would be the sound thing to do for the sake of the business community and our economy. Thank you."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Leong rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. In opposition. Instead of saving my comments for Third Reading, I'd like to put them out now because I really hope that my colleagues will reconsider what's happening here today.

"We heard about fairness to the fee-payer. Well, the fee-payers believe that it's fair. That's why they all came in and testified in favor of keeping things the way they are. Now the Director of DCCA did say that he has a couple of bills that the Governor has put forward to try to reduce fees. From what I understand, some fees were reduced by Executive Order where they could be. But others need our legislation. And those bills are sitting in front of the Finance Committee and they haven't been heard, to reduce the fees, because they see that they are collecting too much.

"Now all these people that came in, were pleading with us to please allow them to continue paying the way they are paying now. I mean, they didn't say, 'We want to keep it like it is, kinda, but reduce the fees.' No, they just came in and said, 'Please leave it alone.' Because they dealt with DCCA as it was a few years ago and they saw the difference. They did comment on the people that work in those departments now,

and those agencies. They are professional. They do treat them well. And they are very, very accommodating, if you will, to their needs. Licenses are given very quickly now, instead of long waits. Requests are answered. Things are taken care of. It really is running very well. And they said, 'Please don't go back to the way it was when it was general funded.' And they made it very plain to us that there is a nexus. They can see the nexus between paying the fee to this agency or this Department, and getting their service. And when it's general funded, they don't see the nexus. At least they didn't the way it was before.

"So as other people have said, why are we trying to take something that's working so well and change it. So I really hope my colleagues will go back and look at this very, very carefully. I can't see any reason to change something that is working so well. Thank you, Mr. Speaker."

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

"In opposition and just a few comments. I would like to incorporate the words from the Representative from Kapolei as my own," and the Chair "so ordered." (By reference only.)

Representative Bukoski continued, stating:

"And I just want to comment on a few issues raised by the Chair of Finance. Regarding the purchase of the Post Office building, I don't see this as a negative, Mr. Speaker. And I do want to point out that the purchase of this building was brought before this Body, and approved by this Body. And I don't believe there was any discussion in the negative when the purchase went through or was approved by this Legislature. I don't think there was any discussion regarding the ability to pay or where they got the money from. I believe that the building they moved from was asbestos ridden and required millions and millions of dollars to refurbish. So I think the State actually benefited by turning a liability into an asset by the purchase of the Post Office building. I think we actually came out on the winning side of that. And not too mention the possible liability that asbestos would have on its workers.

"Regarding the moratorium, I think the decision to move was made prior to the moratorium placed by this Administration. The decision to move to the new building was already in place by the prior Administration. And to think that we're going to make a move to a building and not have equipment or furniture or office supplies, I mean, imagine sitting here on the middle of the floor with nothing, no desk, and nothing. I think that's kind of ridiculous to expect a department with the responsibilities that DCCA has to live under that. And so I think all departments, even if there was a moratorium, had the ability to request waivers of the moratorium, which some departments did. And I believe DCCA exercised their opportunity to the waiver in order to provide the equipment, just simple equipment, for their employees to work. So I don't understand the logic of that argument.

"But I do want to just stress that I think the objective to all the testimony that I've heard, the objective here is to try to control the excessive funds that exist in the Department, and control maybe, the supposed excessive fees that might be charged to the consumers. And I think again, there are measures, there are proactive measures that were introduced by the Administration to try to address those issues. So if we're trying to address those issues, let's hear those measures. And I think this is the wrong way to go."

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

"Yes, Mr. Speaker. Thank you very much. Real quickly. I wish to speak in favor of the motion.

"I just want to mention, Mr. Speaker, it's very ironic. Some years ago when I was Speaker, and you were the Finance Chairman, that same side of the aisle there, my good friends from the other side, my Republican friends were speaking against all special funds. They wanted everything to be in the general funds so it would be accountable.

"But now, I'm glad that they have seen the light and they have taken a different tact. They're saying that we need more special funds, and less general funds. Thank you very much."

Representative Bukoski rose to respond, stating:

"Mr. Speaker. Can I just stand on a point of rebuttal? I think our issue with special funds, are those special funds that exist for a purpose. And if there is a purpose, if there's a nexus as the Auditor has said in her audit of this Department in 2000, that there is a reason for the existence of this Fund. There's a reason to keep it open.

"So we're not opposed to special funds that have a purpose and serve a specific purpose. We have problems with special funds that don't serve purposes. Just for the edification for the prior Speaker Emeritus. 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. 2525, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no.

UNFINISHED BUSINESS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1036-04) recommending that S.B. No. 2528, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2528, 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 Arakaki, Jernigan, M. Oshiro and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1037-04) recommending that S.B. No. 3237, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3237, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Jernigan, M. Oshiro and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1038-04) recommending that S.B. No. 1491, SD 1, as amended in HD 1,

pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1491, 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 that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. In opposition to this measure. On its surface, this measure raids 26 special funds. Although the figure of a dollar is repeated throughout the measure, Senate Bill 1491, SD 1, HD 1, the original figure that appeared in this bill was \$56 million. So we're talking about a major raid on special funds. There was no, Mr. Speaker, there was no testimony in favor of this bill. It was opposed by 41 separate testifiers.

"I just want to look at some of the Funds that are being raided here. Just for the edification of the people who are voting for this bill. The Domestic Violence Prevention Special Fund in Section 16. In Section 17, the State Health Planning and Developmental Special Fund. In Section 20, the Spouse and Child Abuse Special Account. In Section 21, the Natural Area Reserve Fund. Section 22, the Special Land and Development Fund. Section 23, the State Parks Special Fund. In Section 24, we're going to raid the Highway Fund. We're going to raid the Highway Fund which will put more pressure on the gas tax, which will affect the price of gasoline. That's kind of an irony.

"But of course the most important part of this bill is Section 27 which takes away the flexibility of the Executive branch to move excess money into the general fund, and to move money from fund to fund to meet needs as they arise. That flexibility is removed. And it's contrary to the whole spirit of the House of Representatives that I am familiar with which is to provide the kind of flexibility that's needed to deal with budget crises. This flexibility is going to be replaced, Mr. Speaker, replaced by a specific raid in dollar terms, on each of these special funds. The Legislative branch is going to decide. We who sit over here and meet part-time. We're going to decide exactly how much money is excess in each of these funds, when we've got people in the Executive branch who can deal with that same issue and have done successfully.

"It's really unbelievable that we would remove the flexibility of the Executive branch to move excess money from special funds into general funds. This is a very bad bill. And we should vote it down now on Second Reading. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support. This bill is no fun. Nobody enjoys raiding special funds, especially those people who will be affected by these monies being transferred. It's understandable that they're going to object to this and it's not an easy thing for the Legislature to do. But we must be honest with ourselves.

"We are left with limited options and I would like to know from Minority Leader what his alternative is to this bill to

balance the budget. Is it to not fund the collective bargaining increases? Is it to raise taxes? Is it to cut into the base? We've all been, many of us, have been around long enough to know that you probably have four or five different options. And the Minority Leader is a very smart man who knows what those options are, and has been around long enough to articulate what his proposals would be. So I'd be interested to know them. Obviously, this bill is objectionable. I think it's the least objectionable of all of our alternatives. And I'd like to know what he proposes. Thank you."

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

"I rise in support with reservations. Mr. Speaker, I voted in favor of this bill in Committee because I sincerely believe that Section 1 is attempting to allow us to manage our fiscal responsibilities in a better way. So I voted in favor in Committee. But my Caucus, my colleagues, my Minority Leader, educated me a little and I want to thank them for that.

"My reservations are specific to Section 2 and that's the restricting the Executive branch of transferring funds from fund to fund. I think that is the problem with this bill as far as I'm concerned. And the rest of it I can agree with. I think that's the direction we've been all trying to head toward as far as I can remember. But Section 2, it just ties the hands of our Executive, which doesn't make sense. I don't understand why it's in this particular bill. It should be in its own bill.

"But for those reasons, I mean, if we can consider or reconsider putting that language back in, then I might be able support it wholeheartedly. But as it is, I don't think that's a wise thing to do. Thank you."

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

"Thank you, Mr. Speaker. In opposition, and may I have the remarks of our Republican Leader inserted in the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Thielen continued, stating:

"And brief additional remarks, Mr. Speaker. I'd ask the Members to look at the Committee Report to this bill, as well as look at those who were in opposition. The Nature Conservancy, West Maui Mountains Watershed Partnership, Youth Conservation Corps Program, East Molokai Watershed Partnership, and numerous, numerous others. Thank you."

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

"Thank you, Mr. Speaker. I rise with grave reservations. When I first read the bill, I thought that it would be the transfer of excessive funds, and I can be behind a sincere effort in wanting to transfer excess funds. But I question whether it is sincere. And if not, just an effort."

Representative Schatz rose to a point of order, stating:

"Mr. Speaker, point of order. It's not appropriate to question the sincerity of the motives of any of the proponents of the bill."

The Chair responded, stating:

"Your point is well taken, Representative Schatz."

Representative Bukoski rose, stating:

"Mr. Speaker, I think that was just a comment she was making. I don't think it was a direct question."

The Chair then stated:

"Okay. Representative Ching, please proceed but limit your comments in regards to not directing it at anyone on this Floor."

Representative Ching continued, stating:

"It was not. Thank you very much. Because it was not to someone in particular, or one person.

"But I just did want to express my grave reservations over the Section 2 that the Representative from Upcountry Maui mentioned on the restriction of the Governor. To me, flexibility, we just mentioned it on the Floor, is something that all bodies, I think it enhances. It enhances government. And so with that I express my grave reservations."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"Mr. Speaker, in opposition. I believe that at times, the Governor will need the flexibility to move funds. It could be in terms of economic or natural disasters, and taking away this latitude may not be good government. In light of the small surpluses that we are projected to have in the very near future, this is a rather dangerous bill. Thank you."

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

"Thank you, Mr. Speaker. In opposition. I think already twice, earlier this year, due to floods, the Governor had to transfer funds. If this were law, she would not be able to do that."

Representative Pendleton rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Blundell rose in opposition to the measure and asked that the remarks of Representatives Fox and Marumoto be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

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

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"I rise with reservations. My concern that I want to express to my colleagues is the conversation that we've had on the Floor today about the flexibility for the Governor. And I do believe that there will at times, be circumstances, where it could be very important that the Governor transfer some funds. 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. 1491, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Blundell, Finnegan, Fox, Halford, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no, and with Representatives Arakaki, Jernigan, M. Oshiro and Takamine being excused.

SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Meyer 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 Arakaki, Jernigan, M. Oshiro and Takamine were excused.)

UNFINISHED BUSINESS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1040-04) recommending that S.B. No. 3238, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3238, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising in opposition to this bill. Thank you. Mr. Speaker, this really is a placebo. And when we do the testing two years from now, we'll find that a placebo, frankly, does not work. It will not improve student achievement. That's the cruel and very sad thing about this bill.

"First of all, no one is going to be accountable for school-level results of student achievement. It's now going to be even more diffused than it has been in the past. Principals, under this bill, will not be held accountable for student achievement. In fact, when you look at the provision that discusses principals, there's nothing in there that states they must be judged on student achievement in their schools. The diffusion of responsibility now, will be between the Board of Education ... And Mr. Speaker, I want to disclose that my daughter is a Board Member," and the Chair ruled, "no conflict."

Representative Thielen continued, stating:

"Thank you. The diffusion will be between the Board of Education, the Department of Education, the school-level councils, your district groups, and your principals. So someone is dissatisfied about the lack of student achievement at that school, and the principal points to, well it's the school council. The school council says, no it's the Department of Education. The Department of Education says, no it's the Board. And there is no direct line of accountability. That is not going to help our students.

"Under the authority for the principal, the principal shall maintain and exercise exclusive authority over the implementation of school policies and operations of the school. That's on page 27 of the bill. That does not give the principal the authority to be the CEO for that school, Mr. Speaker.

"And then you go down into School Community Councils. They'll formulate school policies to be implemented by the

school principal. They'll develop an academic and financial plan. So then the Council votes on how the school's going to spend its budget, what the academic plan for the school will be. And it essentially means that the principal cannot be held accountable for student achievement and basically should not be held accountable for student achievement under this structural system that we are setting up. So we hand the school a placebo. And the placebo, as we all know, does not work.

"Council members aren't accountable to the general public as a whole. Council members are elected from a very small segment and are accountable to that very small segment. It's a very narrow constituency within this school. The Councils are going to control evidently, multiple millions of dollars but there's not going to be any public accountability.

"Even more frightening, Mr. Speaker, is the fact that there is no transparency. We heard the Finance Chairman talk about transparency earlier. This is absolutely frightening. The Councils are exempt from Chapter 91 and Chapter 92. This means that what they're going to do is going to be done in private, not in public. No open government. No open government whatsoever. And I find this alarming."

Representative Ching rose to yield her time, and the Chair, "so ordered."

Representative Thielen continued, stating:

"Thank you. Mr. Speaker, the bill that was proposed by the Administration did set up a clear line of accountability and responsibility with the principal acting as the CEO. This bill goes exactly the wrong way. The principals would have been able, certainly, to set up the SCBMs had they so wanted. The principals would have set up collaborative systems with their teachers, with the communities. And the principals would have been held accountable again, for student achievement. Those two words, Mr. Speaker. That's what this whole school reform is supposed to be about. Not about a placebo. The bill uses words like 'performance contracts' for principals. And let me just find that section in the bill. But with the performance contract, there once again, is nothing said about their students' achievement and the responsibility therefore.

"Mr. Speaker, the bill also allocates 75% of some state operation funds to the schools. It isn't the percentage that we know will truly shift the difference. What it does though, it will leave the whole big bureaucracy, which is I believe, right over there, the whole big Department of Education bureaucracy intact. That means that the principals won't really be free to decide if they want to purchase services from the Department of Education, or if they want to outsource those services. And Mr. Speaker, only when that happens will the Department of Education turn into a service operation rather than a dictator operation. The Department of Education's whole mindset has to turn around. It has to become service-oriented. And if they don't provide the services, then they're not going to be asked to give those services to the schools. It's a very quick learning curve, Mr. Speaker, if we do the correct thing by getting 90% of the funding down to the schools and empower the principals to be the CEOs.

"The other thing I look at Mr. Speaker, there is a section in here that really pretty much tells the Department of Education they can operate everything. I believe that's on page 13 and thereabout. Well, we've seen that example. I've talked to the Members before when we gave the Department of Education nearly \$3.5 million, not \$2 billion like we do for the whole education system. We gave them the \$3.5 million and said to put playground equipment in our elementary schools because the old playground equipment has been removed as non-ADA

compliant. We're still waiting, Mr. Speaker, after five years, for them to finish the job.

"We don't have the time, Mr. Speaker, for our students. We can't say to them, we're not going to reform education so you can really achieve. We're giving you a placebo. Now go away and don't feel as if we haven't done something. And you go try and find out who's accountable. No one, Mr. Speaker. No one under this bill.

"I had wanted to support what your Caucus is trying to do, but when I read it and realized what we are doing, Mr. Speaker, it is almost criminal what we are doing to our students. And I cannot in good conscience vote for this measure. Thank you.

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

"Thank you, Mr. Speaker. In opposition. Briefly, Mr. Speaker, if I may, to shorten my speech, just refer to my comments on Second Reading," and the Chair "so ordered." (By reference only.)

Representative Ontai continued, stating:

"And briefly, I just want to point out a couple things for the Members as we consider this. One of the major features of this bill is the School Councils. I've already objected to the fact that there seems to be, we're still line-iteming some things. Budgeting things specifically, making our principals spend some money on certain things.

"But I just want to briefly talk about the School Councils. Just remember that the model, at least, the 40 school councils, is one district. It's the San Francisco district. It's one of one-thousand school boards in California. It's a seven-member elected school board. And just by comparison, even though it has a larger number of students, 60,000, it has I think, if I got my geography correct, it's about 47 square miles. Compare this with, I think, Kahoolawe. The Representative from Kahoolawe could correct me, but I think Kahoolawe is 45 square miles. So there's a little bit difference in geography.

"And the final thing I want to say is that they lack, at least from what I've been able to research, there's a lack of evidence that this model, this school community model, is successful in many places. In fact, it appears that it's successful under this one remarkable superintendent, Dr. Ackerman. And so I'm a little bit concerned that this is really, I think, this lady might be successful in any model she chooses, as opposed to whether or not School Community Councils are the proper model. For these reasons, Mr. Speaker, I have to stand in opposition, because I feel it might be an untested model."

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

"Very briefly, in opposition, and along the lines of the previous speaker. What we're dealing with in the San Francisco model, and I must say Mr. Speaker, this is an educational process that we're going through. We keep looking for new ways of learning about education and San Francisco was the latest thing. But San Francisco is a local school district, roughly one and a half times the size of the Honolulu District.

"And it's very important that above San Francisco is a state authority that found San Francisco wanting. They actually did an audit on San Francisco, which lead to the activities at the school board that resulted in the hiring of the current superintendent. That's very much influenced by the fact that there was a higher level being able to examine this local school

district, San Francisco, one of many school districts in the Bay Area, and found shortfalls there which lead to a change.

"We need that same kind of system in Hawaii where the people who oversee and do the accountability of the system, who measure the various local school boards, are separate from the school boards and have an overall responsibility.

"And as the Representative from Mililani correctly pointed out, we have an area of 47 square miles in San Francisco which is comparable to the Island of Kahoolawe. The contrast with the State of Hawaii, from one end to the other, is 10,000 square miles. Just a vastly larger area. San Francisco is a good model for a local school district, and we ought to follow it. We ought to have local school districts. Thank you, Mr. Speaker."

The Chair then stated:

"Okay, we've had a lot of discussion. The Chair recognizes Representative Lee for the vote."

Representative Marumoto rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"I am in full support of applying a weighted student formula to different types of students. There are three reasons why I believe this will be an improvement. First, legislators need this type of information in order to equitably determine how much money should be allocated and is necessary for each school. Secondly, we need to know how much is spent on different types of special education students. We have not had readily accessible information on Felix students, and it could be that special students with similar issues have been receiving vastly different services with vastly different costs. Thirdly, we need assurance that charter schools will receive an equitable share of the pie.

"My reservations also stem from lack of detail in what local schools will be able to spend. There has been an ongoing debate as to how much should be spent by principals – everything from 45% to 90%. This bill purports to give control of 75% to the principal together with the school council. Yet, it is not clear exactly how much self-determination each school will be given and exactly what areas will be turned over by the central administration.

"Heretofore, we have had a large centralized, top-down bureaucracy. One principal of a large Honolulu high school who is opposed to the CARE reform, complained that he could not offer a course because of top down rules. The existing hierarchy has not been friendly to charter schools either.

"It has been a large unmoving bureaucracy unwilling to change with the times. It has allowed few departures from the norm. Waivers have been hard to come by. The unions allowed for very little change in the DOE administration. I doubt whether it would change with this bill unless the duties and powers assigned to the schools is specified in writing.

"Because it is a step in the right direction, I am voting for the measure."

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

"Thank you. Myself as well. I would like to have the comments of the Representative from Kailua inserted as my own and with grave reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3238, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 33 ayes to 11 noes, with Representatives Blundell, Bukoski, Finnegan, Fox, Leong, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no, and, with Representatives Arakaki, Hiraki, Jernigan, Kahikina, Kawakami, Magaoay and Takamine being excused.

At 2:23 o'clock p.m., the Chair noted that S.B. No. 3238, SD 2, HD 2, passed Third Reading.

Standing Committee Reports

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1048-04), recommending that H.R. No. 97, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 97, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM TO ENSURE THAT ALL SCHOOLS ARE STAFFED WITH SCHOOL HEALTH AIDE PERSONNEL," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1049-04), recommending that H.C.R. No. 140, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM TO ENSURE THAT ALL SCHOOLS ARE STAFFED WITH SCHOOL HEALTH AIDE PERSONNEL," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1050-04), recommending that H.R. No. 98, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 98, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1051-04), recommending that H.C.R. No. 141, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 141, entitled: "HOUSE

CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A COORDINATED STATEWIDE EFFORT TO ADDRESS FETAL ALCOHOL SPECTRUM DISORDER," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1052-04), recommending that H.R. No. 94, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 94, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE KAPIOLANI MEDICAL CENTER FOR WOMEN AND CHILDREN'S OBESITY TASK FORCE TO PROPOSE ACTION PLANS FOR ADDRESSING PREVENTION AND TREATMENT OF CHILDHOOD OBESITY IN HAWAII," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1053-04), recommending that H.C.R. No. 136, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 136, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, OFFICE OF THE PUBLIC GUARDIAN, AND ALL PROVIDERS OF LONG-TERM CARE SERVICES TO CONSIDER TRANSFER TRAUMA BEFORE RELOCATING FACILITY RESIDENTS AND TAKE NECESSARY STEPS TO MITIGATE THE POSSIBLE IMPACT ON THE HEALTH, SAFETY, AND WELFARE OF FACILITY RESIDENTS," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone, Schatz and Takamine being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1054-04), recommending that H.C.R. No. 51, be referred to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Agriculture.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 51, be referred to the Committee on Water, Land Use and Hawaiian Affairs, and the Committee on Agriculture, seconded by Representative Lee.

Representative Evans rose and asked that the Clerk record 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 H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ALLOW CERTAIN REMNANT LAND TO BE USED BY THE HOMELESS FOR AGRICULTURAL PURPOSES," was referred to the Committee on Water, Land Use and Hawaiian Affairs and the Committee on Agriculture with Representative Evans voting no, and with Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone, Schatz and Takamine being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1055-04), recommending that H.C.R. No. 52, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 52, be referred to the Committee on Finance, seconded by Representative Lee.

Representative Evans rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Hale rose and asked that the Clerk record 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 H.C.R. No. 52, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING COUNTY AFFORDABLE HOUSING REQUIREMENTS IN UNILATERAL AGREEMENTS TO BE MET BY IN-LIEU CASH CONTRIBUTIONS TOWARD AFFORDABLE HOUSING PROJECTS DEVELOPED BY THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII OR THE DEPARTMENT OF HAWAIIAN HOME LANDS," was referred to the Committee on Finance with Representatives Evans and Hale voting no, and with Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone, Schatz and Takamine being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1056-04), recommending that H.R. No. 109, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 109, HD 1, entitled: "HOUSE RESOLUTION ESTABLISHING A COMMITTEE TO REVIEW AND REPORT ON THE FEASIBILITY OF CREATING A MUSEUM OF HAWAIIAN MUSIC AND DANCE," was referred to the Committee on Finance with Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1057-04) recommending that H.R. No. 95, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 95, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, HAWAII MEDICAL ASSOCIATION, AND AMERICAN CANCER SOCIETY TO SUPPORT ADEQUATE LEVELS OF REIMBURSEMENT FOR MAMMOGRAPHY SERVICES AND TO SUPPORT PHYSICIANS TO BE ALLOWED TO PROVIDE MORE ACCESS TO TECHNOLOGY," was adopted, with Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1058-04) recommending that H.C.R. No. 138, as amended in HD 1, be adopted.

On motion by Representative Saiki, 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 REQUESTING THE

DEPARTMENT OF HEALTH, HAWAII MEDICAL ASSOCIATION, AND AMERICAN CANCER SOCIETY TO SUPPORT ADEQUATE LEVELS OF REIMBURSEMENT FOR MAMMOGRAPHY SERVICES AND TO SUPPORT PHYSICIANS TO BE ALLOWED TO PROVIDE MORE ACCESS TO TECHNOLOGY," was adopted, with Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone, Schatz and Takamine being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1059-04) recommending that S.B. No. 2704, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2704, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY SELLER DISCLOSURES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone, Schatz and Takamine being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1060-04) recommending that S.B. No. 2951, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2951, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone, Schatz and Takamine being excused.

At 2:25 o'clock p.m., Representative Hamakawa requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:25 o'clock p.m.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1061-04) recommending that S.B. No. 1611, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1061-04 on S.B. No. 1611, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1611, HD 2, were made available to the members of the House.

THIRD READING

S.B. No. 2851, SD 1:

By unanimous consent, action was deferred one legislative day.

ANNOUNCEMENTS

Representative Leong: "I want to thank you for sending in your baskets. You'll have an opportunity on Monday. We've extended the date. At this moment, Representative Marumoto leads with her 10 baskets. But rumor has it that LRB is coming in with more. So thank you so much. Keep it up."

Representative Fox: "Thank you, Mr. Speaker. Approximately a year ago, this Body took action in relation to the war in Iraq. We can be all very thankful that the gentleman to whom that resolution was addressed is now in captivity and facing probably a serious penalty over the next few months."

"At the same time, the terrorist activities of those in Iraq do continue and a couple of days ago, we had a really serious incident in which terrorists killed and mutilated the bodies of four civilians in Fallujah. I was wondering if this Body could have a moment of silence for all the civilians who have been victims of terror in Iraq."

Speaker Say: "Yes, prior to the recess."

Representative M. Oshiro: "Mr. Speaker, your Committee on Labor and Public Employment will be reconvening its public hearing at 6:00 p.m. in room 309. Thank you."

Representative Karamatsu: "The massage therapists will be doing their voluntary services until 5 p.m. on the Third floor."

Representative Wakai: "Thank you, Mr. Speaker. I would like to acknowledge our colleague in the House who is having his 30th birthday tomorrow. Representative Nishimoto will be in the 30-something year range."

Representative Saiki: "I just wanted to make a clarification to the announcement for the moment of silence. If it could be done in observation not only for civilians, but for the hundreds of American soldiers who have perished in this war. Thank you."

Representative Souki: "Mr. Speaker, I was going to say exactly the same thing. For the 600-something that have perished as well."

Representative Lee moved to keep the Journal open until 6:00 p.m. in order to receive the return of House bills with Senate amendments, and to disagree to such, seconded by Representative Meyer.

The Chair then stated:

"Does everyone understand what Representative Lee has stated? That she moves to keep the Journal open for the receipt of House Bills with Senate Drafts that come back."

The motion was put to vote by the Chair and carried, with Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone and Takamine being excused.

Speaker Say: "I would also like to remind the Members of the Finance Committee that the Finance Committee hearing is set for 2 p.m. today, so you're about half an hour late."

"Before we recess, Representative Lee, why don't we all stand up for a moment of silence on behalf of our troops and civilians in Iraq."

At this time, the House of Representatives rose for a moment of silence on behalf of our troops and civilians in Iraq.

At 2:30 o'clock p.m., on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 12:00 noon, Monday, April 5, 2004. (Representatives Arakaki, Hiraki, Jernigan, Kawakami, Magaoay, Nakasone and Takamine were excused.)

SENATE COMMUNICATIONS

In accordance with the motion made, the following Senate Communications (Sen. Com. Nos. 400 through 414, and 418) were received by the Clerk prior to 6:00 o'clock p.m. this legislative day, and the House disagreed to the amendments proposed by the Senate to the House bills returned.

Sen. Com. No. 400, transmitting H.B. No. 1103, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 401, transmitting H.B. No. 1824, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 402, transmitting H.B. No. 2002, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 403, transmitting H.B. No. 2003, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 404, transmitting H.B. No. 2004, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 405, transmitting H.B. No. 2196, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 406, transmitting H.B. No. 2300, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 407, transmitting H.B. No. 2375, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 408, transmitting H.B. No. 2379, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TESTIMONY," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 409, transmitting H.B. No. 2380, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 410, transmitting H.B. No. 2411, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 411, transmitting H.B. No. 2683, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

DEFERRED ACCEPTANCE OF GUILTY PLEA AND DEFERRED ACCEPTANCE OF NOLO CONTENDERE PLEA," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 412, transmitting H.B. No. 2743, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 413, transmitting H.B. No. 2789, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 414, transmitting H.B. No. 2796, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 418, informing the House that the Senate has this day appointed conferees on the part of the Senate for consideration of amendments proposed by the Senate to the following House Bill:

1800, HD 1, SD 1 Taniguchi, Chair; Kokubun, Aduja, English, Espero, Hooser, Inouye, Kanno, Kawamoto, Kim, Sakamoto, Tsutsui, Hemmings

ADJOURNMENT

At 6:00 o'clock p.m., the House of Representatives adjourned until 12:00 o'clock noon Monday, April 5, 2004.

HOUSE COMMUNICATIONS

House Communication dated April 2, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day disagreed to the amendments made by the Senate to H.B. No. 1800, HD 1, SD 1, and has appointed the following Conferees on the part of the House for consideration of amendments proposed by the Senate:

H.B. No. 1800, Takamine, Chr.;
HD 1, SD 1 Kaho`ohalahala, Karamatsu, Kawakami, Magaoay, Mindo, Nakasone, Nishimoto, Shimabukuro, Wakai, Waters, Bukoski, Moses

House Communication dated April 2, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 2002, Takumi/Takamine, Co-Chrs.;
HD 2, SD 1 Evans, Kawakami, Ching

H.B. No. 2003, Hamakawa/Takamine, Co-Chrs.;
HD 1, SD 1 B. Oshiro, Kawakami, Pendleton

H.B. No. 2004, Takamine, Chr.;
HD 1, SD 1 Kawakami, Nishimoto, Meyer

H.B. No. 2300, Takamine/Hamakawa, Co-Chrs.;
HD 1, SD 1 Kaho`ohalahala, Karamatsu, Kawakami, Magaoay, Mindo, Nakasone, Nishimoto, Shimabukuro, Wakai, Waters, Bukoski, Jernigan, Meyer, Moses

H.B. No. 2743, Takamine, Chr.;
HD 2, SD 1 Kawakami, Nakasone, Jernigan

H.B. No. 2796, Kahikina/Arakaki/Takamine, Co-Chrs.;
HD 1, SD 2 Kawakami, Finnegan

House Communication dated April 2, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House bill:

H.B. No. 2280, Takamine, Chr.;
SD 1 Kawakami, Moses

FORTY-THIRD DAY

Monday, April 5, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:08 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Lynn Finnegan, after which the Roll was called showing all members present with the exception of Representatives Meyer and Pendleton, who were excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 166) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 166, transmitting a report, pursuant to S.C.R. No. 12, Regarding Requesting the Establishment of a Task Force on Graduated Parenting.

The following message from the Governor (Gov. Msg. No. 167) was received and announced by the Clerk:

Gov. Msg. No. 167, informing the House that on March 31, 2004, the following bill was signed into law:

H.B. No. 1113, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES" (ACT 002).

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 415 through 417) were received and announced by the Clerk:

Sen. Com. No. 415, transmitting H.B. No. 2378, entitled: "A BILL FOR AN ACT RELATING TO THE SOVEREIGN IMMUNITY OF BOARDS AND COMMISSIONS," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 416, transmitting H.B. No. 2685, entitled: "A BILL FOR AN ACT RELATING TO BAIL JUMPING," which passed Third Reading in the Senate on April 2, 2004.

Sen. Com. No. 417, transmitting H.B. No. 2689, entitled: "A BILL FOR AN ACT RELATING TO STALKING," which passed Third Reading in the Senate on April 2, 2004.

INTRODUCTION

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

Representative Ching introduced the 2004 Miss Chinatown Hawaii, Ms. Dana-Li Dung; First Princess, Ms. Sylvia Zhuang; and Second Princess, Ms. Sherri Seto; who were accompanied by the Miss Chinatown Hawaii Director, Mr. Leonard Kam.

Representative Ching also introduced Ms. Dana-Li Dung's family. Her parents, Mr. Dennis and Mrs. Annette Young Dung; her brother, Mr. Dean Dung; her sister, Miss Hawaii

2001, Ms. Denby Dung; and her aunts, Ms. Patsy Dung and Ms. Barbara Wonker.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following Senate bill was re-referred to committee by the Speaker:

S.B.
No.Re-referred to:

3238, SD 2, HD 2	Jointly to the Committee on Education and the Committee on Labor and Public Employment and the Committee on Higher Education, then to the Committee on Judiciary, 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:

39	Jointly to the Committee on Labor and Public Employment and the Committee on Higher Education
157	Committee on Water, Land Use and Hawaiian Affairs, then to the Committee on Finance
161	Committee on Transportation, then to the Committee on Finance

H.C.R.
Nos.Re-referred to:

60	Jointly to the Committee on Labor and Public Employment and the Committee on Higher Education
225	Committee on Transportation, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 202 and 203) were announced by the Clerk and the following action taken:

H.R. No. 202, entitled: "HOUSE RESOLUTION CONGRATULATING THE BOARD OF WATER SUPPLY ON ITS SEVENTY-FIFTH ANNIVERSARY OF PROVIDING SAFE AND RELIABLE DRINKING WATER TO THE RESIDENTS OF THE CITY AND COUNTY OF HONOLULU," was jointly offered by Representatives Wakai, Schatz, Nishimoto, Kahikina, Tamayo and Waters.

Representative Wakai, moved that H.R. No. 202 be adopted, seconded by Representative Waters.

Representative Wakai recognized the work and contributions made by the Board of Water Supply to the residents of Honolulu during its first 75-years.

Representative Waters then introduced the following honorees with the Honolulu Board of Water Supply, who were seated on the floor of the House:

Mr. Clifford Jamile, Manager; and
Ms. Donna Kiyosaki, Assistant Manager.

The motion was put to vote by the Chair and carried, and H.R. No. 202 was adopted with Representatives Hamakawa, Hiraki, Nakasone, B. Oshiro, Saiki, Schatz and Takamine being excused.

H.R. No. 203, entitled: "HOUSE RESOLUTION HONORING PEARL HARBOR KAI ELEMENTARY SCHOOL FOR THE NATIONAL CERTIFICATION OF ITS PRIMARY SCHOOL ADJUSTMENT PROGRAM," was jointly offered by Representatives Finnegan, B. Oshiro, Takai, Wakai, Ito, Takumi, Arakaki, Ontai and Leong.

Representative Finnegan, moved that H.R. No. 203 be adopted, seconded by Representative Wakai.

Representative Finnegan introduced the following honorees with the Pearl Harbor Kai Elementary School's Primary School Adjustment Program (PSAP), who were seated on the floor of the House:

Ms. Elynne Chung, Principal;
Mr. Wesley Wee, Counselor;
Mr. Jim Wolfe, Counselor;
Ms. Chanel Guitguitin, PSAP Child Aide; and
Ms. Kim Cousar, PSAP Aide.

At this time, Representative Finnegan acknowledged the dedication of Ms. Carole Freehan, retired Principal of Pearl Harbor Kai Elementary, for the success of the PSAP.

The motion was put to vote by the Chair and carried, and H.R. No. 203 was adopted with Representatives Hamakawa, Hiraki, Nakasone, B. Oshiro, Saiki and Schatz being excused.

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 1:21 o'clock p.m.

UNFINISHED BUSINESS

S.B. No. 2851, SD 1:

By unanimous consent, action was deferred one legislative day.

SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representatives Hiraki, Nakasone, Ontai, M. Oshiro, Nakasone, and Souki excused.)

UNFINISHED BUSINESS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1061-04) recommending that S.B. No. 1611, HD 1, as amended in HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 1611, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I will be voting no on this measure.

"It just seems incredible to me that we are going down this road of a bottle bill when the last bottle bill was passed almost twenty years ago in the United States proper. So many states now are moving towards a comprehensive recycling system. And when you think that the bottle bill, as far as alleviating volume in our landfills, it's only about 3%. And even to alleviate the problem with littering, beverage containers only make up about 7% of the volume of litter that's out there. This bill like the one that we passed in 2002 will take about six positions at the Department of Health to administrate this program.

"When we heard the bill in Finance Committee, the majority of retail outlets were very concerned about the cost that they're going to incur. While this bill in its present form does delay the start date, right now the rules that have been promulgated are still not complete. They'll have to go out to the public for public hearings. That doesn't happen overnight. It takes quite a while. And until they are actually adopted and the Governor approves them, the people that are going to have this bottle bill affect their business operations will still not have any certainty about what's required of them.

"While recyclers came in and testified, they said they're ready to go, the retail folks look around and they don't see any recycling outfits close by to where they operate. In my district, I have quite a number of small 'mom and pop' type stores. They don't see any recyclers around them. They're going to be required to accept these empty containers. Their concern is they don't have a lot of space. Where are they going to put them? You're going to have to provide security, Mr. Speaker, because now these dirty empty containers have a value. And so they're going to have to keep them secure, which means they're either going to be under roof or behind some kind of a fence to secure them.

"Many stores are concerned that if there's no recycler, they don't materialize, they're going to have to figure out how they're going to handle the volume. And a lot of people have said, well reverse vending machines are a simple way. Well for many stores, they'll have to have some different electrical setup in the front of the store. They'll also have to have somebody who is responsible to empty that machine. And it's just a question of the volume. How many people are bringing cans in? There's a lot of uncertainty. And while I think this bill is better than the one that will kick in if this doesn't pass, I just think it's crazy for us to be doing a bottle bill rather than looking at very comprehensive systems that handle more like 40 to 50% of recyclables. Thank you, Mr. Speaker."

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

Representative Leong rose in opposition of the measure and asked that the remarks of Representative Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, I'm in opposition this measure.

"I think I could have easily voted for it because it is a delay of a few months, but I think the underlying law is a bad one. So I'm going to vote no to underscore that point. I think the main thing we should do is what doctors do, 'do no harm'. And I think actually, we are harming people with this law. We hurt the people who sell beverages and soda pop, juice, beer. Then we hurt the consumers and the people who purchase this. I think the worst thing about this bill is that it is very indecisive. There's many blanks. We don't know what the rates are going to be. We don't know when they're going into effect. It makes it very difficult for business to deal with this type of law.

"The Minority Floor Leader made an excellent presentation against this bill. I would like to have her words incorporated as my own. And I think you very much. I urge everyone else to vote no."

Representative Ontai rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

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

"Mr. Speaker, I rise with reservations.

"I agree with the words of the Representative from Kahaluu and about the concerns of how it's going to impact the collection of these deposit containers. But I want to also say that people in my district really support this. And I think it may be a result that we don't have comprehensive recycling in Hawaii. And the people are sick and tired of seeing containers on the side of the roads. So being the Representative from my district and representing them and being their voice, I really do believe they want to see this bill. Thank you."

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

"Thank you, Mr. Speaker, in opposition. I'd like to have the words of the Representative from Kaimuki and Kahaluu.

"Also I'd like to say I live right up the street from a landfill and the recycling plants and HPower and all the other nice things out there. And we do have glass recycling and we do have aluminum recycling now. I don't think we're making an effort to use what we have more efficiently and more aggressively. And I think that this particular bill provides nothing but a bunch of blank holes and unknowns and will cause a lot of problems in the future. Thank you."

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

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

"For years I have advocated a deposit beverage bill because I can remember a time when we did pay people to pick up cans and they got money for it. And it did work. I really don't know what happened to it, but it is a program that works.

"In my district, I have the only recycling plant, recycling center on the Island of Hawaii. It's been a very successful county experimental program and people are learning to segregate their plastic bottles and their newspapers, even their newspaper inserts. But it's a voluntary program and it's carried on in the Puna district in just outside of Keaau. And it's an experimental program, but they have been very successful in

teaching people how to recycle and what they can do with their recycled goods.

"It's impossible to do curbside pick up in the Puna district. We have anywhere from 7,500 to 20 acre parcels. And it's over an area that is almost as big as the whole Island of Oahu. So when we talk about doing curbside recycling in the rural areas such as I represent, it's an impossibility. And if the City and County wanted to do it, and as I understand it, the mayor is trying to do it here in Honolulu then it may work. But I would like to say that it will stimulate the whole process teaching people how to recycle and it will also give many young people like the Boy Scouts and other young groups a way to earn money. So although I realize it can be somewhat of a problem, I think this bill does exempt most of the small retailers that would be affected. If they don't want to do it, they don't have to do it. But I would like to support this program. And I compliment the Chair of the EEP Committee for her persistence. Thank you."

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

"Thank you, Mr. Speaker, in support of the measure. Thank you. And I'd like to have the words of the Representative from Puna entered into the Journal as my own.

"Mr. Speaker, I used to go around as a child and collect neighbors' bottles and be able to take those back to the store to get back that deposit. I think that this is a good way to go and I'm glad to see this measure moving forward. My only regret is the delay in the implementation date. Thank you."

Representative Lee rose in support of the measure and asked that the remarks of Representative Hale be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Stonebraker rose and asked that the Clerk record 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. 1611, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Blundell, Finnegan, Leong, Marumoto, Meyer, Moses, Nakasone and Ontai voting no.

At 1:34 o'clock p.m., the Chair noted that S.B. No. 1611, HD 2 passed Third Reading.

STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1062-04), recommending that H.R. No. 167, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 167, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING PATIENT SAFETY IN HEALTH CARE FACILITIES BY REQUESTING THAT THE CENTER FOR NURSING MAKE RECOMMENDATIONS ON THE NURSING SHORTAGE, NURSE STAFFING, ACUITY SYSTEMS, AND OTHER FACTORS AFFECTING PATIENT SAFETY," was referred to the Committee on Finance, with Representative Morita being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1063-04), recommending that H.C.R. No. 230, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 230, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING PATIENT SAFETY IN HEALTH CARE FACILITIES BY REQUESTING THAT THE CENTER FOR NURSING MAKE RECOMMENDATIONS ON THE NURSING SHORTAGE, NURSE STAFFING, ACUITY SYSTEMS, AND OTHER FACTORS AFFECTING PATIENT SAFETY," was referred to the Committee on Finance, with Representative Morita being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1064-04), recommending that H.C.R. No. 38, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 38, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII HEALTH SYSTEMS CORPORATION AND ST. FRANCIS HEALTHCARE SYSTEM TO CONTINUE THEIR PARTNERSHIP IN SERVING THE NEEDS OF DIALYSIS PATIENTS IN THE PUNA DISTRICT OF THE ISLAND OF HAWAII BY EXPANDING ITS NETWORK OF DIALYSIS TREATMENT FACILITIES TO THE KEAAU FAMILY CENTER IN THE PUNA DISTRICT," was referred to the Committee on Finance, with Representative Morita being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1065-04), recommending that H.R. No. 70, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, 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 HEALTH AND DEPARTMENT OF HUMAN SERVICES TO EXAMINE THE FEDERAL INDEPENDENCE PLUS INITIATIVE TO DETERMINE IF HAWAII CAN BENEFIT FROM APPLYING FOR AND OBTAINING A WAIVER OR WAIVERS TO PROVIDE INDIVIDUALS WITH DISABILITIES WITH SERVICES IN THE COMMUNITY," was referred to the Committee on Finance, with Representative Morita being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1066-04), recommending that H.C.R. No. 103, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 103, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HUMAN SERVICES TO EXAMINE THE FEDERAL INDEPENDENCE PLUS INITIATIVE TO DETERMINE IF HAWAII CAN BENEFIT FROM APPLYING FOR AND OBTAINING A WAIVER OR WAIVERS TO PROVIDE INDIVIDUALS WITH DISABILITIES WITH SERVICES IN

THE COMMUNITY," was referred to the Committee on Finance, with Representative Morita being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1067-04), recommending that H.R. No. 69, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 69, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF TAXATION AND BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A REVIEW AND COST BENEFIT ANALYSIS OF ALL CURRENT TAX INCENTIVES UNDER TITLE 14, HAWAII REVISED STATUTES," was referred to the Committee on Finance, with Representative Morita being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1068-04), recommending that H.C.R. No. 101, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF TAXATION AND BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A REVIEW AND COST BENEFIT ANALYSIS OF ALL CURRENT TAX INCENTIVES UNDER TITLE 14, HAWAII REVISED STATUTES," was referred to the Committee on Finance, with Representative Morita being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1069-04) recommending that H.C.R. No. 133, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR, DEPARTMENT OF HEALTH, DEPARTMENT OF HUMAN SERVICES, AND UNIVERSITY OF HAWAII TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM IN SERVING THE STATE'S LONG-TERM CARE NEEDS," was adopted with Representative Morita being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1070-04) recommending that H.C.R. No. 154, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 154, be adopted, seconded by Representative Lee.

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

"On Standing Committee Report Number 1070-04, I would just like to, Mr. Speaker, speak in support. You may recall that at various times throughout the Session that there have been family caregivers up in the gallery, whom we have introduced. And these people rarely make an appearance at the Legislature but they came here because they wanted to really make a point. Family caregivers in the community are really pretty

anonymous, but they provide a tremendous service to our community, not only in terms of the physical care they give but of the monetary value of the care they give. And in order for us to take action on rewarding these family caregivers in the future, we need to have some data. And this resolution would give us the means to do that. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO PROVIDE DATA ON HAWAII'S FAMILY CAREGIVERS AND THE OLDER ADULTS TO WHOM THEY PROVIDE ASSISTANCE," was adopted with Representative Morita being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1071-04) recommending that H.R. No. 81, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 81, entitled: "HOUSE RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO PARTICIPATE IN THE 2005 WORLD EXPOSITION, AICHI, JAPAN," was adopted with Representative Morita being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1072-04) recommending that H.C.R. No. 121, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO PARTICIPATE IN THE 2005 WORLD EXPOSITION, AICHI, JAPAN," was adopted with Representative Morita being excused.

Representative Chang, for the Committee on Tourism and Culture presented two reports:

(Stand. Com. Rep. No. 1073-04) recommending that H.R. No. 110, be adopted; and

(Stand. Com. Rep. No. 1074-04) recommending that H.C.R. No. 161, be adopted.

Representative Saiki moved that the reports of the Committee be adopted and H.R. No. 110 and H.C.R. No. 161, be adopted, seconded by Representative Lee.

Representative Magaoay rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. On two SCRs, 1073-04 and 1074-04, in strong support."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure and applaud the author and introducers of this fine resolution honoring Haleiwa as the Surf Capital of the World.

"Having grown up in nearby Wahiawa, I have always considered the North Shore and Haleiwa, 15 minutes away, as a part of my 'backyard'. It is truly one of our finest beaches and

where countless generations of surfers first learned to surf. The easy breaking white water waves, and waist deep waters, and sandy beach make Haleiwa an ideal spot to learn to surf, boogie board, and *paipo* board. For more advanced surfers, Haleiwa provides some of the most challenging and electrifying surf, with steep, long and fast barrels, across a shallow reef. Many a times, I have had my life pass by me, having been caught inside the treacherous "toilet bowl" section. But, on summer days, Haleiwa can be like swimming pool, clear and glassy, with crystal clear water perfect for snorkeling or skin diving. Growing up, it was the place to pick "*ogo*" or "*limu*" and Uncle Richard made sure we knew how to properly pick the *limu* so that it would grow back and that we only took what we needed. Too bad, others did not follow suit, as today, Haleiwa has few patches of *limu* to pick. But, the pure, clean, and fresh ocean waves are still there for our enjoyment and pleasure.

"Next time, you are in the area, stop by for awhile. If you got a board, and surf's up, please join us. And, say "hello" to the "Blue Tarp Crew," led by David "Hawaiian" Kalama, Mike Aoki, and Ed Ebesui, Bill Pierce, Pete Vause, Leonard Foster, Derrick Agaran and Patti Murakami. These are the good people who maintain the "soul" of the place and insure Haleiwa remains the special place it has always been to me. Haleiwa is and always will be the surf capital of the world to me."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 110, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DECLARE HALEIWA TOWN AS THE SURFING CAPITAL OF THE WORLD," was adopted with Representative Morita being excused; and

H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE HALEIWA TOWN AS THE SURFING CAPITAL OF THE WORLD," was adopted with Representative Morita being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1075-04) recommending that H.C.R. No. 159, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII MEDICAL ASSOCIATION, THE HAWAII PSYCHIATRIC MEDICAL ASSOCIATION, AND THE AMERICAN PSYCHIATRIC ASSOCIATION IN EXTENDING AN INVITATION TO THE AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES TO RETURN TO HONOLULU, HAWAII FOR ITS INTERIM WINTER MEETING IN 2007 OR 2008," was adopted with Representative Morita being excused.

Representative Chang, for the Committee on Tourism and Culture presented a report (Stand. Com. Rep. No. 1076-04) recommending that H.C.R. No. 86, as amended in HD 1, be adopted.

Representative Saiki moved that the report of the Committee be adopted and H.C.R. No. 86, HD 1, be adopted, seconded by Representative Lee.

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

"I support the measure. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 86, HD 1,

entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PILOT PROGRAM TO SUPPORT THE EFFORTS OF THE HAWAII CHAMBER OF COMMERCE OF NORTHERN CALIFORNIA IN PROMOTING HAWAII AND ITS PRODUCTS," was adopted with Representative Morita being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1077-04) recommending that S.B. No. 2882, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2882, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INSURERS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Morita being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1078-04) recommending that S.B. No. 3204, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3204, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Stonebraker rose and asked that the Clerk record an aye vote with reservations for him and the Chair, "so ordered."

Representative Blundell rose and asked that the Clerk record 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. 3204, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY PROVIDERS AND ACTIVITY DESKS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Morita being excused.

THIRD READING

S.B. No. 2528, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2528, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 50 ayes, and with Representative Chang being excused.

S.B. No. 3237, SD 1, HD 1:

Representative Saiki moved that S.B. No. 3237, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Senate Bill 3237, Senate Draft 1, House Draft 1, stand in strong support, Mr. Speaker."

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

"Strong support, Mr. Speaker.

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

Representative Lee's written remarks are as follows:

"Mr. Speaker: I rise in support of SB 3237, a bill making adjustments to the Hawaii Rx Program.

"The Hawaii Rx Program is designed to reduce prescription prices for Hawaii residents through bulk purchasing. All Hawaii residents will potentially be eligible for the program.

"As it stands now, those who can least afford drugs are those who face the highest prices. HMO's and insurance companies purchase such large quantities of prescriptions that they can demand lower prices from the pharmaceutical companies. But if you do not have health insurance and go into a drug store to buy a prescription, you do not get a bulk discount price. And, of course, you are not just paying the co-pay; you are paying for the whole cost of the prescription. The Hawaii Rx Program is designed to give everyone the benefits of bulk purchasing.

"SB 3237 makes several changes to the original Hawaii Rx law. Most significantly it spells out eligibility requirements limiting the program to those who make less than 350% of the federal poverty level and who lack prescription coverage or who have used up their prescription coverage for the year. This change is to ensure that insurers are not tempted to reduce or eliminate already existing prescription coverage.

"This bill also prohibits contract administrators from receiving any compensation from any participating pharmaceutical manufacturer. This will eliminate conflicts of interest in placing drugs on the program's preferred drug list.

"SB 3237 makes important improvements to this important program and I hope my colleagues will support it."

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

"Thank you, Mr. Speaker. I rise in support.

"I'd like the Clerk to note my comments made on the House companion on Third Reading. In addition, Mr. Speaker, the only reservation I have in regards to this bill is that this bill doesn't effectuate the changes that I recommended in a House Resolution and House Concurrent Resolution renaming this Act for really the people that worked real hard from the very beginning. And as I mentioned on Third Reading for the House Bill, it really was our Chairman of Education, Representative Takumi who really started this all by himself. Kind of taking a look at what the State of Maine did four years ago. And if you take a look at the resolution that I introduced, I think it's appropriate and fitting that this Legislature consider what Congress does in naming Acts after sitting Representatives and Senators. In this particular case, I would like to not only recognize Representative Takumi, but also Senator Menor for his work as well.

"And finally, Mr. Speaker, I think we have to give credit where credit is due. The Chairman of the Health Committee and the Consumer Protection Committee for also working hard the last three years to make this a reality. And everyone can take credit for something that everyone agrees with. But take a step back three years ago when really no one agreed with this

and it was really my colleague on the right who really stood on it and really pushed forward. And I think that as we move forward on this issue, prescription drugs for all, especially our elderly who cannot afford the high cost of prescription drugs. It takes people with vision. It takes people that are willing to step up to the plate despite the challenges made by the prescription drug companies and others to do what we're doing today. So I just hope that as we move forward, we take a step back and recognize the hard work and the history of this measure. Thank you."

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

"Thank you. In support, Mr. Speaker.

"I commend Representative Takumi for his plenary work in this bill. I think in the past, I voted with reservations because I had serious problems with the constitutionality of this measure. The U.S. Supreme Court had not found it passing muster. The Bush Administration also weighed in on this as an amicus. And lo and behold, it turned out with certain changes. The bill was constitutional. I give the Department of Human Services credit. Lillian Koller made some changes in the program and made it extremely workable. So now we have before us a program that will work. That will afford seniors some relief from the high cost of medications. I'm very happy to be able to vote for it at this time. Thank you."

Representative Moses rose in support of the measure and asked that the remarks of Representative Marumoto be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of the measure and asked that the remarks of Representative Marumoto be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Souki rose in support of the measure and asked that the remarks of Representative Takai be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and S.B. No. 3237, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Third Reading by a vote of 50 ayes, and with Representative Chang being excused.

S.B. No. 1491, SD 1, HD 1:

Representative Saiki moved that S.B. No. 1491, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in opposition to this measure.

"Mr. Speaker, I rise in opposition to this measure for a couple of reasons. As a general philosophical principle, I oppose creation and proliferation of new special funds and those sorts of things. This bill doesn't do that. It doesn't create new funds and so I'm not opposing it for that reason.

"But what it does do, is limit the authority and flexibility traditionally accorded the Governor of this State. And so I'm opposing for that general reason.

"A more specific reason, Mr. Speaker, for voting no for opposing this particular measure has to do with a couple of funds that it raids. It raids a number of funds, but let me just focus on a couple.

"One has to do with the Spouse and Child Abuse Special Account. Apparently, according to this bill, we're going to be raiding that Fund by \$200,000. This is not the first time, Mr. Speaker, that we've raided this particular Fund. In 2002, we've raided it by about \$150,000. And in 2003, an additional \$200,000 was taken from this Fund.

"One particular analysis of how we treat this Fund is that further cuts to the Fund will hamper the ability of the Fund to help the increasing need of services and training of staff that work with and seek to fight the proliferation of spousal abuse and child abuse.

"The Fund helps many people, Mr. Speaker, including children of domestic violence, the treatment of juvenile sex offenders, and enhanced supervision of domestic violence offenders. There are supervised child visitation which takes place. And of course when you supervising children who have been harmed physically by parents or relatives, you have to have supervision to ensure their safety, their welfare. Mr. Speaker, there's already a waiting list for supervised child visitation on Oahu. Now raiding this Fund of \$200,000 might do a number of things. And one thing I imagine is if there's already a waiting list, certainly raiding it of \$200,000 can't help shorten that waiting list. It would seem to me that the logical result would be to lengthen that waiting list and further hamper our ability to have supervised child visitation. The upshot of all this, Mr. Speaker, is I think taking \$200,000 out of the Spouse and Child Abuse Special Fund cannot help our effort in this arena but would actually harm.

"In addition, Mr. Speaker, this particular measure, Senate Bill 1491 would raid in the amount of \$400,000, the Domestic Violence Prevention Special Fund. We all know that this is a very serious problem. We know this is a problem on the mainland as well as Hawaii. And when we seek to help victims of domestic violence, when we seek to encourage spouses to take steps to say that there is no excuse for abuse. That it's not their fault that the husband who abused them, or the boyfriend that abused them, has no right to do that simply because the meal was late. But when the husband came home from work, the meal was cold, that it's not their fault and the fault lies with the abuser. When we seek to fight child abuse and domestic violence, I can't see how removing \$400,000 from this Fund helps us.

"Mr. Speaker, nationwide, over 960,000 American women have documented cases of physical abuse. Abuse at the hands of boyfriends, ex-boyfriends, husbands, ex-husbands. The percentages unfortunately aren't any less here in the Aloha State. In Hawaii, we're right at about the national average. 92% of domestic violence incidents are perpetuated by men against women. And so someone might say my remarks are chauvinistic but the facts are that it's almost always a male beating up on, physically abusing a female. In 1996, of the nation's total female murder victims, 31% were slain by husbands."

Representative Saiki rose to a point of order, stating:

"Mr. Speaker, point of order. Could the speaker please stick to the merits of the measure before us? Thank you."

Representative Pendleton continued, stating:

"Mr. Speaker, this measure takes money out of the Domestic Violence Prevention Fund. It is germane to speak about the purpose of the Domestic Violence Prevention Fund."

The Chair responded, stating:

"Yes, please proceed."

Representative Pendleton continued, stating:

"Thank you, Mr. Speaker. I'll wrap it up in the interest of time."

"31,260 women were murdered by either husbands, ex-husbands, boyfriends, ex-boyfriends. And in this State alone, HPD says that they receive about a thousand domestic violence related calls a month. And that's HPD, that's not statewide, that's Honolulu only. A thousand calls a month where women are desperately calling 911 saying, 'help me, help me.' If people think this is not a serious problem, they need to just look at the statistics that are available to the public."

"Yesterday, at the Windward Mall, I held, I believe it was either my seventh or my eighth annual domestic violence awareness session. We held it at Windward Mall. We had about thirteen or fourteen groups come out. And these groups are comprised of volunteers. They're doing everything they can to raise awareness about this serious problem."

Representative Ching rose to yield her time, and the Chair, "so ordered".

Representative Pendleton continued, stating:

"Thank you, Mr. Speaker. I'm going to wrap it up."

"The upshot of that yesterday, Mr. Speaker, is that we had numerous people come up to tables, pick up brochures, ask for phone numbers. Hale Ola, a domestic violence shelter on the Windward side was there. And they received a number of people with inquiries saying, how can we get a brochure? How can we know? Mr. Speaker, this is a serious problem that we need to address. We need more resources not fewer resources."

"And I can understand that we want to use the budget and use these funds to try to balance the budget but Mr. Speaker, in this area, I just can't see that we want to balance the budget in this fashion in an area where there's so much need. We're not talking about 'pork' and corporate wealth or anything like that, Mr. Speaker. These are people that are the most needy. And these are funds that are doing good and important work. And again, it's not inconsistent with my previous positions. I'm opposed and remain opposed to the proliferation of new funds, the creation of new special funds. This bill doesn't do that. And my standing for us not raiding these current funds that are doing good work is in no way inconsistent with that. I'm just saying, let's not raid these funds and at least these two funds are being raided and that's why I'm voting no on this. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm rising in opposition to the bill also."

"Thank you. Mr. Speaker, I wanted to address two particular provisions in the bill. The first is on page 8, Section 23 and this will raid the State Parks Special Fund. Mr. Speaker, this Fund was formally known as the Aina Hoomalu Special Fund and it was enacted I believe, during the first two years in which I came into office. The short-term savings from this raid would

compound problems associated with the deteriorating State park facilities."

"We've already raided this Fund, Mr. Speaker. In 2003, we took \$250,000 out of this Fund, putting it into the general fund. I think that shortsighted. The State parks are in serious need of repair. They are something that our tourists go to and come away with a very dissatisfied visit. So I think that this is the wrong Fund to raid."

"And Mr. Speaker, also the NARS Fund, the Natural Area Reserve Fund. The revenues for this Fund are generated throughout the year and excess balances, and I put 'excess' in quotes, in the special fund are used for ongoing costs in the beginning of the fiscal year. And also the special funds are used to maximize federal funds, Mr. Speaker. So cuts in special funds would cause the potential loss of federal funds. Since this Fund protects Hawaii's environment, short-term savings now would result in potential loss of native species and irreversible damage to the environment."

"Mr. Speaker, again we raided this once before in 2003. \$1 million was transferred to the general fund. I don't think we can afford to raid these Funds further this year. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this measure. And I'd like to incorporate the words of the speaker from Maunawili with respect to domestic violence in particular, and how difficult it is to take away funds from a worthy cause such as this. And I acknowledge the Representative from Kailua's leadership on some of these environmental issues and trying to protect the interests of those Funds."

"But like I said on Second Reading, life isn't perfect and we do have limited options with respect to the State's financial plan. Let me just kind of take you through what our options are if you don't mind Mr. Speaker."

The Chair addressed Representative Schatz, stating:

"If it is tied to this particular legislation. Please proceed."

Representative Schatz continued, stating:

"It is. It certainly is. In order to make the financial plan balanced, we have to either increase revenues, cut expenses, or make one time transfers. And usually, frankly Republican or Democrat or Green or Libertarian, you have to do all three in order to make the financial plan balance. And we're all responsible for that, especially, now that we have a legitimate two Party system. It's a little different than it used to be. We're all responsible for making the budget balance. It's not enough to sort of say what you would do if you were in charge because the fact of the matter is, we're all in charge now."

"You can increase fees. You can increase taxes. You can refinance debt. Those are all in the revenue category. You can cut expenses. The obvious options would be to not fund collective bargaining increases, which I certainly don't think is a good idea. Or you can make program cuts. You can find some other expenses to cut, but those are the basic options in terms of increasing revenues and cutting expenses. Or you can make one of these one-time fund transfers."

"And it's important to say that the Administration is proposing a 'raid bill' of their own. And it's substantially overlapping with our 'raid bill'. We do have limited options, and I believe that this is the least objectionable of all of our alternatives."

"And I just want to put out there, and I mean this very seriously, that if there is a \$400,000 transfer that you object to, provide me or the Speaker or the Finance Chair with a suggestion. A real suggestion in terms of replacing that revenue, in terms of replacing those dollars and I will take them seriously."

"I think none of us gets a kick out of raiding the NARS Fund or the Domestic Violence Prevention Fund. I mean those are objectionable monies to take. I mean we don't want to take monies away from those worthy causes. But the bottom line is we're all in charge now and you don't get to just criticize the Majority for what they're doing. The Governor is proposing a 'raid bill' of her own. And we all have to work together to find a balanced budget. So if there are any concrete suggestions as to how to solve this problem, I would certainly appreciate it. Thank you."

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

"The previous speaker just, by the way, I rise in opposition and I'd like the words from the speaker from Kailua to be incorporated as my own."

"We face this situation now, Mr. Speaker, because last year this Body felt it necessary to override the Governor's veto to reinstate arbitration."

The Chair addressed Representative Stonebraker, stating:

"Representative Stonebraker, that particular issue is not before this Body."

Representative Stonebraker: "The previous speaker mentioned this very issue and I'd like to touch on it, Mr. Speaker."

Speaker Say: "On State funds transfers, yes."

Representative Stonebraker: "He also mentioned that this is a one-time raid. Of course we know that this is about \$56 million raiding and the 25 special funds. And the previous speaker actually had the audacity to say, 'give us suggestions and we will take them seriously'."

Representative Schatz rose, stating:

"That's certainly in violation of the rules to say that I have audacity to make a statement. He's clearly in violation of the rules."

Speaker Say: "Representative Stonebraker, can you confine your remarks to the measure and not take up personal innuendoes or statements."

Representative Stonebraker: "There's nothing personal about it, Mr. Speaker. Suggestions are never received and taken seriously by the Majority Party in this Legislature."

At 1:57 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 1:57 o'clock p.m.

At 1:58 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 1:59 o'clock p.m.

The Chair recognized Representative Stonebraker, who continued stating:

"Mr. Speaker, I don't want to make waves here today, but I feel personal umbrage. We argued an amendment recently and one speaker says she hasn't seen heard a Republican amendment adopted in 26 years. So to say, 'give suggestions and we'll take them seriously', to me is not forthright. I don't mean to cause waves, Mr. Speaker, but in this sense, I feel that the people of Hawaii are not getting all that they deserve. To call this raid a one-time raid, what do you want me to say? It's just not honest. We raid special funds every year."

Representative Saiki rose to point of order, stating:

"Mr. Speaker, point of order. I move to censure the Representative from Hawaii Kai."

The Chair stated:

"Representative Stonebraker, the Chair will allow you to proceed on, but can you confine your remarks in not making it so blatant..."

Representative Stonebraker continued, stating:

"Okay, yes, Mr. Speaker. I will try, but I don't know how else to speak."

Representative Takai rose, stating:

"Point of information, Mr. Speaker. A motion was made on the Floor."

The Chair responded, stating:

"To censure, and the Chair has denied that. So please proceed, Representative Stonebraker. I'll allow you to continue on in regards to the Senate Bill 1491 in dealing with transfers. Please proceed."

Representative Stonebraker continued, stating:

"Thank you for your concern and your consideration that I would not be censured, however, I do feel censored in one sense..."

Speaker Say: "Representative Stonebraker..."

Representative Stonebraker continued, stating:

"Mr. Speaker, we want to debate here. Isn't this what we do? And my point is this, I will make it without partisanship, but we have proposed, and proposed, and proposed, to respect..."

At 2:01 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 2:04 o'clock p.m.

Representative Stonebraker continued, stating:

"Thank you, Mr. Speaker. The reason that we have been against special funds in the past is because of the way that we have functioned as a legislative body. We have seen a proliferation of special funds. We have hundreds, possibly over three hundred special funds in the State of Hawaii."

"We can say to the people of Hawaii that we will not raise taxes and at the same time, raise fees. These artificially high fees create surpluses in these hundreds of special funds. And then periodically we raid, 25, 35, 50 special funds for \$25, \$35, or \$55 million. And to stand and face the public and say we are doing a good job with honest budgeting and a balanced budget is not forthright. This is my concern, that this Body would be forthright and direct and straight with the people. This is not a one-time raid. We raid funds all the time. It took all that we had to stop the raid of the Hawaii Hurricane Relief Fund. That was very tempting for this Body.

"And so to go on in this practice and tell the people of Hawaii that this is a good thing to do and at the same time, disregard every attempt to restrict spending, to put government on a diet, to slow things down and give out binding arbitration, is just not feasible. Of course you're going to have to raid special funds if you continue spending like we do.

"I don't mean to cause waves, but we have to be honest here as a Body, and present to the people of Hawaii some balance, and be forthright about this. This is not a one-time raid. It's going to happen again. And every suggestion that we provided has not been heeded. And so with that being said, I vote no."

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

"Thank you, Mr. Speaker, in opposition.

"Mr. Speaker, the entire time I've been in the House, the Speaker has been a person who was formerly the Chair of the Finance Committee. And I believe that that background that you and your predecessor have brought to the job of Speaker reflects on a real understanding of the need for fiscal flexibility.

"And that's why I'm so alarmed at this bill. This bill seriously undermines the flexibility of the Governor's needs to handle the budget by removing her ability to move money from special fund to special fund, and from special fund to the general fund. The Legislature meets only 60 days a year. We're in no position to decide what amount of money should come out specifically from each special fund.

"This is a very, very flawed bill for anybody who understands the need for fiscal flexibility. It's no surprise that 41 people testified against this bill. Nobody is in favor of it. And I deeply object to the idea of this one-time raid. It is not fiscally sound to do this kind of budgeting. It is much better to keep our spending in line with our revenue and to go ahead in the way I was taught by my Finance Chair, and that I have seen in the past to be the responsible approach that the House of Representatives has taken towards its fiscal responsibility. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in opposition.

"Mr. Speaker, I'd like to address some comments made by the Representative from Makiki. Frankly, what he said is very commonly said on this Floor. And so the remarks really aren't just specifically attributable to him but seem to be a mindset in this Body. And that is that we only have a limited number of choices regarding the budget. That we either increase revenues, that is, raise taxes or raise the fees or other ways that we take money from our people or cut expenses, cut programs, or start putting money in a direction for our people in some way. And thirdly, he mentioned transferring funds, which is kind of a revenue neutral. But I've heard many times on this

Floor, either we're going to raise revenues or we're going to cut programs. And that seems to be the only option.

"And I would like to point out again, that there really is a much more intelligent option. And that is to spend our money more wisely. Mr. Speaker, no one believes that we're getting full value for our dollar in this State government. The only question is to what extent are we failing to get good value, full value for every dollar that we spend. In other words, Mr. Speaker, maybe we're only getting 70 or 80 cents of value for every dollar we spend.

"Mr. Speaker, this is my tenth Session in the House. During this time, never has the House of Representative or the Legislature, as whole, implemented the constitutional requirement that the Legislative Auditor do substantial, which are management-style audits of all State government. If we had that."

The Chair addressed Representative Halford, stating:

"Representative Halford, the Chair has allowed you to digress a little in regards to relating to State funds."

Representative Halford continued, stating:

"Mr. Speaker, the point is, the connection is that here, we're shuffling money from one fund or one place to another. We're just shuffling money to try to pull off a balanced budget. I'm pointing out that this process was defended by saying either we're going to raise taxes or cut programs. And I'm saying that there's definitively a third approach and that is spend our money wisely. And use the tools available, in fact required by the Constitution, that the Legislative Auditor audit all State finances regularly and substantially like management style audits that will direct us, that will show us directly where we can save money. Like the Storeroom at the Department of Education, it took..."

Representative Saiki rose to a point of order, stating:

"Point of order, Mr. Speaker, the Representative is off point."

The Chair responded, stating:

"The Chair will allow Representative Halford to continue on when he's making the correlation of how the impact of special funds that are transferred to the general fund impacts overall the State of Hawaii. And secondly, the example of the Storeroom for the Department of Education, I think the Auditor highlighted that in saving the Department of Education a quarter of a million dollars. So would you please proceed and summarize."

Representative Halford continued, stating:

"Thank you, Mr. Speaker. Regarding the Storeroom, the Auditor did a management style audit. Not just a balancing your checkbook style audit, but a meaningful audit. And showed how we can save tremendous money without raising taxes and without cutting good programs.

"And so the connection to this bill is that we wouldn't have to do this shuffle, this dance that we're doing, taking money out of good areas to 'rob Peter to pay Paul' within our system if we took an intelligent approach to spending our money, which is the better alternative than I have heard mentioned over and over again. Either raise revenues or cut good programs. Thank you."

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

"Thank you, Mr. Speaker, in opposition.

"As I mentioned on Second Reading, I'm very much opposed to especially the fact that we're eliminating the Governor's ability to transfer funds. Again as mentioned on Second Reading, we have all these floods this year and the Governor had to transfer funds to take care of the necessary resources that were needed to help the people of our State. And we're taking away that ability. We're only going to be here a few months each year, what is she going to do the rest of time? Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. I wish to speak in favor of this bill with some minor reservations.

"The only reservation I have is that we continue to use this method rather than possibly looking at the bigger picture. That is, we need to look at alternatives of revenue. It's easy to talk about all the other things making the State more efficient and etc., etc., but that's kind of rhetorical. It's very difficult to do, at best.

"But before I go on, I do want to thank the Chair and the Finance Committee for doing a very difficult job at a very difficult time. And I think we need all to look at him and congratulate him and his Committee for coming up with this.

"We need to balance the budget. We have been taking, the State has been using revenues from the 90s. Towards the end of my years as the Finance Chairman, and then as Speaker, until now. It's going up a little bit, but the decline has been continually downward. And because of that, most of the agencies have been suffering from lack of dollars. Services are less than what it should be.

"I attended a DLNR meeting this morning on NARS. They have a problem in Maui where they want to have kayaks in a certain natural area reserve area. And everybody, all the people in Maui were speaking against it. DLNR doesn't have sufficient staff to monitor that particular area and come out with some conclusion as to whether they should have some exemptions made to get pristine area or continue. And I was kind of shocked in hearing that. That they weren't there and they didn't really understand the problem as well they should.

"And then a very telling statement was given to me after I got up and I spoke. They said, 'Ask your Finance Committee not to raid our funds. We don't have sufficient staff.' And I was tempted to tell him, 'Well, it's not only you. It's all the programs that we have. All the agencies that we have, the social services, children going on without dental care, crying at night, adults not having the care that they need. Long-term care programs don't have enough funds for long-term care.'

"I can go on, and on, and on. And Members, where's the fault? Who's responsible for this? For this is what we have. It's us. It's easy to come up and say that we should do this and that. Be a little more efficient. But the figures speak for themselves. The economy has been going down for ten or twelve years. We have done nothing. We have not been willing to make the hard choices. I'm not blaming anybody. All of us must accept this. But at some point in time, really take a good look at the mirror and say how long the State can continue to be in this position of having the lack of sufficient resources to operate the State, if I can use this word, as 'efficiently' as it should be. Thank you, Mr. Speaker."

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

"In support. Mr. Speaker, when we followed up on the recommendations of the Legislative Auditor to severely question the needs of Hawaii Healthcare Systems' request for funding, we were severely criticized by the Governor and the Minority."

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

"Thank you, Mr. Speaker, in opposition. I'd like to incorporate the words that I spoke on Second Reading on this particular measure. And I'd like to make clear for the record that I do support Part I of this bill. I absolutely don't support Part II. And I wish the two were separate bills but unfortunately they're together. And for those reasons I have to vote no."

Representative Kahikina rose in support of the measure with reservations and asked that the remarks of Representative Souki be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Kahikina continued, stating:

"And one fast comment, Mr. Speaker. Besides all that has been said, I just wanted to also express that what's going on in the world and the unfortunate incident on 9/11 has impacted on our revenues. I'm one that hasn't been ashamed to say that I see that some of the social services, such as has been debated on the Floor by both sides, have been compromised. I'm very happy to hear that we support it, but unfortunately we don't have enough funds. And I've advocated that for my brothers' and sisters' needs, I would go out on the 'firing line' and suggest a tax increase. And I would be bold to say that perhaps we need to look at our revenues as Speaker Emeritus has observed. And with all the fifty or so billions dollars going into foreign countries, when 48 states are in deficit, I think it's time to look at our federal government, 'Big Daddy'. And say that all of our taxes that we're paying are our taxpayers' money and we should bring it back to our State. Thank you."

Representative Finnegan rose in opposition of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in opposition to S.B. 1491, S.D. 1, H.D. 1. This measure is the annual raid on various special funds conducted in order to balance the budget. I do not like doing this, but the raid will not be the focus of my remarks since my colleague from Hawaii Kai has already spoken about it so forcefully.

"Instead, I would like to focus on Part II of the bill, which removes the Executive's power to transfer excess special fund balances into the general fund. The Majority argues that this will improve the State's fiscal accountability, as only the Legislature will be able transfer these excess special fund balances. This is not correct. These balance transfers can only take place with the approval of the Governor or, if the power is so delegated, by the Director of Budget and Finance. That requirement is the accountability mechanism, and the Governor is just as accountable as the Legislature for the action he or she takes.

"What will be lost with this measure, though, is an important element of flexibility in the Governor's ability to manage the State's funds. The power to transfer these excess balances can

be important if an economic downturn throws the budget out of balance or if a sudden disaster or emergency necessitates an unexpected expenditure. My own district has experience with this. Following the flooding in December 2003 and March 2004, the Governor authorized emergency loans for Mapunapuna, Salt Lake, Foster Village, and Moanalua. The funds for these loans came from excess balance transfers, and I know they were very important in helping the residents of my district recover from these floods. Without this Executive power, these loans would not have been possible. This Executive power is a necessary power, Mr. Speaker, and because of that I oppose this measure.

"Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm in opposition to this measure.

"Just a comment to the Chairman of Human Services, actually as far as federal funds. Hawaii gets more funds than we send to the federal government. So I think we're doing pretty well there. Thank you."

Representative Ching rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Leong rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

The motion was put to vote by the Chair and carried, and S.B. No. 1491, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed Third Reading by a vote of 35 ayes to 15 noes, with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no and with Representative Chang being excused.

S.B. No. 2525, HD 1:

Representative Saiki moved that S.B. No. 2525, HD 1, pass Third Reading, seconded by Representative Lee.

At this time, Representative Fox offered Floor Amendment No. 10, amending S.B. No. 2525, HD 1, as follows:

SECTION 1. Senate Bill No. 2525 House Draft 1 is amended by deleting its contents and inserting the following language, to read as follows:

"SECTION 1. Section 26-9, Hawaii Revised Statutes, is amended by amending subsection (o) to read as follows:

"(o) Every person licensed under any chapter within the jurisdiction of the department of commerce and consumer affairs and every person licensed subject to chapter 485 or registered under chapter 467B shall pay upon issuance of a license, permit, certificate, or registration a fee and a subsequent annual fee to be determined by the director and adjusted from time to time to ensure that the proceeds, together with all other fines, income, and penalties collected under this section, do not surpass the annual operating costs of conducting compliance resolution activities required under this section. The fees may be collected biennially or pursuant to rules adopted under chapter 91, and shall be deposited into the special fund established under this subsection. Every filing pursuant to chapter 514E or section 485-6(15) shall be assessed, upon initial filing and at each renewal period in which a renewal is required, a fee that shall be prescribed by rules

adopted under chapter 91, and that shall be deposited into the special fund established under this subsection. Any unpaid fee shall be paid by the licensed person, upon application for renewal, restoration, reactivation, or reinstatement of a license, and by the person responsible for the renewal, restoration, reactivation, or reinstatement of a license, upon the application for renewal, restoration, reactivation, or reinstatement of the license. If the fees are not paid, the director may deny renewal, restoration, reactivation, or reinstatement of the license. The director may establish, increase, decrease, or repeal the fees when necessary pursuant to rules adopted under chapter 91. The director may also increase or decrease the fees pursuant to section 92-28.

There is created in the state treasury a special fund to be known as the compliance resolution fund to be expended by the director's designated representatives as provided by this subsection. Notwithstanding any law to the contrary, all revenues, fees, and fines collected by the department shall be deposited into the compliance resolution fund. Unencumbered balances existing on June 30, 1999, in the cable television fund under chapter 440G, the division of consumer advocacy fund under chapter 269, the financial institution examiners' revolving fund, section 412:2-109, the special handling fund, section 414-13, and unencumbered balances existing on June 30, 2002, in the insurance regulation fund, section 431:2-215, shall be deposited into the compliance resolution fund. This provision shall not apply to the drivers education fund underwriters fee, section 431:10C-115, insurance premium taxes and revenues, revenues of the workers' compensation special compensation fund, section 386-151, the captive insurance administrative fund, section 431:19-101.8, the insurance commissioner's education and training fund, section 431:2-214, the medical malpractice patients' compensation fund as administered under section 5 of Act 232, Session Laws of Hawaii 1984, and fees collected for deposit in the office of consumer protection restitution fund, section 487-14, the real estate appraisers fund, section 466K-1, the real estate recovery fund, section 467-16, the real estate education fund, section 467-19, the contractors recovery fund, section 444-26, the contractors education fund, section 444-29, and the condominium management education fund, section 514A-131. Any law to the contrary notwithstanding, the director may use the moneys in the fund to employ, without regard to chapter 76, hearings officers, investigators, attorneys, accountants, and other necessary personnel to implement this subsection. Any law to the contrary notwithstanding, the moneys in the fund shall be used to fund the operations of the department. The moneys in the fund may be used to train personnel as the director deems necessary and for any other activity related to compliance resolution.

As used in this subsection, unless otherwise required by the context, "compliance resolution" means a determination of whether:

- (1) Any licensee or applicant under any chapter subject to the jurisdiction of the department of commerce and consumer affairs has complied with that chapter;
- (2) Any person subject to chapter 485 has complied with that chapter;
- (3) Any person submitting any filing required by chapter 514E or section 485-6(15) has complied with chapter 514E or section 485-6(15);
- (4) Any person has complied with the prohibitions against unfair and deceptive acts or practices in trade or commerce; or

- (5) Any person subject to chapter 467B has complied with that chapter;

and includes work involved in or supporting the above functions, licensing, or registration of individuals or companies regulated by the department, consumer protection, and other activities of the department.

The director shall prepare and submit an annual report to the governor and the legislature on the use of the compliance resolution fund. The report shall describe expenditures made from the fund including non-payroll operating expenses."

SECTION 2. Section 92-28, Hawaii Revised Statutes, is amended to read as follows:

"§92-28 State service fees; increase or decrease of. Any law to the contrary notwithstanding, the fees or other nontax revenues assessed or charged by any board, commission, or other governmental agency may be increased or decreased by the body in an amount not to exceed fifty per cent of the statutorily assessed fee or nontax revenue, in order to maintain a reasonable relation between the revenues derived from such fee or nontax revenue and the cost or value of services rendered, comparability among fees imposed by the State, or any other purpose which it may deem necessary and reasonable; provided that:

- (1) The authority to increase or decrease fees or nontax revenues shall be subject to the approval of the governor and extend only to the following: chapters 36, 92, 94, 142, 144, 145, 147, 150, 171, 188, 189, 231, 269, 271, 321, 338, 373, 412, 414, 414D, 415A, 417E, 419, 421, 421C, 421H, 421I, 425, 425D, 428, 431, 438, 439, 440, 442, 447, 448, 452, 453, 455, 456, 457, 458, 459, 460, 461, 463, 464, 466, 467, 469, 471, 482, 482E, 485, 501, 502, 505, 572, 574, and 846 (part II);

- (2) The authority to increase or decrease fees or nontax revenues under the chapters listed in paragraph (1) that are established by the department of commerce and consumer affairs shall apply to fees or nontax revenues established by statute or rule;

- (2) (3) The authority to increase or decrease fees or nontax revenues established by the University of Hawaii under chapters 304, 305, 306, and 308 shall be subject to the approval of the board of regents; provided that the board's approval of any increase or decrease in tuition for regular credit courses shall be preceded by an open public meeting held during or prior to the semester preceding the semester to which the tuition applies;

- (3) (4) This section shall not apply to judicial fees as may be set by any chapter cited in this section;

- (4) (5) The authority to increase or decrease fees or nontax revenues pursuant to this section shall be exempt from the public notice and public hearing requirements of chapter 91; and

- (5) (6) Fees for copies of proposed and final rules and public notices of proposed rulemaking actions under chapter 91 shall not exceed 10 cents a page, as required by section 91-2.5."

SECTION 3. Section 414-13, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) The following fees shall be paid to the department director upon the filing of corporate documents:

- (1) Articles of incorporation, \$100;
- (2) Articles of amendment, [~~\$50;~~] \$25;
- (3) Restated articles of incorporation, [~~\$50;~~] \$25;
- (4) Articles of conversion or merger, [~~\$200;~~] \$100;
- (5) Articles of merger (subsidiary corporation), [~~\$400;~~] \$50;
- (6) Articles of dissolution, [~~\$50;~~] \$25;
- (7) Annual report of domestic and foreign corporations organized for profit, \$25;
- (8) Agent's statement of change of registered office, [~~\$50~~] \$25 for each affected domestic corporation or foreign corporation, except if simultaneous filings are made the fee is reduced to \$1 for each affected domestic corporation or foreign corporation in excess of two hundred;
- (9) Any other statement, report, certificate, application, or other corporate document, except an annual report, of a domestic or foreign corporation, [~~\$50;~~] \$25;

- (10) Application for a certificate of authority, \$100;

- (11) Application for a certificate of withdrawal, [~~\$50;~~] \$25;

- (12) Reservation of corporate name, [~~\$20;~~] \$10;

- (13) Transfer of reservation of corporate name, [~~\$20;~~] \$10;

- (14) ~~Good-standing certificate, \$25;~~

- ~~—(15)]~~ (14) Special handling fee for review of corporation documents, excluding articles of conversion or merger, [~~\$50;~~] \$25;

- (15) Special handling fee for review of articles of conversion or merger, [~~\$150;~~] \$75;

- (16) Special handling fee for certificates issued by the department, [~~\$25~~] \$10 per certificate; and

- (17) Special handling fee for certification of documents, [~~\$25;~~] \$10."

2. By amending subsection (d) to read:

"(d) The department director shall charge and collect:

- (1) For furnishing a certified copy of any document, instrument, or paper relating to a corporation, [~~\$20~~] \$10 for the certificate and affixing the seal thereto; and

- (2) At the time of any service of process on the department director as agent for service of process of a corporation, [~~\$25;~~] \$10, which amount may be recovered as taxable costs by the party to the suit or action causing the service to be made if the party prevails in the suit or action."

SECTION 4. Section 414D-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The following fees shall be paid to the department director upon the filing of corporate documents:

- (1) Articles of incorporation, \$50;
- (2) Articles of amendment, [~~\$20;~~] \$10;
- (3) Restated articles of incorporation, [~~\$20;~~] \$10;
- (4) Articles of merger, [~~\$400;~~] \$50;
- (5) Articles of conversion, [~~\$200;~~] \$50;
- (6) Articles of dissolution, [~~\$20;~~] \$10;
- (7) Annual report of nonprofit domestic or foreign corporation, \$5;
- (8) Any other statement, report, certificate, application, or other corporate document, except an annual report, of a nonprofit domestic or foreign corporation, [~~\$20;~~] \$10;
- (9) Application for a certificate of authority, \$50;
- (10) Application for a certificate of withdrawal, [~~\$20;~~] \$10;
- (11) Reservation of corporate name, [~~\$20;~~] \$10;
- (12) Transfer of reservation of corporate name, [~~\$20;~~] \$10;
- ~~[(43)]~~ Good standing certificate, \$25;
- ~~[(44)]~~ (13) Special handling fee for review of corporation documents, excluding articles of merger or conversion, [\$50;] \$25;
- ~~[(45)]~~ (14) Special handling fee for review of articles of conversion or merger, [~~\$150;~~] \$75;
- ~~[(46)]~~ (15) Special handling fee for certificates issued by the department, [\$25] \$10 per certificate;
- ~~[(47)]~~ (16) Special handling fee for certification of documents, [\$25;] \$10; and
- ~~[(48)]~~ (17) Agent's statement of change of registered office, [\$20] \$10 for each affected domestic corporation or foreign corporation; provided that if more than two hundred simultaneous filings are made, the fee shall be reduced to \$1 for each affected domestic corporation or foreign corporation."

SECTION 5. Section 414D-18, Hawaii Revised Statutes, is amended to read as follows:

"[~~F~~]**§414D-18[3] Miscellaneous charges.** The department director shall charge and collect:

- (1) For furnishing a certified copy of any document, instrument, or paper relating to a corporation, [~~\$20;~~] \$10; and
- (2) At the time of any service of process on the department director as agent for service of process of a corporation, [~~\$25;~~] \$10, which amount may be recovered as taxable costs by the party to the action causing the service to be made if that party prevails in the action."

SECTION 6. Section 425-12, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) The following fees shall be paid to the director upon the filing of general partnership documents:

- (1) Partnership registration statement, \$25;
- (2) Partnership change of name statement, [~~\$25;~~] \$10;
- (3) Partnership dissolution statement, [~~\$25;~~] \$10;
- (4) Foreign general partnership registration statement, \$25;
- (5) Statement of change, [~~\$25;~~] \$10;
- (6) Application for certificate of withdrawal, [~~\$40;~~] \$5;
- (7) Statement of correction, [~~\$25;~~] \$10;
- (8) Reservation of name, [~~\$20;~~] \$10;
- (9) Transfer of reservation of name, [~~\$20;~~] \$10;
- (10) Annual statement for domestic or foreign general partnership, \$10;
- ~~[(11)]~~ Good standing certificate, \$25;
- ~~[(12)]~~ (11) Articles of conversion[~~;~~ \$200;] or merger, \$100;
- ~~[(13)]~~ (12) Any other statement, certificate, or other document for a domestic or foreign general partnership, [\$25;] \$10;
- ~~[(14)]~~ (13) Special handling fee for review of any general partnership document, [\$50;] \$25;
- ~~[(15)]~~ (14) Special handling fee for certificates issued by the director, [\$25] \$10 per certificate;
- ~~[(16)]~~ (15) Special handling fee for certification of documents, [\$25;] \$10;
- ~~[(17)]~~ (16) Special handling fee for review of articles of conversion[~~;~~ \$150;] or merger, \$75; and
- ~~[(18)]~~ (17) Agent's statement of change of address, [\$20] \$10 for each affected foreign general partnership; provided that if more than two hundred simultaneous filings are made, the fee shall be reduced to \$1 for each affected foreign general partnership.

(b) The director shall charge and collect:

- (1) For furnishing a certified copy of any document, instrument, or paper relating to a general partnership, [~~\$20] \$10~~ for the certificate and affixing the seal thereto; and
- (2) At the time of any service of process on the director as agent for service of process of a general partnership, [~~\$25;~~] \$10, which amount may be recovered as taxable costs by the party to the suit or action causing the service to be made if the party prevails in the suit or action."

SECTION 7. Section 425-168, Hawaii Revised Statutes, is amended by amending subsections (a) through (c) to read as follows:

"(a) The director shall collect the following fees for the following limited liability partnership documents:

- (1) Annual report, \$25;
- (2) Statement of qualification, \$50;
- (3) Statement of foreign qualification, \$100;

- (4) Statement of correction, amendment, restatement, or amendment and restatement, [~~\$50;~~] \$25;

~~[(5) Certificate of good standing, \$25;~~

- ~~[(6)] (5)~~ Articles of conversion~~[-\$200;]~~ or merger, \$100;

~~[(7)] (6)~~ For any other certificate, statement, or document, [~~\$50;~~] \$25;

~~[(8)] (7)~~ Certification of domestic or foreign partnership, [~~\$20;~~] \$10; and

~~[(9)] (8)~~ For each agent's statement of change of registered office, [~~\$20]~~ \$10 for each affected domestic or foreign limited liability partnership; provided that if an agent files more than two hundred statements of change of registered office at the same time, the fee shall be reduced to \$1 for each affected domestic or foreign limited liability partnership.

(b) The following special handling fees shall be assessed by the director for expeditious handling and review of the following documents:

- (1) Statement of qualification, [~~\$50;~~] \$25;
- (2) Statement of correction, amendment, restatement, or amendment and restatement, [~~\$50;~~] \$25;
- (3) Annual report, [~~\$50;~~] \$25;
- (4) Certification of domestic or foreign limited liability partnership, [~~\$25;~~] \$10;
- (5) Certificate of good standing for domestic or foreign limited liability partnership, [~~\$25;~~] \$10;
- (6) Articles of conversion or merger for domestic or foreign limited liability partnership, [~~\$150;~~] \$75;
- (7) Statement of foreign qualification, [~~\$50;~~] \$25;
- (8) Statement of correction, amendment, restatement, or amendment and restatement of foreign limited liability partnership, [~~\$50;~~] \$25;
- (9) Annual report, [~~\$50;~~] \$25; and
- (10) For any other certificate or document authorized by this subpart, [~~\$50;~~] \$25.

(c) The director shall charge and collect:

- (1) For furnishing a certified copy of any document, instrument, or paper relating to a limited liability partnership, [~~\$20]~~ \$10 for the certificate and affixing the seal thereto; and
- (2) At the time of any service of process on the director as agent for service of process of a limited liability partnership, [~~\$25;~~] \$10, which amount may be recovered as taxable costs by the party to the suit or action causing the service to be made if the party prevails in the suit or action."

SECTION 8. Section 425E-211, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) The following fees shall be paid to the director upon the filing of limited partnership documents:

- (1) Certificate of limited partnership, \$50;
- (2) Any certificate of amendment, restatement, or correction, [~~\$20;~~] \$10;
- (3) Certificate of cancellation, [~~\$20;~~] \$10;
- (4) Annual statement for domestic or foreign limited partnership, \$10;
- (5) Any other certificate or document of domestic or foreign limited partnership, [~~\$20;~~] \$10;
- (6) Application for registration as a foreign limited partnership, \$100;
- (7) Any certificate of amendment or agent change for foreign limited partnership, [~~\$20;~~] \$10;
- (8) Application for certificate of withdrawal of foreign limited partnership, [~~\$20;~~] \$10;
- (9) Reservation of name, [~~\$20;~~] \$10;
- (10) Transfer of reservation of name, [~~\$20;~~] \$10;

~~[(11)] Good standing certificate, \$25;~~

~~—[(12)] (11)~~ Articles of conversion~~[-\$200;]~~ or merger, \$100;

~~[(43)] (12)~~ Special handling fee for review of articles of conversion~~[-\$150;]~~ or merger, \$75;

~~[(44)] (13)~~ Special handling fee for review of any limited partnership document, [~~\$50;~~] \$25;

~~[(45)] (14)~~ Special handling fee for certificates issued by the director, [~~\$25]~~ \$10 per certificate;

~~[(46)] (15)~~ Special handling fee for certification of documents, [~~\$25;~~] \$10; and

~~[(47)] (16)~~ Agent's statement of change of address, [~~\$20]~~ \$10 for each affected foreign limited partnership; provided that if more than two hundred simultaneous filings are made, the fee shall be reduced to \$1 for each affected foreign limited partnership.

(b) The director shall charge and collect:

- (1) For furnishing a certified copy of any document, instrument, or paper relating to a limited partnership, [~~\$20]~~ \$10 for the certificate and affixing the seal thereto; and
- (2) At the time of any service of process on the director as agent for service of process of a limited partnership, [~~\$25;~~] \$10, which amount may be recovered as taxable costs by the party to the suit or action causing the service to be made if the party prevails in the suit or action."

SECTION 9. Section 428-1301, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The following fees shall be paid to the director upon the filing and issuance of records under this chapter:

- (1) Articles of organization, \$100;

- (2) Articles of amendment, [~~\$50;~~] \$25;
- (3) Restated articles of organization, [~~\$50;~~] \$25;
- (4) Articles of merger or conversion, [~~\$200;~~] \$100;
- (5) Statement of dissociation, [~~\$50;~~] \$25;
- (6) Articles of termination, [~~\$50;~~] \$25;
- (7) Application for reinstatement for administratively terminated limited liability company, [~~\$50;~~] \$25;
- (8) Annual report, \$25;
- (9) Statement of change of designated office or agent for service of process, or both, for limited liability company or foreign limited liability company, [~~\$50;~~] \$25;
- (10) Agent's statement of change of address, [~~\$50;~~] \$25 for each affected domestic limited liability company or foreign limited liability company; provided that if more than two hundred simultaneous filings are made, the fee shall be reduced to \$1 for each affected domestic limited liability company or foreign limited liability company;
- (11) Any other statement or document of a domestic or foreign limited liability company, [~~\$50;~~] \$25;
- (12) Application for certificate of authority for foreign limited liability company, \$100;
- (13) Application for cancellation of authority of foreign limited liability company, [~~\$50;~~] \$25;
- (14) Reservation of name, [~~\$25;~~] \$10;
- [~~(15)~~] Good standing certificate, \$25;
- [~~(16)~~] (15) Any other record not otherwise covered in this part, [~~\$50;~~] \$25;
- [~~(17)~~] (16) Certified copy of any record relating to a limited liability company or foreign limited liability company, [~~\$20;~~] \$10 for the certificate and affixing the seal thereto;
- [~~(18)~~] (17) Special handling fee for review of any record other than articles of merger or conversion, [~~\$50;~~] \$25;
- [~~(19)~~] (18) Special handling fee for review of articles of merger or conversion, [~~\$150;~~] \$75;
- [~~(20)~~] (19) Special handling fee for certificate issued by the director not otherwise covered by this section, [~~\$25;~~] \$10 per certificate;
- [~~(21)~~] (20) Special handling fee for certification of record, [~~\$25;~~] \$10; and
- [~~(22)~~] (21) Any service of notice, demand, or process upon the director as agent for service of process of a limited liability company or foreign limited liability company, [~~\$25;~~] \$10, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action."

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 11. This Act shall take effect on July 1, 2004."

Representative Fox moved that Floor Amendment No. 10 be adopted, seconded by Representative Meyer.

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

"Thank you, Mr. Speaker. We had a debate on this measure on Second Reading and it was pointed out during the debate that the Compliance Resolution Fund is accumulating excess amounts of money. And the purpose of this floor amendment is to deal with that specific problem in two ways. First, it reduces several fees and they are enumerated in the text of the amendment. You've got a list of the fees that are cut. And that is to reduce the amount of money going into the Compliance Resolution Fund. And second, to eliminate entirely the cost of the Certificate of Good Standing. So these two moves are the purpose of the amendment.

"Of course by supporting this amendment, we will also keep intact the Compliance Resolution Fund. As I said on Second Reading, this was an important step forward for fiscal responsibility taken by the State of Hawaii under the leadership of the former head of DCCA, Kathryn Matayoshi. And it was well supported by this entire Body. And we want to keep that tradition going. By the overwhelming testimony against this bill, the business community made it very clear that it's very comfortable with the way DCCA is managing the affairs. Businesses want to keep that system going. They pay fees to get work done. The work gets done. They're very happy with the arrangement and very unhappy with the idea of doing away with the Compliance Resolution Fund. Thank you, Mr. Speaker."

Representative Takamine rose to speak in opposition to the amendment, stating:

"Thank you, Speaker. I rise to speak against the floor amendment.

"Mr. Speaker, I'm not sure I fully understand the purpose of bringing this floor amendment before the Body at this time. But it may be a complete waste of time. In looking over the amendments, essentially, it's incorporating the provisions of Senate Bill 1318 and Senate Bill 2906. And seems to then propose that in order to amend Senate Bill 2525. It appears as though if this is the intent then it is premature. Both of these measures are currently scheduled for public hearing by the Committee on Finance this afternoon. In fact we have a 3 o'clock agenda that was duly noticed. And both bills are contained therein.

"It seems as though the more appropriate method as we usually utilized in order to allow for the public to have input before we take these kinds of steps would be to go through the hearing process. It seems as though in light of that, we should vote down this floor amendment."

Representative Saiki rose to speak, stating:

"Mr. Speaker, in light of the Finance Chair's comments, I call for the question and request a roll call vote."

Representative Stonebraker rose to speak in support of the amendment, stating:

"I was going to speak in support of the amendment."

The Chair addressed Representative Stonebraker, stating:

"Well, the question has been called at this point."

Representative Fox rose to respond, stating:

"Thank you, Mr. Speaker. As you're quite aware, the rules entitle me to a response as the movant of the amendment. I just want to briefly say that the main purpose of this amendment is to do away with the elimination of the Compliance Resolution Fund. But it makes sense as we do so to put in the restrictions on building up of an excess fund, the point that was made in Second Reading. Thank you, Mr. Speaker."

The Chair responded, stating:

"Your point is well taken, Representative Fox. So for all the Members of this House, if you look on the Order of Business, everyone has the order of business? Addendum E, those two bills that are part of the floor amendment is going to be given a public hearing this afternoon at 3 p.m. Senate Bill 1318, Senate Draft 1, House Draft 1 and Senate Bill 2906, Senate Draft 1, House Draft 1."

Representative Bukoski rose to speak, stating:

"Mr. Speaker, just for clarification, I guess. The opposition seems to say that he doesn't, the Chair, doesn't understand why this is being brought up at this point because we have the hearings. But I don't believe we received notification of those bills being heard until the weekend. So obviously, we were planning to have this amendment on the Floor not knowing that those bills were going to be scheduled to be heard. So just for the clarification of this Body."

The Chair responded, stating:

"Your point is well taken, but it is going to be heard this afternoon. So can we move on at this point? The question has been called and we have to move on because after a point, I'm going to call the Majority Floor Leader and the Minority Floor Leader to request their votes on these measures."

At 2:27 o'clock p.m., Representative Halford requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:29 o'clock p.m.

The Chair then stated:

"The Chair stands corrected. The Majority Leader did state that we'll have a roll call vote on the proposed floor amendment that was submitted by the Minority Leader."

Roll call having been previously requested, and by unanimous consent, granted, the motion that Floor Amendment No. 10 amending S.B. No. 2525, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," be adopted, was put to vote by the Chair and failed to carry on the following show of Noes and Ayes:

Noes, 36: Representatives Abinsay, Arakaki, Caldwell, Chang, Evans, Hale, Hamakawa, Herkes, Hiraki, Ito, Kahikina, Kaho'ohalahala, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoy, Mindo, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Saiki, Say, Schatz, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tamayo, Wakai, and Waters.

Ayes, 15: Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen.

Speaker Say: "The floor amendment has failed, Members. We are now back to the main motion, any further discussions?"

(Main Motion)

Speaker Say: "If not, may we proceed on, Members, to Senate Bill 2704, House Draft 1."

Speaker Say: "No further discussion? Moving on to Senate Bill 2951, Senate Draft 1, House Draft 1."

Speaker Say: "No discussion?"

Speaker Say: "Representative Lee for the vote."

Representative Lee: "Mr. Speaker..."

Representative Bukoski: "Mr. Speaker, can I insert my comments from Second Reading on Senate Bill 2525?"

Speaker Say: "Yes, the Chair will allow you. In opposition or with reservation?"

Representative Bukoski: "Complete opposition."

Speaker Say: "So ordered."

Speaker Say: "Representative Lee..."

Representative Stonebraker rose to speak, stating:

"Mr. Speaker, I have a question. We didn't really debate the amendment because of the speech from the Finance Chair. But we didn't debate at all. We didn't debate the underlying measure. Why is that?"

The Chair responded, stating:

"I believe we had a debate and the question was called by the Majority Leader and the Chair did allow Members to submit written remarks."

Representative Stonebraker: "We debated the amendment that was proposed, but we didn't debate that."

Speaker Say: "The Chair did request any discussion and there was no discussion so the Chair moved on."

Representative Stonebraker: "Okay, well, I would like to rise in opposition if I may."

Speaker Say: "You may, but would you like to submit written comments in opposition at this point in time since time is of the essence with hearings that are being delayed at this point?"

Representative Stonebraker: "No. I'd like to speak on this."

At 2:33 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:35 o'clock p.m.

Representative Marumoto rose to speak, stating:

"Are you going to allow comments to be inserted?"

The Chair responded, stating:

"Yes, I will. Written comments."

Representative Marumoto: "On Senate Bill 2525."

Speaker Say: "Wait. At this point, the Chair will allow Representative Stonebraker just to make his request to submit written comments in opposition based on his Second Reading statements."

Representative Stonebraker: "Well, Mr. Speaker, I had actually hoped to debate since we receive each other's input and we make up our mind on this Floor. An open debate is really what democracy is all about as we've learned on the previous measure."

Speaker Say: "And we've had a lively debate on Second Reading and even on the proposed floor amendment, Representative Stonebraker. And it dealt with the issue that we are dealing with. So if you would like to submit written comments in opposition, the Chair will allow you at this period in time."

Representative Stonebraker: "Is that to say that I'm not allowed to make..."

Representative Saiki rose to a point of order, stating:

"Point of order, Mr. Speaker, the Chair has already made a ruling."

Speaker Say: "Absolutely right. The Chair has made a ruling and I think the Minority Leader understands that."

Representative Stonebraker: "Pending the ruling that I may not speak on this Floor, I will insert comments in opposition."

Representative Marumoto rose to speak, stating:

"Mr. Speaker, In opposition to the provision that requires the return of excess funds pro rata to all the licensees in the Department. This is a ridiculous provision. Thank you."

Representative Moses rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her and the Chair, "so ordered."

Representative Saiki rose to a point of order, stating:

"Point of order. In response to Members who believe that they have not had the opportunity to speak on the Floor. Members are entitled to speak on the Floor as long as they pay attention to the Floor."

Representative Fox rose stating:

"This is completely out of order."

At 2:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:38 o'clock p.m.

At this time, Representative Bukoski rose to appeal the ruling of the Chair to not allow further verbal debate.

Representative Takai rose, stating:

"The motion doesn't have a second."

The motion to appeal the ruling of the Chair was then seconded by Representative Pendleton.

The Chair addressed the Members, stating:

"Before this Body is an appeal by the Representative from Maui in regards to the Chair's decision in not allowing for further debate, verbally. Last week I believe you heard from the Chair that I allowed you to speak on Second Reading to see what your thoughts were on this particular measure. And we had a floor amendment on this particular measure. And at this point, I think debate has gone on long enough on this Senate Bill 2525, House Draft 1. So let me continue, Representative Meyer. Let me continue. All of those who support the appeal, will raise your right hand at this period in time."

Representative Bukoski rose to a point of order, stating:

"Point of order. I believe I made the motion so I believe I have an opportunity to speak in favor of my motion."

Speaker Say: "The motion for appeal? There is a discussion on it? On the motion? Just on the motion now?"

At 2:40 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 2:40 o'clock p.m.

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

"Mr. Speaker, I've always felt that you've handled yourself very fairly in this Chamber. And I believe that this is a Third Reading bill. Obviously it's very important to this Caucus. And obviously it's very important to the individual who wishes to speak on this Third Reading bill. This is a final opportunity that we will be able to speak on this measure as it sits in our House today.

"I respectfully request. And we've offered as a Caucus to limit the debate to one person. And that is the Representative from Hawaii Kai. And I respectfully request that you reconsider your original ruling and allow the speaker from Hawaii Kai to give his comments, Mr. Speaker."

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

"I rise in support of the Chair's ruling.

"And I'd just like to note that this is not the first time that we have heard or entertained the measure before us. We have had other opportunities to vote on this bill, as well as on the House bill companion to Senate Bill 2525. We have also had extensive debate on the floor amendment just a few minutes ago that dealt with the merits of the bill before us. Accordingly, I believe that it is appropriate for the Chair to request that Members who did not stand up at the time, that we had an opportunity to debate on Senate Bill 2525 and to insert written comments. I'm sure that if this measure comes up again, we will have ample opportunity to fully debate the merits of this bill on the Floor. Thank you."

Representative Bukoski rose to respond, stating:

"Mr. Speaker, I understand what the previous speaker is getting to, but we all know that bills change from day to day, from minute to minute in this legislative process. And it's not uncommon. I believe we set a precedent if the vote hasn't been taken. And it hasn't. That we have the discretion of allowing

Members of this House to speak if they feel that they need to make themselves heard. So again, it's nothing uncommon that we haven't done in the past. And I would respectfully request that you reconsider and allow the gentleman from Hawaii Kai to speak."

Representative Takai rose to a point of information, stating:

"Point of Information, Mr. Speaker. I believe the motion should be to appeal your ruling to end debate and not to appeal your ruling to end the debate of just one particular representative. So should this motion pass, discussion will continue on both sides of the House. And I think that needs to be made very clear."

The Chair responded to Representative Takai, stating:

"Representative Takai, during the recess, the Majority and Minority got into the discussion."

Representative Takai responded, stating:

"Mr. Speaker, I'm just trying to clarify the motion."

The Chair addressed the Members, stating:

"The motion before this Body is to appeal the Chair's ruling in not allowing Representative Stonebraker from Hawaii Kai to give an oral presentation on Senate Bill 2525, Senate Draft 1, House Draft 1. And I have allowed the Members of this Chamber the opportunity of debating this issue a lot of times, on Second Reading, with the floor amendment. On Third Reading, with the floor amendment. And so I'm trying to be fair to both, to both, sides at this period in time to say to all of you that, yes, the Chair has that prerogative, but at this point in time, I am allowing Members to submit written comments rather than an oral comment on the Floor of this House."

Representative Halford rose to speak, stating:

"Thank you, Mr. Speaker. I would just like to point out that a common practice in this Body is first to not speak so much on Second Reading in favor of being able to speak more on,..."

Representative Luke rose to a point of order, stating:

"Point of order, Mr. Speaker. On what purpose does the Representative stand?"

Representative Halford responded, stating:

"I'm in favor of allowing the Hawaii Kai Representative to speak."

"Thank you. It's been a common practice in this Body, that we would often have few or no comments on Second Reading knowing that and in the interest of time, knowing that we would speak, have the opportunity to speak more on Third Reading. This bill is one of those that a lot of speaking was withheld on Second Reading in favor of Third Reading. Thank you."

The Chair addressed the Members, stating:

"I believe Representative Halford, the Chair will really say that you stand corrected because on Second Reading, I made the request to all of you to withhold your debate on Second Reading so that we could address on Third Reading. But then I allowed you to. And that's why I'm sharing with you this afternoon that you all were given that opportunity on Second Reading. For those who spoke on Second Reading, if you go through the Journal, and if I may stand corrected, I said to all of

you, for those who speak on Second Reading, you should insert your written comments on Third Reading in running this House properly. You all recall that statement I made? So if you're questioning my decision, my decision is that we had a lot of discussion. The Chair will allow Representative Stonebraker to submit written comments at this period in time."

Representative Meyer rose, stating:

"Point of inquiry, Mr. Speaker. You have said, at least twice here in the last five minutes that you allowed debate on Second Reading. Is there a rule that we cannot debate on Second Reading?"

The Chair responded, stating:

"There is no rule but in running the House properly, I allowed the Members so that Members could go to their different functions or to their hearings or to their arrangements that they had already made. It's just trying to run the House in a very efficient, proper manner so that all of you can get to your respective activities or events."

Representative Meyer rose to speak, stating:

"Well it's been my experience that it's very important to debate on Second Reading if you want to influence people who are going to see the bill when it gets to their Committee. So it's a disservice not to be able to debate on Second Reading."

The Chair responded, stating:

"No, I didn't say that. I allowed debate on Second Reading..."

Representative Saiki rose to a point of order, stating:

"Point of order, Mr. Speaker. The Chair has already made a ruling on that inquiry."

Representative Bukoski rose to speak, stating:

"Point of clarification and at the proper time, I'd like to request a roll call vote."

Speaker Say: "Well, the Chair just was going to ask all those in favor would raise their hands on the appeal."

Representative Bukoski: "Based on what you've just said, and we've all said that we learn new things on this Floor, I was just curious if Representative from Hawaii Kai spoke on Second Reading on this particular measure. And if he didn't, can..."

Speaker Say: "He could submit written comments at this period in time."

Representative Bukoski: "Okay, I thought it was just if you had spoken on Second Reading, then you could submit written on Third."

Speaker Say: "No. Whatever you spoke on Second Reading could be submitted as part of your Third Reading."

Representative Bukoski: "Which I'm not sure if he spoke on Second Reading. So that's just my..."

Speaker Say: "And your point is well taken. But I'm saying, Representative Bukoski, the Chair will allow..."

Representative Bukoski: "But he may have held off speaking on Second Reading to speak on Third Reading."

Representative Luke rose to a point of order, stating:

"Point of order, Mr. Speaker. I think the Representative is speaking substantively on this motion the third time."

Speaker Say: "Your point is well taken."

At this time, Representative Luke called for the previous question.

The appeal of the ruling of the Chair, was to put to vote by the Chair, and upon a show of hands, the appeal was denied.

Speaker Say: "Said appeal fails. Representative Stonebraker, will you submit written comments in the Journal? The Chair will allow you at this period."

Representative Stonebraker: "I believe that I have already done that."

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

"Thank you, Mr. Speaker. In opposition My comments will be, Mr. Speaker. I just was going to say they're the comments of the approximately 70 groups, the names of the approximately 70 people and groups that opposed the measure."

The Chair addressed Representative Thielen stating:

"You could submit that as part of your written comments."

Representative Finnegan rose in opposition of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's 's written remarks are as follows:

"Mr. Speaker, I rise in opposition to S.B. 2525, H.D. 1. This measure repeals the Compliance Resolution Fund (CRF) and redirects its revenues to the general fund. This fund collects the fees from DCCA licensing and registration activities and is now the Departments sole source of funding. The bill also mandates that the Dept. of Commerce and Consumer Affairs (DCCA) collect fees of at least 90% but no greater than 110% of administrative costs and provides that payments made from the fund shall be made from the general fund.

"This is a mistake. DCCA is the first department to become self-funding through the successful use of a special fund. Its use of the compliance resolution fund as its funding mechanism is supported by the community it serves, who are able to see a direct connection between the fees they pay and the services they receive. Their testimony before the House Finance Committee was overwhelmingly in opposition to this bill.

"The supporters of this bill say it will make DCCA accountable through the budgeting process and will remove a financial incentive to overcharge on fees. This is a mistaken view. First, DCCA already is accountable, through its director and the Governor the people of Hawaii. Second, as we have seen now for two sessions, we are having difficulty balancing the executive budget. Even as our economy and tax revenues recover, we still have to raid \$55 million from various special funds in order to balance the budget. Putting the responsibility for funding DCCA's operations back into the budgeting process will only add to the burden of our already strained finances. Finally, as to the question of overcharging, the Director of DCCA has introduced a bill to reduce fees that are generating more funds than are necessary to administer the Department.

"Using the Compliance Resolution Fund as DCCA's primary means of funding as been one of the successes of our government. It would be a mistake to turn our back on it now that it is beginning to work. We are returning to a system that didn't work, one in which the business of our state viewed DCCA as being unresponsive to their concerns. Passing this bill is taking a step backwards in changing the State's anti-business reputation, and for that reason I cannot support this measure.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 2525, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading by a vote of 35 ayes to 15 noes, with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no and with Representative Chang being excused.

S.B. No. 2704, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2704, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY SELLER DISCLOSURES," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

S.B. No. 2951, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2951, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

At 2:50 o'clock p.m., the Chair noted that S.B. Nos. 2528, SD 1, HD 1; 3237, SD 1, HD 1; 1491, SD 1, HD 1; 2525, HD 1; 2704, HD 1; 2951, SD 1, HD 1; passed Third Reading.

ANNOUNCEMENTS

Representative Hamakawa: "Mr. Speaker, I rise to request the waiver of the 48 hour rule. This is for Senate Bill 2477, SD 1, HD 1, Relating to Plant and Non-Domestic Animal Quarantine. And this bill will be added on to our 2 o'clock agenda for tomorrow afternoon," and the Chair, "so ordered".

Representative Thielen: "Thank you, Mr. Speaker. And as everyone tries to work off some excess energy after today, be sure you have your HMSA pedometers on your waist belt. And I believe that the leading person to my knowledge is the Representative from Waianae with over 8,000 steps. Thank you."

Representative Leong: "Mr. Speaker, may I make a quick announcement? On the 7th, we will take our photo shots in the rotunda downstairs at 1:30. All of you are invited for picture taking. And we don't have 100% of baskets in but we do have a lot of baskets. And LRB is leading the count with 170 baskets coming in. Thank you very much."

ADJOURNMENT

At 2:51 o'clock p.m. on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow,

Tuesday, April 6, 2004. (Representatives Chang and Hiraki were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 5, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate Bill:

<u>S.B. No.</u>	<u>Representatives</u>
3238, SD 2, HD 2	Takumi/M. Oshiro/Takai, Co-Chrs. Ching

House Communication dated April 5, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate the House has added Representative Hamakawa as the fourth Co-Chair on Senate Bill No. 3238, SD 2, HD 2.

House Communication dated April 5, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has added Representative Takamine as a fifth Co-Chair on Senate Bill No. 3238, SD 2, HD 2.

FORTY-FOURTH DAY

Tuesday, April 06, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:08 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Representatives Kanoho, Bukoski, Kaho`ohalahala and Kawakami, after which the Roll was called showing all members present with the exception of Representatives Finnegan and Takai, 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 message from the Governor (Gov. Msg. No. 168) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 168, transmitting the 2002-2003 Annual Report prepared by the Hawai'i State Foundation on Culture and the Arts, as submitted by the Department of Accounting and General Services.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 419 through 423) were received and announced by the Clerk:

Sen. Com. No. 419, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bill, and has requested a conference on the subject matter thereof, and has appointed as Conferees on the part of the Senate for consideration of said amendments:

S.B. No. 3238, SD 2, HD 2

"RELATING TO EDUCATION."

Senators: Sakamoto/Taniguchi, Co-Chairs; Chun Oakland, Hooser, Kokubun, Tsutsui, Hogue

Sen. Com. No. 420, informing the House that the President has appointed conferees on the part of the Senate for consideration of amendments proposed by the Senate to the following House Bill:

H.B. No. 2300, HD 1, SD 1

Co-Chairs: Hanabusa/Taniguchi

Members: Aduja, English, Espero, Hooser, Inouye, Kanno, Kawamoto, Kim, Kokubun, Sakamoto, Tsutsui, Hemmings, Slom, Trimble

Sen. Com. No. 421, transmitting H.B. No. 2198, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH," which passed Third Reading in the Senate on April 5, 2004.

Sen. Com. No. 422, transmitting H.B. No. 2397, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII STATE DISASTER REVOLVING LOAN FUND," which passed Third Reading in the Senate on April 5, 2004.

Sen. Com. No. 423, transmitting H.B. No. 2511, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME

TAX WITHHOLDING," which passed Third Reading in the Senate on April 5, 2004.

On motion by Representative Saiki, seconded by Representative Lee and carried, House disagreed to the amendments made by the Senate to the following House bills: (Representatives Arakaki and Chang were excused.)

H.B. No. 2397, HD 1, SD 1

H.B. No. 2511, SD 1

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following resolutions and concurrent resolutions were re-referred to committee by the Speaker:

H.R.
Nos.

Re-referred to:

- | | |
|--------|---|
| 2, HD1 | Committee on Human Services and Housing, then to the Committee on Judiciary |
| 187 | Committee on Agriculture, then to the Committee on Finance |

H.C.R.
Nos.

Re-referred to:

- | | |
|--------|---|
| 7, HD1 | Committee on Human Services and Housing, then to the Committee on Judiciary |
| 208 | Committee on Water, Land Use and Hawaiian Affairs |

**INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)**

The following resolution (H.R. No. 204) was announced by the Clerk and the following action taken:

H.R. No. 204, entitled: "HOUSE RESOLUTION HONORING THE UNIVERSITY OF HAWAII WAHINE SOCCER TEAM FOR BECOMING THE 2003 WAC CO-CHAMPIONS," was jointly offered by Representatives Ontai, Tamayo, Meyer, Fox, Wakai, Shimabukuro, Pendleton, Lee, Takai, Magaoay, Karamatsu, Chang, Takumi, Caldwell, Souki, Herkes, Kanoho, Kaho`ohalahala, Hiraki, Nakasone, M. Oshiro, B. Oshiro, Blundell, Kawakami, Morita, Waters, Mindo, Schatz, Stonebraker, Jernigan and Leong.

Representative Ontai moved that H.R. No. 204 be adopted, seconded by Representative Tamayo.

Representative Ontai introduced the coaching staff and players with the University of Hawaii Wahine Soccer Team, who were seated on the floor of the House:

Mr. Pinsoom Tenzig, Head Coach;
Mr. Joshua Fouts, Assistant Coach;
Ms. Natasha Kai, outstanding Forward;
Ms. Krystalynn Hokulani Ontai, Co-Captain
and Representative Ontai's daughter; and
Ms. Joelle Sugai, Co-Captain.

Representative Ontai also introduced team members seated in the gallery: Ms. Sasha Araya-Schraner, Ms. Krisha Kai, Ms. Kimi Tiampo, Ms. Liz Lusk, and Ms. Pamela Fong; and 'team mom' and President of the booster club, Mrs. Penny Ontai.

Representative Meyer then recognized sophomore Natasha Kai for being named WAC Player of the Year for the second year in a row, NCAA record holder, and to the Under-21 National Team Roster.

The motion was put to vote by the Chair and carried, and H.R. No. 204 was adopted with Representative Nakasone being excused.

At 12:24 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:33 o'clock p.m.

LATE INTRODUCTIONS

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

Representative Arakaki introduced members of the March of Dimes, Hawaii: Mr. Ivan Lui-Kwan, Chairman of the Board of Directors; Mr. John Henry Felix, Chair Emeritus, and Co-Chair of the Prematurity Campaign; Mr. Bob Nickel, Co-Chair, Prematurity Campaign; Mr. David Heywood, Treasurer and Chair of the Public Affairs Committee; and Ms. Connie Brunn, Director of Program Services.

Representative Chang introduced Ms. Kanoelani Gibson, Miss Hawaii, 2003, Mr. Thom Mc Garvey, Executive Director, Miss Hawaii Scholarship Program; Mr. Larry Nakano, Chairman, Judges Committee; and Mr. Ray Abrigano, Producer of the Miss Hawaii Scholarship Pageant.

UNFINISHED BUSINESS

At this time, the Chair announced:

"We are at Unfinished Business. But at this time, the Chair would like to explain to all of you, as of yesterday, we must all try to make use of our limited time in the most efficient way possible for all of us on the operations of the Floor. All Members from both side of the aisle have an obligation to pay attention to where we are on our calendar. If Floor sessions drag on and on because the flow of business is interrupted, and we go back and debate other items we've already dealt with, scheduled committee hearings and Conference committee hearings will be delayed. And that is where the public is seriously inconvenienced.

"Those of you who know that the testifiers who have to appear before you and testify before your Committees should not be kept waiting because we are not paying attention to our own business. It is for these reasons, once we have clearly moved on to the next item on the calendar, comments about previous items will only be permitted by way of insertion of written comments into the Journal.

"The Chair will try his best to go as slow as possible in seeing that you all be given the opportunity to speak. But once we have passed that particular measure, we will continue on and I will not allow oral debate."

Representative Fox rose, stating:

"Mr. Speaker, I would like to challenge this ruling of the Chair. I would move to challenge."

Representative Saiki rose to a point of order, stating:

"Mr. Speaker, point of order. It was not a ruling. The appeal is not appropriate."

The Chair responded, stating:

"This is not a ruling. I'm just stating for the record, the process of this House as far as proper decorum. That's all I'm saying to you. I'm giving you guidelines of the procedure of the House."

Representative Fox: "Thank you, Mr. Speaker. We are a House of ..."

Representative Saiki: "Mr. Speaker, point of order."

Representative Fox: "And if I'm not able to talk, then I will not be able to discuss this issue."

Speaker Say: "Representative Saiki, state your point."

Representative Saiki: "Mr. Speaker, point of order. Your prior statement was a ruling and therefore this discussion is not appropriate."

Speaker Say: "Yes ..."

Representative Fox: "If it's a ruling, I move to overrule the ruling of the Speaker."

At 12:41 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:50 o'clock p.m.

The Chair then announced:

"At this time we are on number 6, Unfinished Business and the Chair will defer one legislative day."

S.B. No. 2851, SD 1:

By unanimous consent, action was deferred one legislative day.

Representative Stonebraker rose, stating:

"Mr. Speaker, I stand on a point of personal privilege. I'm not sure what the recess entailed regarding your announcement of the policy that the speakers will not be able to speak on measures passed, but I have a couple of things that affect me personally and those people in my district.

"Part of that announcement was based on the fact that we need to get to our committee hearings and listen to those people. Everyday for the past week, we have had Floor presentations that have lasted upward of 45 minutes. It doesn't seem right that we would stifle debate at the same time as we're, I wouldn't say wasting time, but we're spending a lot of time doing things other than the actual business of the people.

"And so Mr. Speaker, to go in a direction that lessens debate, I don't think does justice for the people of Hawaii. To me and

to my district, the people there, debate is healthy, debate is good. To hear new ideas, to hear the voices of the people is always good. And anytime we go in a direction contrary to that, those people who want to have their voices heard, are squelched, they're quashed, especially in an environment where the minority group of people does most of the opposing.

"See Mr. Speaker, the Majority Party sets the agenda. The bills that we hear everyday are those which are chosen to be on the Order of the Day. We don't have a choice in that matter. We really have no say in what is debated and so we take it as we receive it.

"We receive thousands of bills. We look through hundreds of pages of testimony. We listen. We do our best to make up our mind, and on occasion it is difficult to keep up with the pace of this House. When the Order of the Day is going through quickly, sometimes we need to go back. And to say that we cannot go back and to air the opinions that we have on either side of the aisle, is not healthy for the people of Hawaii. And so Mr. Speaker, I would beg your indulgence that you would not solidify, and codify, a new principle that strikes debate down in the State of Hawaii. Thank you."

The Chair responded, stating:

"Thank you very much, Representative Stonebraker. For the edification of the Members of this House, there is no stifling of any debate on issues that the Chair presents to this Body. You will have that opportunity. All I am trying to do on behalf of the Members of this House of both aisles, is that we run this House more efficiently by not going from page 1 to 5, and then going back to page 1 for a debate on an issue. If there's any discussion on any measure on page 1, the Chair has been very diligent in saying, 'Stand. Com. Report Number so and so, any discussion? No? Stand. Com. Report Number so and so, any discussion?' All I am saying is if we're going through pages of ten to twenty and we want to go back to page five, is that proper when you had that opportunity?

"I'm not making it as a policy. It is just a guideline in trying to run the House. And sometimes the Chair will allow you if you can justify your reasons of why you missed that particular measure. That's all. There is no stifling of debate. Representative Stonebraker."

Representative Stonebraker then stated:

"Mr. Speaker, yesterday, we had an incident. We didn't go back pages. We went back two measures. It was a complicated parliamentary procedure. A vote was taken on an amendment, and the underlying measure continued."

Representative Luke rose to a point of order, stating:

"Mr. Speaker, point of order. This discussion is inappropriate at this time. We need to move on with business. But if the Hawaii Kai Representative would be willing to make a motion to prohibit any Floor presentations from this day forward, I will gladly second that motion."

The Chair addressed Representative Luke, stating:

"Representative Luke, you're out of order."

"Representative Stonebraker, at this time, we are just addressing a statement that the Chair made on behalf of running this House properly. Okay?"

Representative Stonebraker: "The reason that I'm speaking, Mr. Speaker, is that I did not speak on the measure that I was not allowed to speak on yesterday on Second Reading. I didn't

have the opportunity to speak on that measure, and we're being told that we can't go back by page. It was just two bills."

Speaker Say: "Well, the Chair has ruled yesterday, Representative Stonebraker. And the appeal has failed. So may we proceed on Members at this point?"

Representative Stonebraker: "Thank you."

Speaker Say: "You're very welcome."

STANDING COMMITTEE REPORTS

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1079-04), recommending that H.C.R. No. 77, as amended in HD 1, be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 77, HD 1, be referred to the Committee on Judiciary, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I rise in support with reservations. Strong reservations regarding the House Concurrent Resolution Number 77, HD 1.

"Mr. Speaker, this House Concurrent Resolution deals with sick leave and that policy in the State of Hawaii. I have three points that I would like to briefly make.

"The first has to do with something in the Standing Committee Report and it's actually the title of the resolution under consideration. The second line, well basically it says: 'House Concurrent Resolution Urging the Department of Labor and Industrial Relations to Enforce the Provisions of Act 44.' What causes me grave reservations about this, Mr. Speaker, is the suggestion that the Department of Labor, or any State department would seek to not enforce a provision of law.

"And I guess you can read words in different ways and we don't have the benefit of body language or those kinds of things to judge tone. We just have the ink on the paper. But this can be read to suggest that they're wanting to thwart this law, or are not interested in following the law, or presently not upholding something in the Hawaii Revised Statutes. And I take grave concern that that might be an interpretation. I think all of the people who work for this State take their job seriously. Certainly, members of the cabinet do, people in the Executive branch. There's no one here who's wanting to thwart the will of the Legislature as expressed in our Hawaii Revised Statutes.

"The second thing I want to mention in the Standing Committee Report occurs on page 3. The third full paragraph, Mr. Speaker, points out one of the challenges that we have and I think it points out that you can in fact have a department which sincerely is seeking to follow the law. And simply because they disagree shouldn't be grounds for us to suggest to them that they are not upholding the law. That paragraph says, 'Thus your Committee points out that an underlying problem is the conflict between the family leave and the TDI statutes. Where family leave allows for the use of paid or unpaid leave to attend to family matters, TDI only allows for the use of leave for matters related to the individual.'

"If the law is to allow for the use of sick leave to be included in an approved TDI plan for family leave purposes, the Legislature must reassess the underlying reasons for both family leave and TDI. I think that this makes clear and patent

and obvious that there is somewhat of a conflict, a policy conflict, concern, where sick leave, was that designed to be used for other kinds of purposes, etc. And how does TDI play into that? I think this shows that there is more than enough room for people to sincerely disagree, and yet not serve as grounds to accuse someone of not wanting to enforce the law.

"The third and final point I'll make has to do with the language of the House Concurrent Resolution Number 77 itself. The bottom paragraph on page 3, again line 37 says, that this Body urges the DLIR to enforce the provisions of Act 44. And again, I just take umbrage to the suggestion that they're not wanting to enforce it. In Committee, we received testimony that indicated that they had received guidance from the Attorney General. They had received legal opinions, and that they were sincerely working to apply them, and to construe them reasonably, and to follow the directions. That they weren't trying to not enforce the law or to be at odds with the Legislature. We pass the law, and they enforce it.

"And so again, my reservations on this measure have not to do with the intent, that we want to make sure that people are taken care of. That they can avail themselves of a law. That they can take care of sick family members. I agree with all of that intent. But it's just the suggestion that the Department of Labor is not enforcing the provisions of Act 44 that concern me. Because they are enforcing the provisions of Act 44. They just may have a different interpretation based on what the Attorney General has advised them and counseled them of how it applies in given factual situations. So for those reasons, Mr. Speaker, I stand with reservations on this resolution."

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

"Thank you, Mr. Speaker. Also with reservations. I'm looking at HCR No. 77, the first 'Be it further resolved'. And it says, a status report of the adoption of rules correcting DLIR's erroneous interpretation of accrued and available sick leave. The number of self-insured employers, this is self-insured employers who have been denied the use of sick leave for family leave purposes during fiscal years 2003 and 2004, and 2004 to 2005 in accordance with directors from DLIR. And the number of self-insured employees who have been denied the use of sick leave for family leave purposes during fiscal year 2004 to 2004, and 2004 to 2005, so there's a flaw in there, but in accordance with directors from DLIR.

"Then I'm looking at some of the testimony and I see that HCR 77 is based on the premise that the Department of Labor and Industrial Relations has misinterpreted Act 44. And yet a document review shows that the Attorney General's opinion letter on Act 44 is that DLIR is currently correctly interpreting Act 44. So there's no misinterpretation, as far as the reporting requirements.

"HCR No. 77 seeks to legislatively undo a decision made by the Department of Labor and Industrial Relations stemming from disagreement between Verizon, Hawaii and its employee union, the International Brotherhood of Electrical Workers concerning Act 44, Session Laws of Hawaii. But the Department questions, and I question the need and practicality for DLIR to report the amount of self-insured employers that are denied sick leave for family leave purposes. As a matter of common sense, Mr. Speaker, it is highly unlikely that an employer would deny himself or herself sick leave for family leave, and would then file a complaint against himself or herself if they did indeed truly deny themselves. And that's what this resolution asks for. They have to put themselves on report for denying themselves leave.

"The legislation is misguided in suggesting that the Department has erroneously interpreted Act 44. And as I said, the Attorney General's opinion says they are correctly interpreting the Act. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in strong support of this resolution.

"First and foremost, I think people need to realize that there is a fundamental doctrine called the 'Separation of Powers'. And when it comes to that doctrine, what happens is the Legislature's role in the ability to influence the administration of the laws that it passes is somewhat limited. To that extent, all we can do is do things like pass resolutions and urge the departments to really take a look at issues that may have recently been passed by the Legislature, such as in this case.

"When we look at this HCR and HR, basically what it's asking is for the Department of Labor to look at Act 44, which was recently passed in 2003, and really look at the intent of that Act. When it comes to the Chair of the Labor Committee, who is similarly the Chair of the Labor Committee this Session, I believe that if there is any person that is intimately familiar with the intent of an Act, it would be that Chair. Because he has seen that bill go through the entire legislative process. He had seen the bill move through that process through Conference negotiations and ultimately what became Act 44.

"And it's for those reasons, I believe, that if there is a fundamental disagreement after the legal interpretation of such an Act, that the Legislature is fully in its rights and accords, if we want to stand up and say that. What the Department of Labor and the Director need to do is really take a look at the legislative history. And I believe that this is what the resolution is doing. It is saying that we understand that you may have one interpretation. We understand that you may be bolstered by the Attorney General. However, that's the interpretation of the Act and what you need to do is look to the intent of the Act. And if there is anything that the Legislature is fully informed on, it is the intent of the Act. Because when it comes to legal interpretation, I agree, lawyers will often disagree and that is the way statutory construction works. If it's plain on its face, you don't need to go into intent. But when it's not plain on its face, when two people can read different interpretations, at that point you have to go to legislative history. You have to go to the intent of the Act. And that is all that this resolution is doing. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 77, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO ENFORCE THE PROVISIONS OF ACT 44, SESSION LAWS OF HAWAII 2003, IN ACCORDANCE WITH THE LEGISLATURE'S INTENT," was referred to the Committee on Judiciary, with Representative Souki being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1080-04), recommending that H.C.R. No. 124, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A DIRECT LEASE OF WATER RIGHTS FOR THE USE OF THE 'BLUE HOLE' DIVERSION AND PORTIONS OF A WATER TRANSMISSION SYSTEM

LOCATED IN THE WAILUA SECTION OF THE LIHUE-KOLOA FOREST RESERVE FOR HYDROPOWER PRODUCTION PURPOSES," was referred to the Committee on Finance, with Representative Souki being excused.

Representatives Arakaki and Magaoay, for the Committee on Health and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1081-04), recommending that H.R. No. 117, as amended in HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.R. No. 117, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I'm standing in strong support of House Resolution 117.

"Thank you. Mr. Speaker, this measure will designate the State Capitol Third and Fourth floors as smoke free. I believe that one of the more appropriate 'Whereas' clauses is found on page 1 of the resolution. It directly relates to those remarks made earlier by the Chair of the Health Committee. And I'll read this.

WHEREAS, smoking during pregnancy accounts for an estimated twenty to thirty per cent of low-birthweight babies, up to fourteen per cent of pre-term deliveries, and ten per cent of all infant deaths.

"Mr. Speaker, this measure is long past due. Just as hotels designate certain rooms no smoking, we should also at least start by designating two floors of the State Capitol, the people's Capitol, as smoke free. Thank you."

Representative Caldwell rose to disclose a potential conflict, stating:

"Mr. Speaker, I would like to declare a potential conflict. I'm a friend of the Representative from Kahului," and 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 H.R. No. 117, HD 1, entitled: "HOUSE RESOLUTION URGING THE SETTING OF AN EXAMPLE TO OUR CHILDREN AND OUT-OF-STATE VISITORS BY DESIGNATING THE THIRD AND FOURTH FLOORS OF THE STATE CAPITOL SMOKE-FREE," was referred to the Committee on Finance, with Representative Souki being excused.

Representatives Arakaki and Magaoay, for the Committee on Health and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1082-04), recommending that H.C.R. No. 172, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 172, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE SETTING OF AN EXAMPLE TO OUR CHILDREN AND OUT-OF-STATE VISITORS BY DESIGNATING ALL AREAS OF THE STATE CAPITOL SMOKE-FREE," was referred to the Committee on Finance, with Representative Souki being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand.

Com. Rep. No. 1083-04) recommending that H.R. No. 67, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 67, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP INCREASED EXPERTISE TO ASSIST HAWAII BUSINESSES WITH PROCUREMENT OPPORTUNITIES WITH THE FEDERAL GOVERNMENT AND OTHER STATE GOVERNMENTS AND TERRITORIES," was adopted, with Representatives Hiraki and Souki being excused.

Representative Schatz, for the Committee on Economic Development and Business Concerns presented a report (Stand. Com. Rep. No. 1084-04) recommending that H.C.R. No. 98, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 98, be adopted, seconded by Representative Lee.

Representative Jernigan rose, stating:

"1084, in opposition. Mr. Speaker, I don't believe this bill is necessary. I think it's redundant. There's no evidence that the collective bargaining process is inadequate to address concerns in matters pertaining to ..."

Speaker Say interjected, stating:

"Representative Jernigan, are you speaking on Stand. Com. Report 1084?"

Representative Jernigan responded, stating:

"Excuse, I'm ahead of myself. No."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEVELOP INCREASED EXPERTISE TO ASSIST HAWAII BUSINESSES WITH PROCUREMENT OPPORTUNITIES WITH THE FEDERAL GOVERNMENT AND OTHER STATE GOVERNMENTS AND TERRITORIES," was adopted, with Representatives Hiraki and Souki being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1085-04) recommending that H.C.R. No. 150, be adopted.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 150, be adopted, seconded by Representative Lee.

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

"Mr. Speaker. I'd like to speak in favor of the resolution.

"The purpose of this resolution is to heighten the awareness of preventable health problems and encourage early detection and treatment of disease among men and boys. And it's known that lack of awareness, poor health education, and culturally induced behavior patterns in the work and personal life of men continue to contribute to the growing crisis in men's health care.

"I'd like to quote former Congressman, Bill Richardson from the Congressional Record of May 24, 1994. He says, "Recognizing and preventing men's health problems is not just a man's issue, because of its impact on wives, mothers, daughters, and sisters. Men's health is truly a family issue."

"I urge Members to vote in favor of this resolution. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING AND ENCOURAGING NATIONAL, STATE, AND LOCAL EFFORTS TO SECURE ACCESS AND REMOVE BARRIERS TO HEALTH CARE FOR MEN AND THEIR FAMILY MEMBERS," was adopted, with Representatives Hiraki and Souki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1086-04) recommending that S.B. No. 2815, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2815, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL," passed Second Reading and was placed on the calendar for Third Reading with Representatives Hiraki and Souki being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1087-04) recommending that S.B. No. 469, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 469, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I was ahead of myself on the previous measure. This is the one I'm rising in opposition to.

"There's no evidence that the collective bargaining process is inadequate to address the concerns of unions, and also matters pertaining to leave or subject to collective bargaining negotiations should not be legislated. I think the bill is redundant. That's why I'm opposed. Thank you."

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

"In strong support, Mr. Speaker. Mr. Speaker, the amended purpose of Senate Bill 469, House Draft 1 is to prohibit an employer or labor organization from discriminating against an employee who uses accrued and available sick leave in accordance with a valid collective bargaining agreement or a valid employment policy.

"Mr. Speaker and colleagues, in its present form, Senate Bill 469, is substantively similar to House Bill 2216 in that both seek to protect the employee from unfair labor practices with respect to discrimination based upon sick leave taken by an employee. Both bills specifically address the limits by which an employee can claim discrimination by his or her employer, and both acknowledge that a valid collective bargaining

agreement, or a valid employment policy, must be in place in order for discrimination to be alleged to have taken place.

"Mr. Speaker and colleagues, this bill seeks to enforce applicable labor laws, and established labor/management practices. Additionally, the intent of the bill to protect the rights of employees against unfair labor practices by the employer, remains intact from the original bill, Senate Bill 469.

"Thank you, Mr. Speaker."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"No vote. And my comments will be for Third Reading."

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

Representative Blundell rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

"Mr. Speaker, in strong support. I'd just like the record to reflect the words of the Representative from Ewa Beach as my own," and the Chair "so ordered." (By reference only.)

Representative M. Oshiro continued, stating:

"Mr. Speaker, I'd just like to add that this measure does not prevent an employer from attempting to discipline an employee when the employee abuses his or her sick leave privileges pursuant to established policies of the collective bargaining agreement. So that takes care of those issues.

"This bill preserves the employer's right to determine the policies and practices of their own individual workplace. And it never was the intent, and it shall not be the intent by this legislation, to sanction the illegitimate use of sick leave. This is primarily done for the use of legitimate sick leave.

"And let me give you an example, Mr. Speaker. Let's say you and I are out on a road trip and we get into a terrible, terrible accident that prevents you and I from fulfilling our responsibilities as employees. This bill would allow us to remain hospitalized and get the proper treatment so that we can return to the workforce, and again, join our colleagues here.

"What could happen if this law was not in place, is by us being outside the workplace because we are sick or injured, the employer might be able to punish us for our absence. That is not the public policy of this State. Nor shall it be sanctioned that employers can offer sick leave benefits to entice and retain loyal employees, and at the same time, challenge them, or discipline them, or sanction them when they use legitimately, their sick leave benefits. So that's what this law simply seeks to address. Thank you, Mr. Speaker."

Representative Ching rose and asked that the Clerk record 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. 469, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Blundell, Jernigan, Meyer, Moses, Ontai and Stonebraker voting no, and with Representatives Hiraki and Souki being excused.

ANNOUNCEMENTS

Representative Hamakawa, for the Committee on Judiciary, requested a waiver of the 48-hour notice requirement to hear two bills this afternoon, and the Chair "so ordered."

Representative Hamakawa: "The first bill, Mr. Speaker, is Senate Bill 2607, SD 1, HD 1, relating to adoption. The second bill is Senate Bill 2577, SD 1, HD 1, relating to peer review, and this bill will be heard before both the Judiciary and Consumer Protection Committees."

Representative Takai requested a waiver of the 24-hour Conference Meeting notice requirement to meet on S.B. No. 3238, relating to education, at 5:00 p.m. today, and the Chair "so ordered."

Representative Takai: "Unfortunately, it was decked in the Senate's Clerk's Office at 6:44, so we just missed it by a few minutes. This meeting will be again, today at 5 p.m. in conference room 309. Thank you."

Representative Arakaki: "Thank you, Mr. Speaker. Mr. Speaker, I was asked by HMSA to announce a campaign and a challenge they're issuing to us. And it's called 'Legislators on the Move'. Mr. Speaker, we've been accused of lacking action, not exercising good judgment, and also utilizing our lunchtime to have long sessions. And using our mouths, instead of eating good food, for giving long floor speeches. Well, now is our chance to redeem ourselves.

"We've been provided by HMSA with a challenge to walk. And we've been given pedometers, water bottles, and a log to keep track our activity. And actually, Mr. Speaker, this a good chance for us, as we approach Conference, we can always tell the people across the table to 'go take a hike' or 'take a long walk off a short pier', and tell them it's for their health.

"But anyway, they're offering a cash donation for the top 3 legislative walkers, for a school in their respective district. So it's a good challenge with a good reward, and I would encourage everyone to participate. Thank you, Mr. Speaker."

Representative Ching: "Thank you, Mr. Speaker. Well with that, and the idea of exercise, I did want to announce that today and tomorrow, there is the Hawaii Academy of Sciences Fair. It's the State's Science and Engineering Fair. It goes on till 5 today, and tomorrow from 8 a.m. to 7 p.m., at the Neal Blaisdell Exhibition Hall.

"What I wanted to add is, please don't miss project number 493 by a sixth grader from Iolani School, Cherise Aoki. Her project won from the Hawaii Association of Independent Schools, Best in Category for Medicine and Health. And her research is for chocolate. I promise I didn't have anything to do with it. Its title is: Got Chocolate? Can eating dark chocolate lower your blood pressure?

"I had the joy of seeing this fair today with the Education Committee, and apparently, there is a chocolate bar that actually advertises that it promotes a healthy heart. So apparently, according to her hypothesis and conclusion, flavonoids are mostly in the Dove dark chocolate bar. So when we walk, maybe there's a little reward at the end. But don't miss 493 and maybe she'll have some more chocolate for you. Thank you."

Representative Leong: "Thank you, Mr. Speaker. Today is my last comment about the baskets, which you see ahead of you. We wish to thank you for all your generosity in supporting the Institute of Human Services. With the help of my people, and Sharon and Roberta and Eric, we couldn't have pulled this off. And the Women's Caucus and Marilyn Lee's support too. Although not everyone in every office participated, it didn't matter because I know you participate in other ways.

"We had a total count of 305 baskets. Last year we had 261. And I'd like to acknowledge a couple of Representatives here who collected a lot. Representative Marumoto had 11, Representative Nakasone sent in 18. But this tops it all; the LRB, Legislative Reference Bureau had 176 baskets.

"My last reminder is that tomorrow, between 2:00 and 3:00, I don't know how we're going to work it if we're in session, but the photographer will be here and come down for a picture, a photo shot in the Rotunda. Thank you, Mr. Speaker. And thank you all for your kindness."

Representative Morita, for the Committee on Energy and Environmental Protection, requested a waiver of the 48-hour notice requirement for the purpose of decision making, and the Chair "so ordered."

Representative Morita: "Mr. Speaker, your Committees on Energy and Environmental Protection and Judiciary will have decision making on Senate Bill 2405, Senate Draft 1 on Thursday, April 8 at 10 o'clock in room 312. Thank you."

Speaker Say: "Any further announcements?

"The Chair would like to announce that tomorrow, for your knowledge, we have two floor presentations. I hope we can start on time at 12:00 because tomorrow being Wednesday, it will be a very busy day for all of us."

ADJOURNMENT

At 1:21 o'clock p.m. on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, April 7, 2004. (Representatives Chang, Herkes, Hiraki, Souki and Takai were excused.)

FORTY-FIFTH DAY

Wednesday, April 7, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 12:10 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Chuck Huxel, Community Liaison for Representative Schatz, after which the Roll was called showing all members present with the exception of Representatives Ontai, M. Oshiro, and Souki, who were excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 169) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 169, transmitting the Housing and Community Development Corporation of Hawaii's Funds report for fiscal year ending June 30, 2002.

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 424) was received and announced by the Clerk:

Sen. Com. No. 424, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 1491 S.D. 1 H.D. 1
S.B. No. 1611 H.D. 2
S.B. No. 2525 H.D. 1
S.B. No. 2528 S.D. 1 H.D. 1
S.B. No. 2704 H.D. 1
S.B. No. 2951 S.D. 1 H.D. 1
S.B. No. 3237 S.D. 1 H.D. 1

RECEIVED BY THE CLERK

The Clerk, received a copy of a communication dated April 6, 2004 from Paul T. Kawaguchi, Clerk of the Senate to The Honorable Linda Lingle, Governor of the State of Hawaii, stating that, in accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bill:

H.B. No. 2789, H.D. 1, S.D. 1
"RELATING TO SEXUAL ASSAULT."

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 31) was received by the Clerk and was placed on file:

Dept. Com. No. 31, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting their report, Study of Proposed Mandatory Parity in Health Insurance Coverage for Additional Serious Mental Illnesses and for Substance Abuse.

INTRODUCTIONS

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

Representative Takamine introduced on behalf of the Big Island delegation, student leaders from Lapahoehoe and Kohala High Schools with their advisors Ms. Sherry Solt, Ms. Billie Brown, and Ms. Kehaulani Barton.

Representative Morita introduced student leaders from the Island of Kauai. From Kapaa High School: advisor Ms. Harriet Watanabe; and students, Ms. Tara Bonilla, Ms. Hannah Cole, Ms. Whitney Planas, Mr. Russ Cummings and Mr. Christopher Baltazar.

Representative Kanoho introduced student leaders from Kauai High School: advisor, Ms. Jeri Yamagata; and students, Ms. Sheila Nakayama, Ms. Jasmine Cadiz, Ms. Angela Semana, Ms. Allison Arakaki, and Ms. Natasha Arakaki.

Representative Kawakami introduced student leaders from Kauai's Waimea High School: advisor, Ms. Gayle Cuizon; and students, Ms. Rachelle Chandler, Mr. Brycen Hiraoka, Ms. Leslyn Ibara, Mr. Kyle Pigao, and Ms. Katelyn Umetsu.

Representative Ching introduced Ms. Patty Young Kingsbury of the Historic Hawaii Foundation; Mr. Ivan Ho, a volunteer; Mr. Reggie Takaki; Reverend Seido Francavilla of St. Nichiren Temple; Mr. Frank Revilla; Ms. Pamela Cunningham; Mr. Gilbert Higa; Mr. Kenneth Abe; and Ms. Elaine Abe; Ms. Eileen Nishikawa; Ms. Grace Kikuya; and Mr. Alvin Kikuya. Representative Ching also introduced her staff, Mr. Ryan Hew and Ms. Beverly Ho; and her husband, Dr. Stuart Lerner and daughter, Anna Lauren.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following Senate bill was re-referred to committee by the Speaker:

S.B.
No.

Re-referred to:

2474, Committee on Energy and Environmental
SD 3, Protection, then to the Committee on Consumer
HD 1 Protection and Commerce

The following concurrent resolution was re-referred to committee by the Speaker:

H.C.R.
No.

Re-referred to:

153 Committee on International Affairs

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 205 and 206) were announced by the Clerk and the following action taken:

H.R. No. 205, entitled: "HOUSE RESOLUTION HONORING AND COMMENDING THE KAPOLEI HIGH SCHOOL WOMEN'S SOFTBALL TEAM FOR THEIR 2004

HIGH SCHOOL STATE CHAMPIONSHIP," was offered by Representative Moses.

Representative Moses, moved that H.R. No. 206 be adopted, seconded by Representative Fox.

Representative Moses introduced the following honorees from Kapolei High School who were seated on the floor of the House:

Mr. Al Nagasako, Principal;
Ms. Dini Paris, Assistant Coach;
Ms. Tajia Acierto, Pitcher and Statewide Player of the Year;
Ms. Austi Paris, Third Baseman and game winning 3-run hitter.

At this time, Representative Moses recognized the coaching staff and other team members who were not able to attend today's presentation:

Coaches: Mr. Tony Saffery, Head Coach and State Coach of the Year; and Assistant Coaches: Mr. Randy Langsi; Stacie Mahoe; Dewayne Malachi; Mr. Greg Shigetani; Ms. Kaua Kaeo; and Ms. Linda Naone.

Team: Ms. Ashleigh Adamson; Ms. Chaz Ebalaroza; Ms. Christina Foust; Ms. Charnelle Ioane; Ms. Renee Malachi; Ms. Anita Manuma; Ms. Valana Manuma; Ms. Malama Manuma; Ms. Tanya Menino; Ms. Kawai Naki; Ms. Champagne Paris; Ms. Raelynn Reyes; Ms. Jasmin Sanchez; Ms. Amanda Shigetani; Ms. Trica Warashina; Ms. Jasmin Yoro; and Ms. Chandri Young.

Representative Moses also noted that the following team members were named to the State All-State Team:

Ms. Malama Manuma; Ms. Austi Paris; Ms. Valana Manuma; Ms. Anita Manuma; Ms. Chaz Ebalaroza; and Ms. Amanda Shigetani.

The motion was put to vote by the Chair and carried, and H.R. No. 205 was adopted with Representatives Hamakawa, Nakasone, Ontai, M. Oshiro, Saiki, Takai, and Waters being excused.

H.R. No. 206, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING THE SUPPORTERS, WAYNE KOTOMORI, LORRAINE MINATOISHI PALUMBO, CHRISTIAN PORTER, ANN ONO, AND VIC HEJMADI, FOR THEIR WORK IN PRESERVATION OF THE SANJU PAGODA OF KYOTO GARDENS OF HONOLULU MEMORIAL PARK," was offered by Representative Ching.

Representative Ching, moved that H.R. No. 206 be adopted, seconded by Representative Marumoto.

Representative Ching introduced the following honorees who were seated on the floor of the House:

Mr. Wayne Kotomori;
Ms. Lorraine Minatoishi Palumbo;
Mr. Christian Porter, who was represented by Honolulu Councilmember Rod Tam;
Ms. Ann Ono;
Mr. Vic Hejmadi; and
Mr. Meteliko Tuaileva.

The motion was put to vote by the Chair and carried, and H.R. No. 206 was adopted with Representatives Hamakawa,

Nakasone, Ontai, M. Oshiro, Saiki, Takai, and Waters being excused.

At 12:39 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:39 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representatives Bukoski, Leong, Luke, Marumoto, Nakasone, and Ontai were excused.)

At 2:40 o'clock p.m., Representative Kahikina requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:40 o'clock p.m.

UNFINISHED BUSINESS

S.B. No. 2851, SD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2851, SD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII," passed Third Reading by a vote of 36 ayes to 11 noes, with Representatives Arakaki, Hale, Hamakawa, Kahikina, Kaho'ohalahala, Morita, B. Oshiro, M. Oshiro, Sonson, Takamine and Takumi voting no and with Representatives Bukoski, Leong, Marumoto and Ontai being excused.

At 2:41 o'clock p.m., the Chair noted that S.B. No. 2851, SD 1 passed Third Reading.

S.B. No. 2851, SD 1, passed Third Reading in the following form:

S.B. No. 2851, SD 1:

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose an amendment to article I, section 10, of the Constitution of the State of Hawaii to permit prosecutors and the attorney general to initiate felony criminal charges by filing a written information signed by the prosecutor or the attorney general setting forth the charge in accordance with procedures and conditions to be provided by the state legislature.

SECTION 2. Article 1, section 10, of the Constitution of the State of Hawaii is amended to read as follows:

"INDICTMENT; PRELIMINARY HEARING; INFORMATION;

DOUBLE JEOPARDY; SELF-INCRIMINATION

Section 10. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury or upon a finding of probable cause after a preliminary hearing held as provided by law[;] or upon information in writing signed by a legal prosecuting officer under conditions and in accordance with procedures that the legislature may provide, except in cases arising in the armed forces when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy; nor shall any person be compelled in any criminal case to be a witness against oneself."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall Hawaii's constitutional provision regarding the initiation of criminal charges be amended to permit criminal charges for felonies to be initiated by a legal prosecuting officer through the filing of a signed, written information setting forth the charge in accordance with procedures and conditions to be provided by the state legislature?"

SECTION 4. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

STANDING COMMITTEE REPORTS

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1088-04), recommending that H.R. No. 85, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 85, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO MAINTAIN AND UTILIZE THE SELF-SUFFICIENCY STANDARD, WHERE FEASIBLE," was referred to the Committee on Finance with Representatives Bukoski and Ontai being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1089-04), recommending that H.C.R. No. 126, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 126, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN TO MAINTAIN AND UTILIZE THE SELF-SUFFICIENCY STANDARD, WHERE FEASIBLE," was referred to the Committee on Finance with Representatives Bukoski and Ontai being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1090-04), recommending that H.C.R. No. 157, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee

was adopted and H.C.R. No. 157, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DISCLOSURE OF INFORMATION RELATED TO THE PETER BOY KEMA CASE," was referred to the Committee on Judiciary with Representatives Bukoski and Ontai being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1091-04), recommending that H.C.R. No. 78, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 78, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND, IN CONJUNCTION WITH THE EMPLOYEES' RETIREMENT SYSTEM, TO CLARIFY LAWS PERTAINING TO THE PROVISION OF HEALTH BENEFITS AT RETIREMENT FOR EMPLOYEES HAVING A BREAK IN SERVICE," was referred to the Committee on Judiciary with Representatives Bukoski and Ontai being excused.

Representatives M. Oshiro and Ito, for the Committee on Labor and Public Employment and the Committee on Public Safety and Military Affairs presented a report (Stand. Com. Rep. No. 1092-04), recommending that H.C.R. No. 175, as amended in HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 175, HD 1, be referred to the Committee on Finance, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I will be voting no on this resolution.

"I believe that after 9/11, that we're in very dangerous times. I think that things have changed. It's not the same America that I was born in. I believe that this is kind of presumptuous. I don't think that we should be sending this resolution to dictate to the United States Secretary of Defense about how he should conduct himself. Thank you, Mr. Speaker."

Representative Pendleton rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Blundell rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her and the Chair, "so ordered."

Representative Fox rose and asked that the Clerk record a no vote for him and the Chair, "so ordered."

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

"Mr. Speaker, in strong support. Mr. Speaker, last November, Congress passed the Department of Defense authorization bill by a majority House member vote from both Parties. It was the clear intent of Congress that collective bargaining be protected by the National Defense Authorization Act, which stated that the Secretary of Defense could not waive Chapter 71 of Title 5 of the U.S. Code, which establishes federal employees' collective bargaining rights. Yet in February, the Department of Defense presented its initial concepts for the rights of Department of Defense workers. The current Secretary of State's plan says that Department of Defense will not employ any provision of 5 USC Chapter 71. Specifically, the Department of Defense proposal features:

"One, salary with no guaranteed annual pay raise or step increases.

"Two, no equal pay for equal work.

"Three, RIF Procedures with neither veteran rights nor seniority rights.

"Four, disciplinary/adverse actions and appeals with no impartial third party view.

"Five, working conditions with no negotiations on management changes in working conditions.

"Instead of violating their collective bargaining rights in this way, we should honor and value the contribution of all the 32,000 federal employees who live and work everyday in Hawaii, who are committed to improve the quality of life in our communities by protecting our families and providing the services we count on everyday. They deserve better than the current Department of Defense plan.

"I urge everyone to vote for this measure, Mr. Speaker. Thank you."

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

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

"Thank you. Mr. Speaker, the State of Hawaii's second most productive industry next to tourism is the federal government, specifically, the revenues resulting from the Department of Defense.

"The State of Hawaii has about 32,000 federal employees who live and work here, 16,000 of whom are employed by the Department of Defense. They contribute significantly to the overall economy, with earnings of approximately \$850 million per year. Any change in the employment picture of those working for our federal government has a direct and profound impact upon the entire State of Hawaii.

"The Hawaii Coalition of Federal Defense Unions report that Secretary of Defense Rumsfeld is proposing significant changes to the existing federal civil service system, including the elimination of certain employee benefits and protections. Mr. Speaker, Secretary Rumsfeld's changes ignore the rights of veterans. For example, if there's a RIF, they and the rest of them all going. Presently, if there's a RIF, the veteran has veteran's protection. Not only that, it eliminates civilian employees' collective bargaining rights.

"President Bush and Secretary of Defense Rumsfeld have not shown us how these changes improve national security. We can only see the harm it will do to our people.

"Mr. Speaker, I urge passage of this resolution to protect the rights of these employees and to support our economy. Thank you."

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

"Thank you, Mr. Speaker. I'm obliged to stand up and speak. First off, we've heard Secretary of Defense Rumsfeld may do this, I'm still in opposition, and we haven't seen anything yet.

"I just want to remind this Body, that without the Department of Defense, if we let the terrorists come in here, there are no jobs, and there are no defense jobs. And terrorists do not bind themselves by collective bargaining. So if the United States government believes that we have to do these things to protect ourselves, I think we should support them. And if and when we see something coming down from the Department of Defense or the President saying that there are changes in rules, maybe then we can take some action. I haven't seen anything, Mr. Speaker. I've heard rumblings and rumors. I haven't seen a thing in writing. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 175, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING SECRETARY OF DEFENSE DONALD RUMSFELD TO WITHDRAW THE DEPARTMENT OF DEFENSE'S PROPOSAL REGARDING A "NATIONAL SECURITY PERSONNEL SYSTEM", AND TO SUBMIT A NEW PROPOSAL," was referred to the Committee on Finance with Representatives Blundell, Fox, Meyer, Moses, Pendleton and Stonebraker voting no and with Representatives Bukoski and Ontai being excused.

Representatives M. Oshiro and Arakaki, for the Committee on Labor and Public Employment and the Committee on Health presented a report (Stand. Com. Rep. No. 1093-04), recommending that H.C.R. No. 206, be referred to the Committee on Consumer Protection and Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 206, be referred to the Committee on Consumer Protection and Commerce, seconded by Representative Lee.

Representative Finnegan rose and asked that the Clerk record 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 H.C.R. No. 206, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE DENIAL OF COVERAGE UNDER THE PREPAID HEALTH CARE ACT," was referred to the Committee on Consumer Protection and Commerce with Representatives Bukoski and Ontai being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1094-04), recommending that H.C.R. No. 90, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 90, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MONEY TRANSMITTERS," was referred to the Committee on Finance with Representatives Bukoski and Ontai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1095-04), recommending that H.C.R. No. 152, as amended in HD 1, be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.C.R. No. 152, HD 1, be referred to the Committee on Judiciary, seconded by Representative Lee.

Representative Ito rose and asked that the Clerk record 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 H.C.R. No. 152, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU CONDUCT A STUDY ON HOW MEDICAL MARIJUANA PLANTS AND PRODUCTS MAY BE PROCURED AND DISTRIBUTED TO PATIENTS REGISTERED WITH THE MEDICAL MARIJUANA PROGRAM," was referred to the Committee on Judiciary with Representative Ito voting no and with Representatives Bukoski and Ontai being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1096-04), recommending that H.C.R. No. 169, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 169, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT OF A COORDINATED COMPREHENSIVE COASTAL POLICY ON EROSION, SHORELINE HARDENING, AND SETBACKS," was referred to the Committee on Finance with Representatives Bukoski and Ontai being excused.

Representative Kahikina, for the Committee on Human Services and Housing presented two reports:

(Stand. Com. Rep. No. 1097-04) recommending that H.R. No. 83, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1098-04) recommending that H.C.R. No. 123, as amended in HD 1, be adopted.

Representative Saiki moved that the reports of the Committee be adopted and H.R. No. 83, HD 1, and H.C.R. No. 123, HD 1, be adopted, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. I'm going to rise with reservations. And the reason that I'm concerned is that HCDCH is going to give a private developer some financing tools to purchase rental properties and in fact with no guarantee, no guarantee that it will be given to nonprofit, low income housing developers. It says it gives first priority to, but I'm not clear how really you can hold a private party to meet this obligation. I'd like to just send a message to HCDCH. Maybe there are other mechanisms to get those 12 apartments. If the goal is low income housing, the fact that HCDCH is having trouble getting money to buy those low income housing, maybe they can make some long term arrangement with the City and County where we can work together. And I'd just encourage them to really get creative in this. It just kind of concerns me that we're going to give these financing tools to private developers. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 83, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO MAKE FINANCING TOOLS AVAILABLE TO ASSIST PRIVATE DEVELOPERS IN PURCHASING RENTAL PROPERTIES," was adopted, with Representatives Bukoski and Ontai being excused; and

H.C.R. No. 123, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO MAKE FINANCING TOOLS AVAILABLE TO ASSIST PRIVATE DEVELOPERS IN PURCHASING RENTAL PROPERTIES," was adopted, with Representatives Bukoski and Ontai being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1099-04) recommending that H.C.R. No. 112, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 112, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM AND THE WORKFORCE DEVELOPMENT COUNCIL TO REPORT TO THE LEGISLATURE REGARDING THE IDENTIFICATION AND DEVELOPMENT OF LABOR SUPPLY AND DEMAND MATRICES, AND THE EXPANSION OF THE EDUCATIONAL PIPELINE SUBSEQUENT TO THE ENACTMENT OF ACT 148, SESSIONS LAWS OF HAWAII 2003," was adopted, with Representatives Bukoski and Ontai being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1100-04) recommending that H.C.R. No. 195, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 195, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EMPLOYEE FREE CHOICE ACT AND URGING CONGRESS TO PASS THIS MEASURE," was adopted, with Representatives Bukoski and Ontai being excused.

Representative M. Oshiro, for the Committee on Labor and Public Employment presented a report (Stand. Com. Rep. No. 1101-04) recommending that H.C.R. No. 251, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 251, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING MAY 7, 2004, AS CLEANERS' APPRECIATION DAY IN THE STATE OF HAWAII," was adopted, with Representatives Bukoski and Ontai being excused.

Representatives M. Oshiro and Takai, for the Committee on Labor and Public Employment and the Committee on Higher Education presented two reports:

(Stand. Com. Rep. No. 1102-04) recommending that H.R. No. 39, be adopted; and

(Stand. Com. Rep. No. 1103-04) recommending that H.C.R. No. 60, be adopted.

Representative Saiki moved that the reports of the Committee be adopted and H.R. No. 39 and H.C.R. No. 60, be adopted, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. Actually, on this one I'm going to vote no.

"My concern is that I understand the argument that we have foreigners who come into the United States and they have children who go through our educational system. And that we want to give them the opportunities that other children are afforded. But what I'm saying now is that when they come in and their parents do not change their citizenship, in fact, I believe these people have dual citizenship. So in fact, if the United States is going to give them the right to use our higher educational system, the reality is in their own country, from where they are, where their citizenship is at, they probably have rights too for education. So my concern is that our children in the United States that we really work toward giving them opportunities for higher education first. And I have nothing against children that come with their parents to the United States. I'm just concerned that they haven't given up their rights to the other countries and the other opportunities that they're getting from the other country. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 39, entitled: "HOUSE RESOLUTION ENCOURAGING THE HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ("DREAM") ACT," was adopted, with Representative Evans voting no and with Representatives Bukoski and Ontai being excused; and

H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ("DREAM") ACT," was adopted, with Representative Evans voting no and with Representatives Bukoski and Ontai being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1104-04) recommending that H.R. No. 47, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 47, entitled: "HOUSE RESOLUTION URGING CONGRESS TO PASS FEDERAL LEGISLATION TO PROVIDE ACCESS TO SAFE, AFFORDABLE PRESCRIPTION DRUGS BY ALLOWING PURCHASE OF PRESCRIPTION DRUGS FROM CANADA AND OTHER COUNTRIES THAT MEET FEDERAL SAFETY REQUIREMENTS AND REQUESTING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT AND IMPLEMENT REIMPORTATION," was adopted, with Representatives Bukoski and Ontai being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1105-04) recommending that H.C.R. No. 70, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 70, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO PASS FEDERAL LEGISLATION TO PROVIDE ACCESS

TO SAFE, AFFORDABLE PRESCRIPTION DRUGS BY ALLOWING PURCHASE OF PRESCRIPTION DRUGS FROM CANADA AND OTHER COUNTRIES THAT MEET FEDERAL SAFETY REQUIREMENTS AND REQUESTING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT AND IMPLEMENT REIMPORTATION," was adopted, with Representatives Bukoski and Ontai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1106-04) recommending that H.R. No. 107, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 107, entitled: "HOUSE RESOLUTION SUPPORTING AND ENCOURAGING NATIONAL, STATE, AND LOCAL EFFORTS TO SECURE ACCESS AND REMOVE BARRIERS TO HEALTH CARE FOR MEN AND THEIR FAMILY MEMBERS," was adopted, with Representatives Bukoski and Ontai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1107-04) recommending that H.C.R. No. 122, be adopted.

Representative Saiki moved that the report of the Committee be adopted and that H.C.R. No. 122, be adopted, seconded by Representative Lee.

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

Representative Kahikina's written remarks are as follows:

Regarding HCR No. 122, Relating to Youth Coalitions for Healthy Living, I stand in strong support.

"*Start.Living.Healthy.* is the Department of Health's public education campaign encouraging the people of Hawai'i to start living healthy. Funded through the Tobacco Settlement funds, this campaign is a statewide, multimedia educational campaign -- with partnerships in both the private and public sectors -- designed to provide the people of Hawai'i with easily understood and adopted information on how to start living healthy.

"One element of this campaign is the Youth Coalitions for Healthy Living, which gives Hawai'i's youth opportunities to participate in developing and implementing ways to disseminate information throughout communities. In the same way organization vie for funding from grants, youth groups are expected to formulate and submit proposals and budget projection for approval, and, once awarded, to implement their ideas and report on the outcomes.

"Not only are the Youth Coalitions for Healthy Living an excellent method of 'getting the word out' islandwide or statewide about healthy living, but it also is an excellent way to educate youth on the world of business and advocating for a cause. Probably the best way to ensure a healthier future for Hawai'i's youth is by giving them the responsibility for it today."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE LEGISLATURE TO SUPPORT THE YOUTH COALITIONS FOR HEALTHY LIVING IN REACHING THE GOALS OF THE DEPARTMENT OF HEALTH SERVICES' HEALTHY HAWAII INITIATIVE," was

adopted, with Representatives Bukoski and Ontai being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1108-04) recommending that H.R. No. 106, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 106, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO HELP PREVENT THE INHUMANE TREATMENT OF THE YELLOWSTONE BUFFALO AND SUPPORT PASSAGE OF THE YELLOWSTONE BUFFALO PRESERVATION ACT, H.R. 3446," was adopted, with Representatives Bukoski and Ontai being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1109-04) recommending that H.C.R. No. 149, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 149, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO HELP PREVENT THE INHUMANE TREATMENT OF THE YELLOWSTONE BUFFALO AND SUPPORT PASSAGE OF THE YELLOWSTONE BUFFALO PRESERVATION ACT, H.R. 3446," was adopted, with Representatives Bukoski and Ontai being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1110-04) recommending that H.R. No. 64, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 64, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO REVIEW AND UPDATE THE KEEHI LAGOON RECREATIONAL PLAN AND EXPLORE THE LEASING OF UNUTILIZED FAST AND SUBMERGED LANDS AT KEEHI LAGOON FOR THE PRIVATE DEVELOPMENT OF BOATING AND OCEAN RECREATIONAL FACILITIES," was adopted, with Representatives Bukoski and Ontai being excused.

Representative Kanoho, for the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1111-04) recommending that H.C.R. No. 95, as amended in HD 1, be adopted.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 95, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO REVIEW AND UPDATE THE KEEHI LAGOON RECREATIONAL PLAN AND EXPLORE THE LEASING OF UNUTILIZED FAST AND SUBMERGED LANDS AT KEEHI LAGOON FOR THE PRIVATE DEVELOPMENT OF BOATING AND OCEAN RECREATIONAL FACILITIES," was adopted, with Representatives Bukoski and Ontai being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1112-04) recommending that S.B. No. 2905, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2905, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL BOARD DISCIPLINARY ACTION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Bukoski and Ontai being excused.

At 2:55 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 2:55 o'clock p.m.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1113-04) recommending that S.B. No. 2899, SD 2, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2899, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Third Reading by a vote of 48 ayes, with Representatives Bukoski, Ontai and M. Oshiro being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1114-04) recommending that S.B. No. 2005, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2005, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," passed Third Reading by a vote of 48 ayes, with Representatives Bukoski, Ontai and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1115-04) recommending that S.B. No. 2067, SD 1, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2067, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Third Reading by a vote of 48 ayes, with Representatives Bukoski, Ontai and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1116-04) recommending that S.B. No. 2175, SD 1, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2175, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker, in support, but with reservations that I'd like to speak about.

"Mr. Speaker, I'm dismayed that we haven't gotten this straight in Hawaii. We need for the University of Hawaii to offer scholarships. This is the way to provide funding for needy students. And that could certainly include the children who will benefit under the current version of Senate Bill 2175.

People who need support should be given support through scholarships. If we have a scholarship system at the University of Hawaii, we will be eligible for federal money. There's federal money to support college scholarship efforts. But most important, it's the right thing to do. We should give support to the people who need help to get their education. And let the people who can pay their way, pay their way. This system of tuition waivers is antiquated and absurd, and it's interfering with the ability of the University of Hawaii to be a first class institution. We should change it. I'm dismayed that we haven't done so thus far. Thank you, Mr. Speaker."

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

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

"Thank you, I just want to discuss some of the things raised by the previous speaker in that his point is very clear and I agree with it. That it's through scholarships that we offer opportunities for our children to go to college. However, I think in this particular bill, if you take a look at it, we as a Body and we as a Legislature, look at certain things a little different from the University. There comes a point when we as a State determine that the University needs help and guidance in determining what's important outside of the University.

"And if you take a look at this measure, it reinstitutes tuition waivers that were important in 1994. We believed in 1995 that the University, in taking their tuition monies, would continue some of the tuition waivers that were instituted by State law. We were given a commitment by the University that they would take a look at all the statutory tuition waivers provided by State law and since then we have found that the University has not reinstituted the tuition waivers for National Guard members. That's the purpose of this measure.

"I think when people realize that tuition waivers in this particular instance serves a greater purpose than just providing tuition waivers for the needy, and that is to provide the State with the ability to have a State militia. The ability to respond to disasters such as Iniki and Ewa. The ability to deal with the concerns raised by 9/11. That's what the National Guard is. And we are under intense pressure right now as a State's militia, to keep up our recruitment and retention efforts. This is what this bill does.

"In addition, I'd just like to add this. Tuition waivers are not necessarily only for needy students. Because if it were, why does the University provide scholarships and tuition waivers to our athletes, all of our athletes? Why does the University provide tuition waivers for the band members? Tuition waivers at the university level throughout the nation are provided not only to provide assistance to needy people but also to provide access to the universities because there's a defining need that the university has and it needs to fill. And I think if you take a look at this measure, it's a good one. And I encourage our colleagues to support it. Thank you, Mr. Speaker."

At 3:01 o'clock p.m., Representative Marumoto requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:02 o'clock p.m.

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

Representative Ching's written remarks are as follows:

"In support of SB 2175, Mr. Speaker, I am in support of this bill. In government and law, we often hear the term of people owing a debt to society. After incredible selfless service, it is sometimes society who owes a debt to individuals, individuals who have given great sacrifice.

"This bill may help the State protect the community in the event of an emergency because these benefits can serve as a vital component in force recruitment and retention efforts for the State Militia.

"This bill addresses a debt like no other, a debt owed by society to our veterans. Without those people who are willing to pay the ultimate price for our freedom, this legislature would not have the freedom it enjoys. This bill is but one small effort to show appreciation.

"Many states have had similar programs in place for a long time. One example is Michigan's Veterans Trust Fund. [MCL 35.111-112] As a vital strategic position, Hawaii is home to so many past and future veterans. Let us show appreciation by helping veterans and their dependents achieve one of the greatest gifts this country can offer, a college education."

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

Representative Tamayo's written remarks are as follows:

"It is common practice for our University, as well as for universities across the nation, to provide scholarships and tuition waivers for a variety of reasons. These waivers are not limited to those only in need of financial aid.

"This bill is a good bill for some very simple reasons. It not only addresses the recruiting and retention problem that is faced by our Hawaii National Guard by providing incentives for people to become citizen-soldiers, but it is a way for us in government and for the University to show our greatest appreciation and mahalo to those who do volunteer. It's a way for us to say mahalo to veterans. It's a way for us to say mahalo to our POW's. It is a way for us to say mahalo to our firefighters, police officers, law enforcement agents, lifeguards, emergency medical personnel, and all the other people who put their lives on the line for the good of our community. Oftentimes we focus too much on the negative and not enough on the unbelievable sacrifice that these people make for our state and our country. We must show our appreciation, and this is a very small way for us to do that."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2175, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 48 ayes, with Representatives Bukoski, Ontai and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1117-04) recommending that S.B. No. 2269, SD 2, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2269, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Third Reading by a vote of 48 ayes, with Representatives Bukoski, Ontai and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1118-04)

recommending that S.B. No. 2425, SD 1, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2425, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 48 ayes, with Representatives Bukoski, Ontai and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1119-04) recommending that S.B. No. 2608, SD 1, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2608, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRITICAL ACCESS HOSPITALS," passed Third Reading by a vote of 48 ayes, with Representatives Bukoski, Ontai and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1120-04) recommending that S.B. No. 3002, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3002, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROJECT EAST INITIATIVE IN HAWAII'S PUBLIC SCHOOLS," passed Third Reading by a vote of 48 ayes, with Representatives Bukoski, Ontai and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1121-04) recommending that S.B. No. 3230, SD 2, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3230, SD 2, HD 1, pass Third Reading, seconded by Representative Lee.

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

Representative Kahikina's written remarks are as follows:

Regarding S.B. No. 3230, SD 2, HD 1, Early Childhood Care Direct Services Appropriation, I stand in support.

"The establishment of a pilot project providing community-based, collaborative, and comprehensive early childhood care direct services for children under age five and their families in critical need areas as determined by the Department of Human Services is a step forward.

"The sooner in a child's life we can get them the kind of cognitive and behavioral building, the greater the long-term effect it will have on their achieving a better overall quality of life. For every degree of dysfunction, poor support system, and troubled environs a child is expected to experience while growing up, we must offset its impact with at least that same degree of positive learning, exposure, and experiences. We have already seen the detriment not doing so can cause.

"As it is too costly for the Hawai'i State Government to afford all infants and toddlers, ages 0 – 4, childcare, this bill allows us an alternative way to service as many of them as possible. Monies would be directed to childcare providers for programs, additional training and other means to increase

and/or improve the services they offer to these youth and their caregivers."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3230, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD CARE," passed Third Reading by a vote of 48 ayes, with Representatives Bukoski, Ontai and M. Oshiro being excused.

At 3:04 o'clock p.m., the Chair noted that S.B. Nos.: 2899, SD 2, HD 1; 2005; 2067, SD 1, HD 1; 2175, SD 1, HD 1; 2269, SD 2, HD 1; 2425, SD 1, HD 1; 2608, SD 1, HD 1; 3002, HD 1; and 3230, SD 2, HD 1; passed Third Reading.

THIRD READING

S.B. No. 2882, SD 1, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2882, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INSURERS," passed Third Reading by a vote of 49 ayes, with Representatives Bukoski and M. Oshiro being excused.

S.B. No. 3204, HD 1:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 3204, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY PROVIDERS AND ACTIVITY DESKS," passed Third Reading by a vote of 49 ayes, with Representatives Bukoski and M. Oshiro being excused.

S.B. No. 2815:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2815, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL," passed Third Reading by a vote of 49 ayes, with Representatives Bukoski and M. Oshiro being excused.

At 3:05 o'clock p.m., the Chair noted that S.B. Nos.: 2882, SD 1, HD 1; 3204, HD 1; and 2815; passed Third Reading.

ANNOUNCEMENTS

Representative Hiraki: "Mr. Speaker, I'd like to request a waiver of the 48-hour hearing notice to hear Senate Bill 2474, SD 3, HD 1, Relating to Energy," and the Chair, "so ordered."

Representative Hiraki: "Members of CPC, your Committee on Consumer Protection and Commerce will be having a public hearing today on this bill immediately after session in room 325. Thank you."

Representative Thielen: "Mr. Speaker, I just would like everyone to stand give a round of applause to Representative Bertha Leong for her outstanding job with the Easter baskets. And could I ask the Members to acknowledge her. And thanks to everyone that brought them."

Representative Leong: "Thank you so much. Actually, you all deserve the clap of the hand. I was late because we were loading the baskets onto the truck. There were 372 baskets sent in, which is like a hundred more than last year. So that's really great. And you deserve the clapping hands. And thank you for your generosity to IHS. Mahalo."

Representative Kaho'ohalahala: "Thank you, Speaker. Just a notice to the Members of the Water, Land Use and Hawaiian Affairs Committee, we're going to reconvene after this session for decision making in room 312. Thank you."

Representative Takamine: "Thank you, Mr. Speaker. Mr. Speaker, request waiver of the 48-hour final notification rule for the purpose of hearing the following Senate Bills:

S.B. No. 473, Relating To Halfway Houses;

S.B. No. 1238, Relating To Mental Health;

S.B. No. 2004, Making An Appropriation For Veteran Cemeteries;

S.B. No. 2045, Making An Appropriation To The Hawaii Civil Air Patrol;

S.B. No. 2114, Making An Appropriation For Safety And Security Improvements For University Of Hawaii Campuses;

S.B. No. 2210, Relating To Condominiums;

S.B. No. 2280, Making An Appropriation For A Local Flood Warning System For Lake Wilson;

S.B. No. 2385, Relating To HIV/AIDS Programs;

S.B. No. 2399, Relating To Emergency Ambulance Service;

S.B. No. 2690, Relating To Emergency Medical Services;

S.B. No. 2718, Relating To The Compensation Of Officials In The Legislative Service Agencies;

S.B. No. 2835, Relating To The Department Of The Attorney General; and

S.B. No. 2887, Relating To Interstate Insurance Compact," and the Chair "so ordered."

Representative Takamine: "Thank you very much, Mr. Speaker. These bills will be part of an agenda for public hearing by your House Committee on Finance that will start at 4:30 p.m. this afternoon in conference room 308.

"Mr. Speaker, if I could also for the waiver of the 48-hour notice rule for the purpose of decision making on one Senate Bill that was previously heard, and the Chair "so ordered."

Representative Takamine "Thank you, Mr. Speaker. Added to that agenda at the end will be decision making only on Senate Bill 3080, Relating To Transportation. Thank you, Speaker."

Representative Kanoho: "Thank you, Mr. Speaker. Just a reminder to the Members who signed up for the Annual Hawaii Prayer Breakfast that scheduled for tomorrow morning at 7 a.m. at the Hilton Hawaiian Village, particularly for those who signed up to catch the bus, which will leave fronting the Capitol at 6:20 a.m. Thank you."

Representative Magaoay: "Mr. Speaker, thank you. Your Committee on LMG, we just have one bill room 423, regarding Senate Bill 2716. We will just meet for decision making, we can go after that. Thank you."

Speaker Say: "Thank you very much. Representative Magaoay, there is no need for the waiver on this decision making."

Representative Magaoay: "It wasn't a waiver. Just an announcement."

Representative Arakaki: "Thank you, Mr. Speaker, a couple of announcements. First of all, some good news for us 'old fogies'. HMSA has decided to create two categories for our Legislators on the Move Challenge: ages 49 and under; and ages 50 and over. So us old guys have a better chance. And equal prizes in both categories.

"And Mr. Speaker, just to make Members aware, to follow up on the great work that the Ice Task Force did. We've invited, courtesy of NCSL, some national experts including Dr. Darryl Inaba, from the Haight Ashbury Free Clinic and Dr. Richard Rawson, UCLA Integrated Substance Abuse Programs. Both will be speaking along with some local presenters on the most effective way for treatment of methamphetamine or ice addiction. And it will be held in the Auditorium tomorrow from 9 to 12, and from 1 to 3:30. And if you can't join us for the briefing, please join us for lunch in 329. We'll have some informal sessions with these national speakers. Thank you, Mr. Speaker."

Representative Thielen: "Mr. Speaker, I did want to also thank the Outrigger for their wonderful, wonderful generous donation to the IHS. They donated cases of the small shampoos and lotions, and hand soaps. So they're all sanitarily wrapped in individual packages. The Outrigger has done this for about the last three to four years. And I know that IHS and all of us deeply appreciate their support of the Easter basket day. Thank you."

ADJOURNMENT

At 3:11 o'clock p.m. on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives adjourned until 5:00 o'clock p.m. tomorrow, Thursday, April 8, 2004. (Representatives Bukoski, Kahikina and Ontai were excused.)

HOUSE COMMUNICATION

House Communication dated April 7, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Linda Lingle, Governor of the State of Hawaii, informing the Governor that in accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of S.B. No. 2851, SD 1, entitled: "PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII," and that said measure passed Third Reading in the Hawaii House of Representatives on this date.

FORTY-SIXTH DAY

Thursday, April 08, 2004

The House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 5:26 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Dr. George Nagato, Pastor, Paradise Chapel in Ma'iili, and District Superintendent, Hawaii Assemblies of God, after which the Roll was called showing all members present with the exception of Representatives Chang, Souki, Takai and Takumi, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 425 through 448) were received and announced by the Clerk:

Sen. Com. No. 425, transmitting S.C.R. No. 3, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING REVIEW BY THE AUDITOR OF THE LICENSING AND REGULATION OF PROFESSIONS AND VOCATIONS BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," which was adopted by the Senate on April 7, 2004.

Sen. Com. No. 426, transmitting H.B. No. 1926, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 7, 2004.

Sen. Com. No. 427, transmitting H.B. No. 2142, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS PRACTICES," which passed Third Reading in the Senate on April 7, 2004.

Sen. Com. No. 428, transmitting H.B. No. 1259, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," which passed Third Reading in the Senate on April 7, 2004.

Sen. Com. No. 429, transmitting H.B. No. 1765, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT BOARDS, COMMISSIONS, AND AGENCIES," which passed Third Reading in the Senate on April 7, 2004.

Sen. Com. No. 430, transmitting H.B. No. 1859, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," which passed Third Reading in the Senate on April 7, 2004.

Sen. Com. No. 431, transmitting H.B. No. 1987, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," which passed Third Reading in the Senate on April 7, 2004.

Sen. Com. No. 432, transmitting H.B. No. 1991, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," which passed Third Reading in the Senate on April 7, 2004.

Sen. Com. No. 433, transmitting H.B. No. 2013, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO POLYBROMINATED DIPHENYL ETHERS," which passed Third Reading in the Senate on April 7, 2004.

Sen. Com. No. 434, transmitting H.B. No. 2020, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," which passed Third Reading in the Senate on April 7, 2004.

Sen. Com. No. 435, transmitting H.B. No. 2098, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," which passed Third Reading in the Senate on April 7, 2004.

Sen. Com. No. 436, transmitting H.B. No. 2223, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING," which passed Third Reading in the Senate on April 7, 2004.

Sen. Com. No. 437, transmitting H.B. No. 2290, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on April 7, 2004.

Sen. Com. No. 438, transmitting H.B. No. 2408, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 7, 2004.

Sen. Com. No. 439, transmitting H.B. No. 2472, H.D. 2, S.D. 1, 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 April 7, 2004.

Sen. Com. No. 440, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 2004, Chair: Taniguchi
HD 1, SD 1 Members: Kokubun, Hogue

H.B. No. 2280, Chair: Taniguchi
SD 1 Members: Kokubun, Slom

H.B. No. 2743, Chair: Taniguchi
HD 2, SD 1 Members: Kokubun, Tsutsui

Sen. Com. No. 441, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 2529, Chair: Taniguchi
HD 1 Members: Kokubun, Hemmings

Sen. Com. No. 442, transmitting S.C.R. No. 29, entitled: "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL TRADE COMMISSION TO INVESTIGATE AND TAKE ACTION AGAINST THE USE OF UNSOLICITED PORNOGRAPHIC POPUP ADVERTISEMENTS," which was adopted by the Senate on April 8, 2004.

Sen. Com. No. 443, transmitting S.C.R. No. 56, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS TO REPEAL THE BAN AGAINST THE GOVERNMENT NEGOTIATING PRICE REDUCTIONS OF PRESCRIPTION DRUGS," which was adopted by the Senate on April 8, 2004.

Sen. Com. No. 444, transmitting S.C.R. No. 93, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING

THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MONEY TRANSMITTERS," which was adopted by the Senate on April 8, 2004.

Sen. Com. No. 445, transmitting S.C.R. No. 105, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE SOCIAL AND FINANCIAL EFFECTS OF MANDATING EQUITABLE REIMBURSEMENT UNDER HEALTH INSURANCE PLANS FOR PHYSICIANS WITH A NUTRITION SUBSPECIALTY," which was adopted by the Senate on April 8, 2004.

Sen. Com. No. 446, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate bills:

S.B. No. 2067, SD 1, HD 1
"RELATING TO HIGHER EDUCATION."

S.B. No. 2175, SD 1, HD 1
"RELATING TO EDUCATION."

S.B. No. 2269, SD 2, HD 1
"RELATING TO ENTERPRISE ZONES."

S.B. No. 2425, SD 1, HD 1
"RELATING TO EDUCATION."

S.B. No. 2608, SD 1, HD 1
"RELATING TO CRITICAL ACCESS HOSPITALS."

S.B. No. 2882, SD 1, HD 1
"RELATING TO ALIEN INSURERS."

S.B. No. 2899, SD 2, HD 1
"RELATING TO NURSES."

S.B. No. 3002, HD 1
"MAKING AN APPROPRIATION FOR THE PROJECT EAST INITIATIVE IN HAWAII'S PUBLIC SCHOOLS."

S.B. No. 3204, HD 1
"RELATING TO ACTIVITY PROVIDERS AND ACTIVITY DESKS."

S.B. No. 3230, SD 2, HD 1
"RELATING TO EARLY CHILDHOOD CARE."

Sen. Com. No. 447, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 1491, Kawamoto, Chair;
SD 1, HD 1 Fukunaga/Kokubun, Co-Chairs; Hogue

S.B. No. 2525, Taniguchi, Chair;
HD 1 Kim, Kokubun, Trimble

S.B. No. 2983, Taniguchi, Chair;
SD 2, HD 1 Kokubun, Slom

S.B. No. 3098, Hanabusa, Chair;
HD 1 Kokubun, Co-Chair; English,
Kawamoto, Taniguchi, Whalen

S.B. No. 3162, English, Chair;
SD 1, HD 1 Kokubun, Co-Chair; Hooser,
Hemmings

S.B. No. 3185, Hanabusa, Chair;
SD 1, HD 1 Kawamoto, Hogue

Sen. Com. No. 448, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 1103, Kawamoto, Chair;
HD 2, SD 1 Fukunaga, Co-Chair; Espero, Whalen

H.B. No. 1828, Hanabusa, Chair;
HD 1, SD 1 Chun Oakland, Fukunaga, Hogue

H.B. No. 2002, Sakamoto/Taniguchi, Co-Chairs;
HD 2, SD 1 Hooser, Kokubun, Tsutsui, Whalen

H.B. No. 2003, Hanabusa, Chair;
HD 1, SD 1 Baker, Co-Chair; Chun Oakland,
English, Kokubun, Tsutsui, Whalen

H.B. No. 2196, Hanabusa, Chair;
HD 1, SD 1 Chun Oakland, English, Hogue

H.B. No. 2206, Hanabusa, Chair;
HD 1, SD 1 Chun Oakland, English, Hogue

H.B. No. 2337, Taniguchi, Chair;
HD 1, SD 1 Kokubun, Hogue

H.B. No. 2375, Hanabusa, Chair;
HD 1, SD 1 English, Hogue

H.B. No. 2379, Hanabusa, Chair;
HD 1, SD 1 Chun Oakland, Fukunaga, Whalen

H.B. No. 2380, Hanabusa, Chair;
HD 1, SD 1 Fukunaga, Ihara, Whalen

H.B. No. 2683, Hanabusa, Chair;
SD 1 Fukunaga, Ihara, Whalen

H.B. No. 2789, Hanabusa, Chair;
HD 1, SD 1 Chun Oakland, English, Trimble

H.B. No. 2796, Baker/Chun Oakland/Taniguchi, Co-
HD 1, SD 2 Chairs;
Kim, Kokubun, Tsutsui, Hemmings

H.B. No. 2863, Kim, Chair;
HD 1, SD 1 Espero, Tsutsui, Slom

Representative Saiki moved to disagree to the amendments made by the Senate to the following House bills, seconded by Representative Lee and carried: (Representatives Chang and Souki were excused.)

H.B. No. 1259, HD 1, SD 1

H.B. No. 1765, HD 1, SD 1

H.B. No. 1859, HD 2, SD 1

H.B. No. 1987, HD 1, SD 1

H.B. No. 1991, HD 1, SD 1

H.B. No. 2013, SD 2

H.B. No. 2020, HD 1, SD 2

H.B. No. 2098, HD 1, SD 2

H.B. No. 2223, SD 1

H.B. No. 2290, HD 1, SD 2

H.B. No. 2408, HD 2, SD 1

H.B. No. 2472, HD 2, SD 1

INTRODUCTIONS

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

Representative Tamayo introduced her staff member, Ms. Sarah Chandley, and Ms. Chandley's parents, Mr. Frank and Mrs. Mary Loo Nugent.

Representative Stonebraker introduced his friend and constituent, Mr. Shaw Bates.

At 5:33 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:20 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following concurrent resolution (S.C.R. No. 3) was referred to committee by the Speaker:

S.C.R.

No. Referred to:

- | | |
|---|---|
| 3 | Committee on Consumer Protection and Commerce, then to the Committee on Finance |
|---|---|

COMMITTEE REASSIGNMENTS

The following concurrent resolution was re-referred to committee by the Speaker:

H.C.R.

No. Re-referred to:

- | | |
|------------|---------------------|
| 38,
HD1 | Committee on Health |
|------------|---------------------|

STANDING COMMITTEE REPORTS

At 6:20 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 6:21 o'clock p.m.

Stand. Com. Rep. No. 1149-04 and S.B. No. 2846, SD 1, HD 1:

By unanimous consent, action was deferred one legislative day.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1122-04) recommending that S.B. No. 1549, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1549, SD 1, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1123-04) recommending that S.B. No. 3135, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3135, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ST. FRANCIS HEALTHCARE SYSTEM OF HAWAII AND ITS AFFILIATES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1124-04) recommending that S.B. No. 3156, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3156, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1125-04) recommending that S.B. No. 53, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 53, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AMBULANCE SERVICE IN THE KIHEI/WAILEA REGION OF MAUI," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented eleven reports:

(Stand. Com. Rep. No. 1126-04) recommending that S.B. No. 2541, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading;

(Stand. Com. Rep. No. 1127-04) recommending that S.B. No. 2542, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading;

(Stand. Com. Rep. No. 1128-04) recommending that S.B. No. 2543, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading;

(Stand. Com. Rep. No. 1129-04) recommending that S.B. No. 2544, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading;

(Stand. Com. Rep. No. 1130-04) recommending that S.B. No. 2545, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading;

(Stand. Com. Rep. No. 1131-04) recommending that S.B. No. 2546, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading;

(Stand. Com. Rep. No. 1132-04) recommending that S.B. No. 2547, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading;

(Stand. Com. Rep. No. 1133-04) recommending that S.B. No. 2549, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading;

(Stand. Com. Rep. No. 1134-04) recommending that S.B. No. 2550, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading;

(Stand. Com. Rep. No. 1135-04) recommending that S.B. No. 2556, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading; and

(Stand. Com. Rep. No. 1137-04) recommending that S.B. No. 2551, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the reports of the Committee be adopted, and that S.B. Nos. 2541, SD 1, HD 1; 2542, SD 1, HD 1; 2543, SD 1, HD 1; 2544, SD 1, HD 1; 2545, SD 1, HD 1; 2546, SD 1, HD 1; 2547, SD 1, HD 1; 2549, SD 1, HD 1; 2550, HD 1; 2556, HD 1; and 2551, HD 1, pass Second Reading and placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. The next several measures are collective bargaining measures and there are blank appropriation amounts, so I want to vote with reservations. I'd like to give you a whole list of numbers now unless you want me to stand up on every one. They are 1126 through 1135 found on page 4."

Representative Stonebraker rose to speak in support of the measures with reservations, stating:

"Yes, Mr. Speaker, I would request the same thing. And I would add 1137 on page 4, with reservations."

The Chair then stated:

"Madame Clerk, do you understand what we did? They're voting on all collective bargaining measures with reservations, for Representatives Moses and Stonebraker. Any further discussion?"

Representative Meyer rose to speak in support of the measures with reservations, stating:

"Thank you, Mr. Speaker. I would like to make the same request."

Representative Blundell rose to speak in support of the measures with reservations, stating:

"Thank you, Mr. Speaker. I'd like to request the same."

At 6:24 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:24 o'clock p.m.

At this time, the Chair stated:

"Madame Clerk, to clarify it for all of you, for Standing Committee Reports 1126, 1127, 1128, 1129, 1130, 1131, 1132, that's on page 3; and on to page 4, 1133, 1134, and then down to 1137. Is the Chair correct? Representative Moses."

Representative Moses rose, stating:

"Thank you, Mr. Speaker. That's correct, except I also would like it on 1135."

The Chair noted:

"Okay, that's for Representative Moses only. Stand. Com. No. 1135, with reservations."

Representative Halford rose to speak in support of Stand. Com. No. 1134-04, stating:

"Thank you, Mr. Speaker. Can I speak on 1134? Thank you. In support.

"Mr. Speaker, this bill directly affects our ability to recruit and retain good teachers. Hopefully the blank amount will become a significant amount. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and S.B. No. 2541, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused;

S.B. No. 2542, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused;

S.B. No. 2543, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused;

S.B. No. 2544, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused;

S.B. No. 2545, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused;

S.B. No. 2546, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused;

S.B. No. 2547, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused;

S.B. No. 2549, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused;

S.B. No. 2550, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused;

S.B. No. 2556, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused; and

S.B. No. 2551, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1136-04) recommending that S.B. No. 2990, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2990, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1138-04) recommending that S.B. No. 2077, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2077, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, in opposition.

"I don't understand why this bill is here. The Functional Plans were a classic 'print a lot of pages and gather a lot of dust' exercise. I believe that people put a lot of good work into the original Functional Plans, but I never saw any evidence that they really guided the State in its functions and it was pretty

much a futile exercise. And I think we should just let it rest in peace. Thank you, Mr. Speaker."

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

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record 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. 2077, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Fox, Meyer and Moses voting no, and with Representatives Chang and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1139-04) recommending that S.B. No. 2385, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2385, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIV/AIDS PROGRAMS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1140-04) recommending that S.B. No. 2399, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2399, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY AMBULANCE SERVICE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1141-04) recommending that S.B. No. 2469, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2469, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

Representative Ontai rose and asked that the Clerk record 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. 2469, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HPOWER PLANT BOILER ADDITION," passed Second Reading, and was placed on the calendar for Third

Reading with Representative Ontai voting no, and with Representatives Chang and M. Oshiro being excused.

Representatives Abinsay and Kanoho, for the Committee on Agriculture and the Committee on Water, Land Use and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1142-04) recommending that S.B. No. 2246, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2246, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused.

Representatives Hiraki and Hamakawa, for the Committee on Consumer Protection and Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1143-04) recommending that S.B. No. 2358, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2358, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION CLAIMS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1144-04) recommending that S.B. No. 3182, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3182, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Fox rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Leong rose and asked that the Clerk record 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. 3182, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

STATE OF HAWAII," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ching, Finnegan, Fox, Leong, Meyer, Moses and Stonebraker voting no, and with Representatives Chang and M. Oshiro being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1145-04) recommending that S.B. No. 3179, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3179, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"In opposition. We passed a bill out of this House, I believe it was earlier in the week or late last week, delaying the implementation for six months. I think it was a much better bill. The industry testified that they would have trouble getting the labeling in place in time for the implementation date on this bill. Thank you."

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

Representative Halford rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Blundell rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Leong rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"In support. Mr. Speaker, it would be one thing if we lived in Mississippi where we could defer this 'till the twelfth of never', and that would be a long, long time. But it's not. We live in an island state and we have to think about the future. And I support it. Thank you."

Representative Ching rose and asked that the Clerk record 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. 3179, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Blundell, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton and Stonebraker voting no, and with Representatives Chang and M. Oshiro being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1146-04) recommending that S.B. No. 2447, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2447, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

Representative B. Oshiro rose in support of the measure with reservations, and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative B. Oshiro's written remarks are as follows:

"Mr. Speaker: I rise to speak with severe and grave reservations to SB2447, HD1, Relating to Electronic Surveillance

"Article I Section 7, Searches, Seizures and Invasions of Privacy, of the Hawaii State Constitution provides additional protections not found in the U.S. Constitution, Amendments Article IV. It is important to note that the language is **not** the same by the distinguishing words in *italics*:

The right of the people to be secure in their person, houses, papers and effects against unreasonable searches, seizures **and invasions of privacy** shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons of things to be seized **or the communications sought to be intercepted**.

"According to the 1968 Constitutional Convention, Standing Committee Report No. 55, the Committee provided its intent in including "invasions of privacy." Therein, it noted that:

Inclusion of the term "invasions of privacy" will effectively protect the individual's wishes for privacy as a legitimate social interest. The proposed amendment is **intended to include indiscriminate wiretapping** as well as undue governmental inquiry into and regulation of those areas of a person's life which are defined as necessary to ensure "man's individuality and human dignity." (Emphasis added)

See 1968 Convention Documents, pages 233 and 234.

"Furthermore, during the Committee of the Whole discussions and debates, the phrase "or communications sought to be intercepted," was an amendment offered and adopted on the floor by Delegate Rhoda Lewis. She explained that this additional language was necessary to track the language in the Maryland Constitution, to specifically address the possibility of wiretapping. See 1968 Constitutional Convention proceedings, pages 4 – 9.

"At the time of the 1968 Constitutional Convention, Hawaii had no provisions allowing for wiretapping. The current wiretapping law, Part IV of Chapter 803, HRS was not adopted until 1978. Thus, it appears unequivocal that the primary purpose for which the language "or communications sought to be intercepted," was incorporated into Article I, Section 7 was to regulate the future of wiretapping.

"As such, based on the above history of Article I, Section 7, the proposed language in SB2447 does not have the proper safeguards to ensure against indiscriminate wiretapping and undue governmental inquiry in to the privacy protections specifically provided for at the time of adoption.

"Instead, SB2447, HD1 purports to merely conform to the federal law prior to the USA Patriot Act. These procedures set forth in this bill do not adequately meet the standards required by our State Constitution because there is no oversight by a judge, as in Chapter 803, HRS. There, the judge has the role of a gatekeeper and monitor – to ensure that the investigation is due, that it is supported by adequate evidence, that the officials do not overstep the judge's boundaries and constraints, and that the intrusion is limited and tailored only the achieve the objective. SB 2447, HD1, does not have the judge in that same role. Instead, upon issuance of the order, the judge has almost no role in assuring the privacy rights of the intercepted are not violated until the order has expired.

"The proponents of this bill have stated the bill is necessary because the current law provides for an adversarial hearing that may undermine ongoing investigation efforts and endanger the lives of law enforcement. However, a review of the data regarding the use of wiretapping by state and local law enforcement demonstrates that there has been nearly no attempt to make the current system work.

"A review of the U.S. Courts Wiretap Reports for the years 1997 – 2002 reveal only a SINGLE wiretap conducted by state and local law enforcement in 1998. At the hearing before the Judiciary committee, we heard testimony from the one attorney who has been hired to attend the adversarial hearing on the interceptor's behalf. It is important to note and as emphasized by him, the actual person or people to be wiretapped are not present at such a hearing or even provided notice. He was there as an independent agent to ensure that the application before the judge met proper scrutiny. The hearing was held entirely en camera, so that only he, the judge, court staff and law enforcement were present. Thus, as he is legally and ethically bound to keep this information confidential, as is the judge and court staff, the allegations of leakage of information or even such potential of leakage, are clearly unsubstantiated and at best, attenuated.

"The role of an attorney appointed to represent the intercepted person's interests and not that person directly is crucial to providing the judge a balanced and fair scrutiny of the application. Otherwise, it is allegations from only one-side of the story. Whether it be legislative or political, litigation or adversarial, we are well aware that the search for the truth, the process for ascertaining what is best and fair, is hardly ever achieved when only one-side is presented. Adversity, makes presentation sharper, makes for the more prepared and more precise. The adversarial hearing ensures that the judge is presented with issues of concern from both sides, to adjudicate a balanced and just result. The lack of this process will lead to issuance of orders without such equity.

"Again, my opposition should not be construed as mistrust of our current law enforcement. I have faith that the current attorney general and prosecuting attorneys have but noble intentions when it comes to fighting the war on drugs. I do believe that they believe, this tool will only be utilized

whenever they encounter situations where no other means of investigation will suffice.

"However, my primary concern lies in the future use of this powerful tool. Our prosecutors are elected. Our attorney general now has my highest respect, but I cannot say that will be so for each and every one in the future. Thus, there are no guarantees that future law enforcement may conform this powerful weapon to their own agendas.

"My fear, is that this "tool" to fight ice represents a "trojan horse" to civil liberties. Packaged with a façade of harmless good intentions, once embraced without proper guard, the usually judicious eyes will not see the stealth. Thus, covered in a shroud of darkness, it may choose to unleash its power upon those who least expect it.

"Thus, defaulting to the federal procedure because they are already doing it does not make it right. Our State Constitution provides rights over and beyond the federal Constitution. Our State Constitution specifically addresses wiretapping and prohibits "indiscriminate" wiretapping. Our State Constitution stands for the notion that personal privacy of our citizens is a fundamental right not to be abridged. Our State Constitution is the guide by which we, as the Legislature, must make decisions, and for that reason, I cannot support this bill."

Representative Waters rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Bukoski rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Morita rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Kaho`ohalahala rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Evans rose and asked that the Clerk record 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. 2447, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME REDUCTION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and M. Oshiro being excused.

Representatives Morita and Hamakawa, for the Committee on Energy and Environmental Protection and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1147-04) recommending that S.B. No. 2405, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2405, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"In opposition. This is something that should be done by the counties. They're putting a lot of effort in on it, and the City and County of Honolulu. I don't see why the Legislature should be involved in this at all. Thank you."

Representative Pendleton rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Bukoski rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The Chair stated:

"With reservations for Representative Bukoski."

Representative Waters rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Stonebraker rose, stating:

"Mr. Speaker, you said reservations for Representative Bukoski. I think you meant reservations for Stonebraker. Representative Bukoski voted no."

Speaker Say: "With reservations, Representative Bukoski?"

Representative Bukoski: "No, I'm in opposition."

Representative Stonebraker: "And I'm with reservations."

Speaker Say: "Okay, I'm sorry. Representative Bukoski, a no vote. And Representative Stonebraker, with reservations."

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

"Can I just give a brief comment? I just wanted to mention that my opposition, when I briefly read the bill, it doesn't really speak to the private haulers or the private landfill owners. And it limits competition. So that's my opposition. Thanks."

Representative Ito rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Tamayo rose and asked that the Clerk record 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. 2405, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE DISPOSAL," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Bukoski, Fox, Jernigan, Meyer, Ontai, Pendleton and Thielen voting no, and with Representatives Chang and M. Oshiro being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1148-04) recommending that S.B. No. 3113, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3113, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Lee.

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

"Mr. Speaker, in opposition. This bill talks about electing the Insurance Commissioner. This happened without a hearing. It's not a position I ever supported. Thank you."

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

Representative Ontai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"Mr. Speaker, with serious reservations and a few comments.

"Thank you. Mr. Speaker, the Insurance Commissioner, the process of having an elected Insurance Commissioner, was thrown in at the Committee. There was never a public hearing on that. And when I think of an Insurance Commissioner, I think of a brilliant, bespectacled nerd who is very familiar with the intricacies of insurance. I don't think it's someone that we would want to go through a political campaign to be elected to be an Insurance Commissioner. I think that's absolutely the wrong way to go.

"I have been supportive of an elected Attorney General. I'm not deviating from that position. But I think for two reasons. We want the brilliant, bespectacled nerd to be the Insurance Commissioner, and to be appointed as that. And the second reason, is we don't want to see a process where these things are slid into bills at the decision-making process and where they've never had a public hearing on that particular addition. Thank you."

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

"In support. I don't think our last six or seven Insurance Commissioners have fit the description of the previous speaker. And in the years that I went NCOLL, National Coalition of Insurance Legislators, I found that, I don't know, I suppose thirty states have elected Insurance Commissioners. And it works really well. Thank you."

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

"Mr. Speaker, I rise with reservations. Actually, it is a measure that would let the people decide. Once you open the road of deciding who should be an elected cabinet official, whether it be our Attorney General, the Insurance Commissioner, the Bank Commissioner, the head of DCCA, where do you draw the line?

"For years, there have been bills introduced before this Body by the Minority Party to make the Attorney General an elected position. Whenever the Majority Party takes positions that seem to be against the sitting Governor, if that Governor tends to be Republican ..."

Representative Bukoski rose, stating:

"Mr. Speaker, point of information. Is this an elected Attorney General or elected Insurance Commissioner that we're speaking to?"

Speaker Say: "Both."

Representative Bukoski: "Both."

Representative Caldwell: "That's correct, Mr. Speaker."

Representative Thielen rose, stating:

"Mr. Speaker, I would just like to make a point of clarification. I stood up as a Republican and said that I have always supported an elected Attorney General. I was not deviating from that. So I think that the remarks are uncalled for by the speaker from Manoa."

Speaker Say: "Your point is well taken."

Representative Fox: "Point of clarification. I also made no reference to an elected Attorney General."

Representative Saiki rose to a point of order, stating:

"Mr. Speaker, point of order. A point of clarification is not in order, and it's not a basis to interrupt the speaker."

Representative Moses rose, stating:

"Point of personal privilege. The current speaker impugned the motives of this Body. He said that we did it only because now the Governor is a member of our Party. I did not vote no on this. I didn't intend to vote no on this. So why is he impugning my motives? Thank you, Mr. Speaker."

Speaker Say: "Representative Moses, your point is well taken. Representative Caldwell, can you confine your remarks to these two position that are being put on the ballot."

Representative Caldwell continued, stating:

"Thank you very much, Mr. Speaker. I do want to clarify that this proposed constitutional amendment that would let the people decide pertains to both making the Attorney General an elected position, along with the Insurance Commissioner.

"One of the points I'm raising is there seems to be objection to making the Insurance Commissioner an elected position, when in fact in many other states it is. And in fact I could even ask why not make others elected? Why just our Attorney General.

"I personally believe that if I were the Governor of this State, I would want to have the ability to appoint my Attorney General. It's one of the most important positions you can have as a Governor. And in fact, I think now when you hear that there's support for this, to then say when we take actions as a Democratic Majority, that somehow we're taking power away from the Governor when this is one of the most important positions ..."

Representative Pendleton rose to a point of order, stating:

"Point of order, Mr. Speaker. On this measure, no discussion like that has occurred."

The Chair responded, stating:

"Representative Caldwell, can you confine your remarks to the interpretation of this particular measure."

Representative Caldwell continued, stating:

"The reason why I'm rising with reservations, Mr. Speaker, is that I do believe that the Governor has a right to appoint her cabinet. And probably the most important member of that cabinet is the Attorney General. I will support this measure given in particular the years of encouragement and speaking in support of it by the Representative from Kailua. I hope that will encourage further debate on this issue. And that's it. Thank you very much, Mr. Speaker."

At 6:40 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:41 o'clock p.m.

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

"I just rise with reservations, Mr. Speaker. The couple of comments that I have are these. That I have supported an elected Attorney General in the past. And I haven't made up my mind at this point. We've seen different things. And for example, in California where you have an Attorney General and a Governor at odds. And so I see that there can be some difficulties with this. I respect both opinions – an up vote of support of this, and a no vote."

"The reason that I rise with reservations is because I'm not completely clear on this and I think that due process and having things go through Committees accurately, and with fair hearings and notices of those hearings so that you can get the full input. Mr. Speaker, I don't think this has happened on these bills. I think that that should be the route that we take. And not to just drop them in the last minute. In general, I support the idea of electing these positions, and yet we really haven't had the input that I think we deserve. So with reservations. Thank you."

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

"Mr. Speaker, I will vote with reservations on this because I'm very much for an elected Attorney General. I fought for that in the 1978 Con-Con. But I really think these are two separate positions and they should be voted upon separately. The people should be able to vote for the Attorney General and for an Insurance Commissioner. And it also appears that might be better for an Insurance Commissioner to be a position like the Legislative Auditor, which is nonpartisan and it's appointed for a period of 8 years so it doesn't get involved in political

parties. I really don't like the idea of putting the two together. But I am very much for the Attorney General. Thank you."

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

"Thank you, Mr. Speaker. In opposition. Previously, I wanted to just move on and keep debate to this limited, that's why I incorporated the remarks from the gentleman from Waikiki. But the gentleman from Manoa indicated some concerns and have compelled me to speak. I continue to support the Attorney General. I didn't particularly sign this bill but I've introduced similar bills. I think that that should be an elected position and at least should be on the ballot."

"With respect to the elected Insurance Commissioner, there was no discussion formally or informally of that. I had not received any letter. I hadn't read about it in the newspapers. I haven't heard from any constituents about that. The first time I heard about it was at the decision-making on this particular bill. There was no public testimony. No public input. I don't know if we even had a copy in front of us. I believe the HD 1 was described to us. And so I don't know, I can't tell you off the top of my head, whether that was a partisan or nonpartisan, two-year term, four-year term, six-year term. Whether or not it was coincident with the gubernatorial elections or with the Honolulu mayoral elections. I can't tell you any of that stuff because we didn't have a chance to see it."

"So for those reasons, I'm willing to be persuaded. I'm open. But I'm going to vote no on this entire bill because of that. That doesn't mean that I'm changing my mind on the Attorney General's position. That doesn't mean that I'm trying to reverse my position. And I wish that we could just stick to these bills and allow us to vote and to speak to the content of the bill. So for those reasons, I oppose the overall bill, while I support the concept of an elected Attorney General."

Representative Jernigan rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. With reservations. I've never supported an elected Attorney General."

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

"Yes, Mr. Speaker, I favor this, but with some reservations. And the major reservation I have is basically, on the Attorney General, Mr. Speaker, is that the Majority Party would acquiesce to the will of the Minority Party in having an elected Attorney General. That's my only reservation. Thank you very much."

Representative M. Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. In opposition. And for brevity if I could incorporate the words of the Minority Leader as my own," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. I believe the Representative from Puna made a very good point. That these two offices, the elected Attorney General and an Insurance Commissioner, should not be in the same question.

"Also it's the process that I think is flawed. The fact that this bill with the elected Attorney General came up quite quickly, and then course there was no mention of the Insurance Commissioner in the Committee hearing notice. And then to just slip that in, in the HD 1 with no hearing, I don't think is a good way to operate. So for those reasons, I can't support this bill."

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

"With reservations, Mr. Speaker. A couple of reservations actually. The first is the process, again. There was no hearing on the argument as to whether we should insert the Insurance Commissioner in this measure.

"Secondly, I have always favored an elected Attorney General. However, I think we should retain the present appointed Attorney General Office, and add in an elected Attorney General. I think this model works very well in the City and County and other counties with a Corporation Council that serves the Executive and the departments, and a 'watchdog', a prosecutorial position such as we've had here in Hawaii. Thank you very much."

Representative Blundell rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3113, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Blundell, Ching, Finnegan, Fox, Halford, Leong, Meyer, Ontai and Pendleton voting no, and with Representatives Chang and M. Oshiro being excused.

Representative Pendleton rose, stating:

"Mr. Speaker, on the deposit beverage container program, I may have referenced inadvertently, the wrong legislator's remarks. I rose in opposition and asked that the gentleman from Kohala's remarks be incorporated, but I believe he's from Kona, and not Kohala. If the record could reflect that."

The Chair responded, stating:

"Madame Clerk, can you reflect that change. From Kohala to Kona. Representative Jernigan. He made reference to the Representative from Kohala. It's Kona right?"

Representative Jernigan: "That's correct. Last I checked."

Representative Morita, for the Committee on Energy and Environmental Protection presented two reports:

(Stand. Com. Rep. No. 1150-04), recommending that H.R. No. 174, as amended in HD 1, be referred to the Committee on Transportation; and

(Stand. Com. Rep. No. 1151-04), recommending that H.C.R. No. 240, as amended in HD 1, be referred to the Committee on Transportation.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 174, HD 1, and H.C.R. No. 240, HD 1, be referred to the Committee on Transportation, seconded by Representative Lee.

Representative Jernigan rose to speak in support of the measures, stating:

"In support with brief comments. Mr. Speaker, I think this bill is going to do two positive things. It's going to encourage recycling of vegetable oils or oils from restaurants, and also decrease our dependence upon foreign or imported oils. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 174, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ENCOURAGE THE USE OF BIODIESEL FUEL FOR ALL PUBLIC BUSES, FLEET VEHICLES, EQUIPMENT, AND FOR ANY OTHER APPROPRIATE APPLICATION," was referred to the Committee on Transportation, with Representative Chang being excused; and

H.C.R. No. 240, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ENCOURAGE THE USE OF BIODIESEL FUEL FOR ALL PUBLIC BUSES, FLEET VEHICLES, EQUIPMENT, AND FOR ANY OTHER APPROPRIATE APPLICATION," was referred to the Committee on Transportation, with Representative Chang being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1152-04), recommending that H.R. No. 84, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, 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 DEVELOPMENT OF A JOINT IMPLEMENTATION PLAN FOR WASTE TREATMENT IN HONOKAA," was referred to the Committee on Finance with Representative Chang being excused.

Representative Morita, for the Committee on Energy and Environmental Protection presented a report (Stand. Com. Rep. No. 1153-04), recommending that H.C.R. No. 125, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 125, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A JOINT IMPLEMENTATION PLAN FOR WASTE TREATMENT IN HONOKAA," was referred to the Committee on Finance, with Representative Chang being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1154-04), recommending that H.R. No. 96, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 96, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING," was referred to the Committee on Finance, with Representative Chang being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1155-04), recommending that H.C.R. No. 139, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 139, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING," was referred to the Committee on Finance, with Representative Chang being excused.

Representatives Arakaki and Kahikina, for the Committee on Health and the Committee on Human Services and Housing presented a report (Stand. Com. Rep. No. 1156-04), recommending that H.C.R. No. 204, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 204, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE IMPACT OF THE DEPARTMENT OF HUMAN SERVICES' POLICY OF EXPEDITED PROCESSING OF APPLICATIONS RECEIVED FROM PREGNANT WOMEN USING THE "MEDICAL ASSISTANCE APPLICATION FOR CHILDREN AND PREGNANT WOMEN ONLY" FORM ON EARLY ENTRY INTO PRENATAL CARE AND SUBSEQUENT BIRTH OUTCOMES," was referred to the Committee on Finance, with Representative Chang being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1157-04), recommending that H.C.R. No. 233, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 233, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROVIDE FOR THE COMPENSATION OF AWARDS, TO THE FULLEST EXTENT, AS DETERMINED BY THE MARSHALL ISLANDS NUCLEAR CLAIMS TRIBUNAL," was referred to the Committee on Finance, with Representative Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1158-04), recommending that H.C.R. No. 55, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE YOUTH OF THE FIRST REPRESENTATIVE DISTRICT AND COMMUNITY AGENCIES IN THE AREA TO DEVELOP COMMUNITY-BASED YOUTH PROGRAMS," was referred to the Committee on Finance, with Representative Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1159-04), recommending that H.C.R. No. 65, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON ASIA-PACIFIC EDUCATION TO ENSURE THAT HAWAII'S STUDENTS MEET HIGH PERFORMANCE STANDARDS IN EDUCATION ABOUT ASIA AND THE PACIFIC AND UNDERSTAND THE IMPACT OF THE STATE'S RELATIONSHIP WITH THE REGION," was referred to the Committee on Finance, with Representative Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1160-04), recommending that H.R. No. 149, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 149, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF ESTABLISHING ALTERNATIVE SCHOOLS OR DROPOUT CENTERS FOR ADOLESCENTS WHO SUFFER FROM DRUG ADDICTION," was referred to the Committee on Finance, with Representative Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1161-04), recommending that H.C.R. No. 212, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 212, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF ESTABLISHING ALTERNATIVE SCHOOLS OR DROPOUT CENTERS FOR ADOLESCENTS WHO SUFFER FROM DRUG ADDICTION," was referred to the Committee on Finance, with Representative Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1162-04), recommending that H.R. No. 143, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 143, entitled: "HOUSE RESOLUTION ENCOURAGING THE VARIOUS MEMBER LEAGUES OF THE HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION TO CONSIDER CREATING MORE COMPETITIVE MULTIPLE ATHLETIC DIVISIONS FOR HAWAII'S SECONDARY SCHOOL'S SPORTS PROGRAMS," was referred to the Committee on Finance, with Representative Chang being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1163-04), recommending that H.C.R. No. 205, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE VARIOUS MEMBER LEAGUES OF THE HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION TO CONSIDER CREATING MORE COMPETITIVE MULTIPLE ATHLETIC DIVISIONS FOR HAWAII'S SECONDARY SCHOOL'S SPORTS PROGRAMS," was referred to the Committee on Finance, with Representative Chang being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1164-04), recommending that H.R. No. 187, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 187, entitled: "HOUSE RESOLUTION REQUESTING AN AGRIBUSINESS INCUBATOR IN WAIALUA," was referred to the Committee on Finance, with Representative Chang being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1165-04), recommending that H.C.R. No. 260, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 260, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AGRIBUSINESS INCUBATOR IN WAIALUA," was referred to the Committee on Finance, with Representative Chang being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1166-04), recommending that H.R. No. 22, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.R. No. 22, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF AGRICULTURE TO AMEND ITS RULES TO PROHIBIT THE POSSESSION, PROPAGATION, SALE, TRANSFER, OR HARBORING OF NONHUMAN PRIMATES IN HAWAII, WITH CERTAIN EXCEPTIONS," was referred to the Committee on Judiciary, with Representative Chang being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1167-04), recommending that H.C.R. No. 39, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 39, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF AGRICULTURE TO AMEND ITS RULES TO PROHIBIT THE POSSESSION, PROPAGATION, SALE, TRANSFER, OR HARBORING OF NONHUMAN PRIMATES IN HAWAII, WITH CERTAIN EXCEPTIONS," was referred to the Committee on Judiciary, with Representative Chang being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1168-04), recommending that H.C.R. No. 105, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 105, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS TO ALLOW PRIVATE PAY PATIENTS TO RECEIVE DAY CONTINUING SERVICES, INCLUDING MENTAL HEALTH TREATMENT, PSYCHOSOCIAL REHABILITATION SERVICES, AND OTHER COMMUNITY SUPPORT," was referred to the Committee on Finance, with Representative Chang being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1169-04), recommending that H.C.R. No. 232, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and H.C.R. No. 232, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT," was referred to the Committee on Finance, with Representative Chang being excused.

SUSPENSION OF RULES

On motion by Representative Lee, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar. (Representative Chang was excused.)

STANDING COMMITTEE REPORT

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1170-04) recommending that S.B. No. 2589, SD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2589, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1171-04) recommending that S.B. No. 2950, SD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2950, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERIC SUBSTITUTION OF PRESCRIPTION DRUG PRODUCTS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Representative Hiraki, for the Committee on Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 1172-04) recommending that S.B. No. 2895, SD 1, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2895, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1173-04) recommending that S.B. No. 2647, SD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2647, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1174-04) recommending that S.B. No. 2377, SD 1, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2377, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Representative Hamakawa, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1175-04) recommending that S.B. No. 2968, SD 1, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2968, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE VIOLATIONS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1176-04) recommending that S.B. No. 2264, SD 1, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2264, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII FOR A MASTER'S DEGREE IN SOCIAL WORK BY DISTANCE LEARNING PROGRAM," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1177-04)

recommending that S.B. No. 2349, SD 2, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2349, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1178-04) recommending that S.B. No. 2820, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2820, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1179-04) recommending that S.B. No. 2281, SD 1, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2281, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1180-04) recommending that S.B. No. 3018, SD 2, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3018, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1181-04) recommending that S.B. No. 2440, SD 1, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2440, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1182-04) recommending that S.B. No. 2995, SD 2, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2995, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1183-04)

recommending that S.B. No. 3024, SD 2, HD 1, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3024, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL FORMATION," passed Third Reading by a vote of 50 ayes, with Representative Chang being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1184-04) recommending that S.B. No. 3193, SD 2, HD 2, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3193, SD 2, HD 2, pass Third Reading, seconded by Representative Lee.

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

"Thank you. Mr. Speaker, I'm rising to speak against Senate Bill 3193, the so-called, 'gas cap bill'.

"Thank you. Mr. Speaker, there are provision in the bill aside from just the overall concept of gas caps, there are provisions in the bill that I believe are going to cause it to be struck down on constitutional grounds. And this is specifically, if Members will take a look at the 'gas cap bill' and the Committee Report from the Finance Committee. On the Committee Report from the Finance Committee, item number 7 on page 2 states, the bill makes illegal any act to limit or control petroleum products in response to this Act. Then you refer to pages 8 and 9 of the bill, Mr. Speaker.

"Let me set up a situation where possibly, Tesoro finds that it cannot make a profit, or a decent profit, by selling its product here in the State, but may then contract to sell it overseas. Under this bill, the Auditor shall immediately report any condition affecting the supply of any petroleum products to the Attorney General, who shall institute all appropriate criminal and civil actions, and pursue all legal and equitable remedies that may be available to this State.

"The bill goes on to say, any person including any manufacturer, wholesaler, etc., who engages in any act, any act, that results in the limiting, control, or shortage of any petroleum product in this State shall be subject to a civil penalty not to exceed \$500,000; deemed to have committed an unfair or deceptive act or practice in the conduct of trade or commerce. That provides for treble damages to the lawyer bringing the case, and to the party bringing the case. And subject to the penalties specified in Chapter 480.

"Then it goes on, for purposes of this section, person means in addition to the definition contained in another section, any responsible corporate officer.

"So in plain terms, what the bill does is, it says the CEO of Tesoro, you make a decision that you can't make a decent profit here so you're going to sell your product overseas. We're going to fine you. We're going to have the Attorney General not only file a civil action against you, but a criminal action against you, and you as CEO, will be liable. And that is not just a chilling message; I believe it's an unconstitutional message. It's a total interference in the ability of that company to conduct business in this State. It can't conduct business if it's having to do so and losing money. Not able to continue its operation because it cannot make a profit. In that case, I think the fair thing to do would be for the Majority Party to say we're going to nationalize the petroleum industry and take it over.

This way is unfair. We're saying we're going to put you in jail as a criminal if you dare to sell your product outside of the State of Hawaii. That to me is just frightening. I mean this is basically unconstitutional.

"So then we would be passing a bill, Mr. Speaker, that I'm sure will be challenged in court just as the rent cap was challenged successfully by, I forget which of petroleum industry members. But we'll have another one where this is happening. And I can't see the sense in this Body doing that. We know that gas caps don't work. We know that gas caps drive small operators out of business. We know that gas caps cause the price of gasoline to rise. So why are we going down this road? Thank you."

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

"In opposition, Mr. Speaker. I would like to incorporate the words of the previous speaker as my own. And then make some comments please," and the Chair "so ordered." (By reference only.)

Representative Jernigan continued, stating:

"Mr. Speaker, if there's one thing a small business or businesses can't stand is uncertainty. I realize that this bill here will extend the implementation of the gas cap, but the problem is they're facing an uncertain environment. They don't know what's going to happen to them. And when that happens, their source of money dries up. Lenders won't loan them money. And so what we've seen so far in communities around the State is gas stations closing up because they can't borrow money to expand or do major repairs. So that they face that uncertainty. I know this bill is a bad bill, but in implementing it, it's probably going to hurt. But I think they might be better off in the long run, just to end the uncertainty."

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

"Thank you, Mr. Speaker. In support with serious reservations. I would like to incorporate the words of the Representative from Kona and Kailua, both. They both made very good comments," and the Chair "so ordered." (By reference only.)

Representative Halford continued, stating:

"Mr. Speaker, about the only reason to be in favor of this bill is that it's a vehicle that will go to Conference and hopefully could be changed to become something okay. Thank you."

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

"Thank you, Mr. Speaker. In opposition, and the words from Representative from Kailua and Kona as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Moses continued, stating:

"And I've just got to add again, gas caps have never worked. They never will work. Let's not do it. Thank you."

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, I've enjoyed the *Advertiser's* growing realization that gas caps are a completely misguided idea. We've had the editorial that reversed its previous position saying that it is no longer

supports gas caps. And we have in today's paper a detailed discussion of the gas cap law article written by Debbie Sokei and Shawn Hao. And they point out that the current price of gasoline in Honolulu is \$2.05 a gallon. They have a nice color picture that shows a gas station on Beretania Street, where that's \$2.09.9, really \$2.10 a gallon. And of course that's pretty shockingly high.

"But then the article goes on to point out that the gas price is higher in California. And that under that the current law, the one that's just about to go into effect, the gas cap law that this Legislature in all its wisdom passed two years ago, under this current law, the gas cap would have a price of \$2.31, Mr. Speaker. \$2.31 would be the average price on Oahu and on the Island of Maui, \$2.65 under the gas cap law.

"And as we know, Mr. Speaker, from the Stillwater report, over a period of three years, 68% of the time the gas cap price was above the actual price of gasoline on Oahu. So this is a terribly misguided idea. The only thing that we should be doing as a Body is repealing the gas cap. Thank you, Mr. Speaker."

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

"Mr. Speaker, with reservations. And just a brief comment. I would like to point out that voting no on this measure would mean that we would have the gas cap go into effect this July instead of delaying it for one year. So a no vote means we support a gas cap, and it should go into effect as soon as possible or by this summer. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in opposition. And I think it's really interesting looking at a *Maui News* article that just came out within the last day or two. And at least on Maui, it seems to be a real nonpartisan issue. Because on both sides of the aisle, and then I'll quote, 'I'm opposed to the gas cap,' by one Representative. Another Representative, 'I cannot support the bill as it is.' Another Senator, 'I don't think that the gas cap is going to work.' And so it seems to me that at least on the Island of Maui, we do have a bipartisan decision that it's not a good idea. So for those reasons, I'm voting no."

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

"Mr. Speaker, I rise in opposition. I'm going to insert the balance of my remarks," and the Chair "so ordered."

Representative Pendleton continued, stating:

"But I just want to make it clear that I'm voting no on this not because I support gas caps, but because I support an outright repeal. And I don't appreciate the gentleman from Manoa always trying to insert my intent into the record. I want it clear that I support repeal, outright repeal. I'm voting no on this and my remarks will be consistent with that when I insert them into the Journal. Thank you."

Representative Pendleton's written remarks are as follows:

"Mr. Speaker, I rise in strong opposition to Senate Bill 3193, Senate Draft 2, House Draft 2. According to the official bill description, this measure tweaks or improves upon this measure. But that would be akin to suggesting that one could improve upon something as bad as a gas price cap. One cannot. One can only repeal it.

"In short, Mr. Speaker, the purpose of this bill is to make changes to the gasoline price caps established by Act 77, Session Laws of Hawaii 2002. The bottom line is that this bill is seeking to repair a law which should be repealed in the first place. I am strongly opposed to gasoline price caps specifically, and I am opposed to price caps in general.

"Mr. Speaker, it must be acknowledged that Act 77 also mandated the Department of Business, Economic Development, and Tourism (DBEDT) to conduct an empirical, technical and analytic examination of Hawaii's petroleum market.

"DBEDT completed its comprehensive study and compiled its findings and policy options. First and foremost on their list was the call for the repeal of the gasoline price caps. During the House Committee on Finance hearings, Director Liu testified on behalf of DBEDT and he elaborated on the findings of that study. Director Liu testified that, 'The September 2003 Act 77 study concluded that, while the price cap mechanism could be improved, historically and in practice, price caps have demonstrated to be ineffective, risky, costly to administer, and open to manipulation.'

"Director Liu goes on to say that, 'The report's conclusion is clear and convincing: Any attempts to develop new price caps, or improve the existing Act 77 caps will not result in fair and reasonable consumer prices if implemented.' A price cap formula cannot effectively address the vagaries of all market locations, and the variety of types and levels of capitalization of Hawaii gasoline reseller businesses. Thus, price caps cannot be truly equitable.

"Mr. Speaker, this is echoed in the testimony by Jerry Ellig, Deputy Director of the Federal Trade Commission's Office of Policy Planning. He testified before a Joint House and Senate Hearing on January 28, 2004 that 'historical experience demonstrates that price controls tend to create shortages, reduce quality, and generate other inefficiencies. The U.S. experience with gasoline price controls in the 1970s confirms the predictions of economic reasoning.' He goes on to say that 'some research even shows that the inconvenience and other inefficiencies associated with gasoline station lines cost consumers more than they saved as a result of regulated gas prices. The price controls in Act 77 likely would create shortages.'

"He concluded with, 'we urge you to consider however, that a decision to impose price controls is also, in most cases, a decision to supplant competitive forces with direct administrative intervention. A significant body of research and experience suggests that price controls have a poor record of improving consumer welfare in markets where competition is possible, and may in fact cause more harm than good in the long run.' His testimony is found at <http://www.ftc.gov/be/v030005.htm> and makes a compelling case against our gas cap law.

"Mr. Speaker, risks of a failed gasoline price cap policy include supply shortages, fuel business closures, fuel business closures, departure of capital from the state, additional barriers to market entry, anti-business image, incentives to produce diminished, and other unintended consequences.

"Furthermore, it is preposterous for us in government to continue to complain about Hawaii's high gas prices when policies by the state have made our gas taxes among the highest in the nation and when our regulatory and statutory framework has discouraged and diminished competition in this vital industry. Instead of imposing price controls, we need to see reductions in state fuel taxes and increases in competition. We

want more market participants and actors in our Hawaii fuel market. We want lower fuel taxes, not higher taxes. How can government seek to solve a problem with a price cap when we have in place taxes and laws which are at odds with bringing down gas prices?

"History and economists have warned that price caps are a bad idea. We need to repeal Act 77, Session Laws of Hawaii 200 because trying to tweak it or amend it or fine-tune it or quick fix it will not work. None of these superficial adjustments are sufficient. For the sake of our *keiki* our people and the cause of competition we must repeal this law. For these reasons, and so many more, I stand in strong opposition to SB 3193, SD2, HD2. Thank you, Mr. Speaker."

Representative Karamatsu rose in support of the measure with reservations, and asked that the remarks of Representative Caldwell be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"A no vote. And I will also insert the balance of my remarks.

"And mention that this Body had the opportunity to repeal this Act 77 just in the past number of weeks. Your Republican Caucus, Mr. Speaker, did propose an amendment that would repeal and do the right thing. And that's the way that we feel is the best thing for the people of Hawaii and the gas prices. We feel that competition is the answer to lowering the gas prices. And we absolutely believe that lowering the competition by further increasing the regulations is only going to worsen the problem.

"And so the answer isn't to add one more year on to this already politically charged issue. We know many Members in this Body have gained dramatically from the previous gas cap. Many people were hurt by the mail-outs that went out prior to the election."

Representative Saiki rose to a point of order, stating:

"Mr. Speaker, point of order. The speaker needs to contain his comments to the measure before us."

The Chair responded, stating:

"Representative Stonebraker, can you contain your comment to the measure before us here, and not address whatever was mailed out at this period in time."

Representative Stonebraker: "Mr. Speaker, I will do my best but we have to face reality and be honest."

Speaker Say: "Representative ..."

Representative Saiki: "Mr. Speaker, point of order."

Speaker Say: "Representative Saiki."

Representative Saiki: "The Chair has made a ruling."

Speaker Say: "Yes. Representative Stonebraker, please confine your remarks to the ..."

Representative Stonebraker: "Well, Mr. Speaker, I would just hate to see a bad move forward based on political posturing with an election coming up."

Representative Saiki: "Mr. Speaker, point of order."

Speaker Say: "Representative Stonebraker. Representative Saiki."

Representative Saiki: "Point of order. This goes to motive or intent."

Speaker Say: "Your point is well taken."

Representative Stonebraker's written remarks are as follows:

"This Legislature has found its bad guy. The straw man on which to beat for the public's engagement: Gas Companies. Nobody likes to pay for gas and Hawaii's prices are high. We have an oligopoly. Few competitors will create a market that allows for artificially high prices. The answer to that is more competitors, not government involvement. If those driving for this cap really believed in it there would be overwhelming support for immediate implementation. But there is not. Act 77 was passed with a two-year delay that allowed politicians to strike a pose and more or less pantomime for the slogan of "Lower gas prices." Opponents of this law were portrayed as heartless and corrupt...being in the pocket of "Big Oil".

"Now that the time has come for the Act to take effect the Legislature is back peddling. Why? They believed in it so wholeheartedly, but now what? Am I to believe that the bill before us is the only alternative to Act 77? That we must push off the implementation one more year? Can't the Majority make up its mind? If it is bad, repeal it. If it's good, enact it! I'm calling your bluff. I want people to know the result of this policy now, good or bad, but I won't sit here in silent opposition awaiting my name to be maligned in the upcoming months.

"Indecision on the part of this body is unacceptable and suspect. May the public be warned of this body's activities."

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

"Thank you very much, Mr. Speaker. I have strong reservations, and I wish to reincorporate my comments on Second Reading to be referenced into the Journal. Thank you," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In opposition. Request permission to insert the balance of remarks. And I just have a few comments," and the Chair "so ordered."

"I just want to say that this ought to be repealed, or let's do it. Let's see how good or bad it is, immediately. I mean it puts a cloud over the industry, this indecision that the Legislature has, trying to meddle into gas prices. Thank you, Mr. Speaker."

Representative Ontai's written remarks are as follows:

"This continued effort to tinker with gasoline prices in our State perpetuates the cloud that hangs over this already troubled industry. I propose that we quit messing around and repeal it. If repeal is not done, then let's enact this thing immediately. We will find out how wrong it is more quickly and will allow us to leave this dumb legislation behind.

"Additionally, the raids on the Highway Fund over the years clearly point out a serious integrity problem in our system. One of the reasons our gas prices are so high is that we have the highest per gallon taxes in the United States. The State's portion is deposited in the Highway Fund. This Fund is supposed to be used for highways. In fact, \$143 million has

been taken out of the Highway Fund over the past 8 years. Just a couple of days ago, I voted against another bill that passed this House allowing for an additional raid from the Highway Fund of \$12.5 million.

"We are deceiving our taxpayers. On one hand, some accuse the oil companies of gouging -- at least they are in the business to make a profit and employ State residents. On the other, we force people to pay into the Highway Fund, but we divert this highway money into the general fund.

"Mr. Speaker, we ought to repeal this gas cap or enact it now so that we can clean up the damage to our State's economy quickly."

Representative Mindo rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

"Mr. Speaker, I'm going to take some advice from my Representative from Manoa. I'm going to vote with reservations because I believe that this is a vehicle to repeal Act 77. So if that's the case, then this may be a good thing to move forward. But I want to also echo and challenge this Body to either repeal it or implement it now, and remove the cloud that now is over the industry. Let's either move forward with it, or just do away with it altogether and stop playing around. Thanks."

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

"Thank you, Mr. Speaker. I vote with reservations also because I see this as the only vehicle not to put the gas cap in process by July 1st of this year. So it would at least give us another year and another Body to consider this whole question.

"I think the problem basically is, in my mind, that I want to do something for the consumer. And the consumer is being hit by these high gas prices, particularly in my district where you have to drive 25 to 100 miles to work on the other side of the island. It really hurts the consumer. But I'm not sure that we have found the right solution to do something for the consumer. Maybe the State has to just take over the gasoline industry and run it. I don't know. But at least it gives us another year to think about it. Thank you."

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

"Yes, I rise in favor of this measure. I will keep this short since this will go to Conference and come back again.

"But, Mr. Speaker, for those that argue that the gas cap law can't work and will have no benefit to the consumer, I say, I have some good news for you. The benefits of this measure has already been felt. The law has not yet gone into effect, yet the threat of a gas cap law has created the effect of a gas cap and has stabilized our gasoline prices in Hawaii and saved consumers already millions of dollars.

"It's interesting, Mr. Speaker, to observe that prior to the gas cap measure being passed, Hawaii's average gasoline prices were roughly, anywhere between 20 cents to 60 cents higher per gallon than California. Since we originally passed this measure, Mr. Speaker, the prices in Hawaii have stabilized to the point that the average gasoline price per gallon in California and Hawaii currently remains about the same. And Hawaii no longer has to pay 20 cents to 60 cents per gallon higher than California. Very interesting.

"One can conclude that the threat of a gas cap law has reduced gas prices to the point where Hawaii has price parity with the mainland, as we have always asserted should be the case. And opponents have argued that that would never happen.

"Additionally Mr. Speaker, someone argued about some unconstitutional language in this measure. Mr. Speaker, anything that we pass here in the Legislature may be deemed unconstitutional. But that is not the role for the Legislature to determine. As we all know, that is for the courts to decide.

"Someone said, 'Why delay this measure?' Well actually, the delay recommendation is from this Administration. As DBEDT Director Ted Liu had stated, the extension is essential to making the necessary preparations for implementation.

"So Mr. Speaker, people have argued that there is nothing that we can do to stabilize gasoline prices. But as I have already asserted, we have already stabilized the gasoline prices here in Hawaii. And that is something consumers can take home to the bank. Thank you."

Representative Herkes rose to disclose a potential conflict of interest, stating:

"A ruling on a potential conflict. I'm not in the gasoline business, but I buy gasoline," and the Chair ruled "no conflict."

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

"Thank you, Mr. Speaker. Rise in support and I would just like to incorporate my remarks from Second Reading by reference.

"And also remind Members that the problem, again, the problem that we face, and this is from a U.S. Senate investigation, is that gasoline pricing has nothing to do with production costs. It's what the market will bear. And right now the consumers are bearing the brunt of it. And so we really need to work and investigate this issue closely as we move forward, and we need the time to do that. Thank you."

Representative Meyer rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I would like to declare a possible conflict. My husband and I, and a partner do own a service station which we lease out on the Big Island," and the Chair ruled "no conflict."

Representative Meyer continued in opposition to the measure, stating:

"Thank you. I'm rising in opposition to this measure. As the Representative from Hawaii Kai mentioned, we could have repealed this just about a week ago when we offered an amendment. The Stillwater report, which we paid dearly for, made it very clear that what we must do to get prices down is encourage competition.

"And that was another matter that our amendment tried to address in eliminating all the divorce laws that we have passed over the last seven or eight years. By dictating where a station can go, how close it can be to another, who can own it, what the rent must be, these things don't make a competitive market. That is a real encroachment by the Legislature and the government into a private sector business. So until we get rid of all this dictating through these divorce laws, we don't have as competitive a market as we could have. So if we had

passed that amendment when we offered it up a couple of weeks ago, we wouldn't be having this discussion tonight.

"I feel that people who have been behind this gas cap law just can't give it up. And it is, it's a terrible black cloud over the industry. We would like to sell our service station but boy, people are afraid. They're not sure about the retail caps because the retail caps are still there, if we don't do anything this year. My colleague from Manoa would say, 'Well, Representative Meyer. You should be supporting this because otherwise the law they passed two years ago would go into effect.' But I didn't vote for that either. I mean, I don't have a problem arguing why I'm saying no to this one. The whole idea I believe is anti-free market and something that I would never support. Thank you, Mr. Speaker."

Representative Halford rose to respond, stating:

"Thank you, Mr. Speaker. Still with reservations. I just wanted to clarify a point made by the Representative from Kauai regarding production costs and market forces.

"Mr. Speaker, nowhere in a free market are prices based on the costs of production. There's no exception. They are based rather on the dynamics of supply and demand, or market forces. Mr. Speaker, it's only in the case of say a regulated monopoly where prices are fixed by the government, or the government participates in a fixed price based on cost of service rather than value of service. Thank you."

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

"Thank you, Mr. Speaker. Still in opposition. And once again, the Representative from Manoa impugned my motives by saying that by voting against this bill, I want the gas cap to go in effect sooner. And that is absolutely untrue. I do not want the gas cap to go into effect at all. I repeatedly voted no for it. I don't believe gas caps work.

"Also we heard testimony that the gas cap already has done millions of dollars of good. I haven't seen any figures with millions of dollars in it. But it has helped the consumer, I've heard, because the prices have remained low. Lower than they would have otherwise. And they haven't fluctuated. Well when the prices of gas were not as low here as they were in places on the mainland, I thought we heard that the reason they didn't go up or down as fast as on the mainland is because they buy in different quantities here. And they have to ship it here. So the prices, I was always told, remain pretty stable, pretty level. They don't go up fast. They don't go down fast. So the simple fact of again, supply and demand, having the gas here, already here, means it cannot go up and down like it does on the mainland, which in this case is good. If it is tied to the prices in California, it will go up. It should go up already. But it can't go up that fast unless it's artificial. It's not going up because that's what it needs to do. It's going up because that's what the law tells it to do. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise with reservations. Like some of the previous speakers, I support the idea of this bill moving forward because it will change the effective date. But if we were voting on the repeal of it, I would support the repeal of the gas cap.

"But in talking to the citizens in my community, they're really worried about the future. In the future, what will happen next year, or the year after, if we don't get control of the price of gasoline? They are asking. The citizens are saying to us,

'What are you going to do about the gasoline prices?' I hear it all the time. When I was in my community saying that I supported the repeal, I was amazed at how many people said, 'But what are you going to do about the price caps, because this is intolerable?'

"But what do gasoline prices mean to people? I think it means their freedom. It means their freedom to get into the car and go where they want to go. And people really depend on their cars and equate freedom with them. And this is America. And they want their freedoms. So I do think they want us as policymakers to look at the issue. So with that, I support the extension of the effective date. Thank you."

Representative Fox rose to respond, stating:

"Thank you, Mr. Speaker. Briefly, this is my second time. I think that the Chair of Consumer Protection is entitled to his opinion that the gas cap bill is responsible for gas prices staying below those of California. I would rather credit the rising competition in Hawaii, particularly that offered by Costco. It's making a tremendous difference in this market wherever they're selling gas.

"And I would like to just remind Members, Mr. Speaker, that the Sherman and Clayton Antitrust Acts, which dealt with the original monopolies in the oil industry, Standard Oil, fought the problem by creating more competition, not by going to a government imposed monopoly. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. Just briefly, I do believe that we as this Body have the obligation, duty to our citizens of this State to look before we leap. And so with all due respect to the esteemed Chair, I do believe that we should be careful when we look at bills and not depend on the Judiciary to sort out what is unconstitutional and what is not, given that there is a backlog, and given that it is costly. It's costing the taxpayer.

"If indeed as the Representative of Kailua says, that this is unconstitutional, this just furthers us in our vulnerability to lawsuits and it furthers our taxpayers to more taxes. So the vulnerability to lawsuits, as well as the bad business image that we would further by doing what we are doing, by, forgive the expression, but 'Chinese water torture' to our businesses, I think that this is wrong. It was wrong from its foundation. And that is why I continue to be against the gas cap."

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

"Mr. Speaker, I rise with reservations. As a new Member of the Finance Committee, this was something that I had never seen before in a Committee. And I had asked Mr. Caliboso last week, from the PUC, to give us some statistics as to what the gas prices would be if the gas cap, as changed or amended, would be on that particular day. And the Minority Leader mentioned those."

Representative Meyer rose, stating:

"Is he for or against?"

The Chair responded, stating:

"With reservations, yes."

Representative Wakai: "I think I stated that at the outset."

Speaker Say: "Yes, you did, Representative Wakai. Please proceed."

Representative Wakai continued, stating:

"And Mr. Caliboso came up with the figures that the Minority Leader had mentioned. That the gas prices would go up dramatically if we had the gas cap implemented today. I find it very hard to argue with those figures because a lot of these discussions that have gone on two years ago, and continue to go on today, are conjecture. We believe this. We believe dark clouds. We believe it's had a benefit. We believe. We believe.

"There's nothing questionable about the numbers. The numbers speak for themselves. If the gas cap were implemented today, people at least on Oahu, would be paying 23 cents more per gallon. So I'm voting with reservations in hopes that we can improve the gas cap. Thank you."

The Chair then stated:

"Members, any further discussion? Representative Bukoski, one more time. Your second time."

Representative Bukoski rose, stating:

"Mr. Speaker, I'd just like to ask a point of information. If I could."

Speaker Say: "To the Chair?"

Representative Bukoski: "Yes. I was wondering, Mr. Speaker, what is the purpose of delaying the implementation date of the gas cap?"

At 7:22 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:26 o'clock p.m.

The Chair then stated:

"At this time, the Chair recognizes Representative Bukoski, if your inquiry was answered to by the Chair."

Representative Bukoski continued, stating:

"Yes, Mr. Speaker. I'd just like to also change my vote with reservations, to a no vote."

Representative Kawakami rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. In opposition. Just a few comments. As I look at the amendments and how the law is, and the amendments and the changes that are proposed, we're constantly trying to look at different ways to make the gas cap work. But as I brought up in earlier arguments, the reason why we're doing that is because we don't know what we're capping. We're basically gas capping in the dark. We're reaching and trying to find a solution when we really don't know what we're doing.

"I also don't understand how we can be islands sitting in the middle of the Pacific Ocean, and the Stillwater report shows

that there are all of these other factors that could contribute to higher gas prices. We ignore that, and say that we can cap. Without knowing the information, we can cap our prices here on Oahu. But when it comes to the other places like Hana, Molokai and Lanai, that we can't cap them because they're even more isolated. I guess I don't understand that reasoning as well.

"So as we look at this, I go back to the arguments that the Stillwater report and the FTC and the NCSL, their reports that suggest that we should be looking at repeal, and we should be looking at transparency, and we should be looking at competition.

"It is kind of scary for me as a legislator, we don't have much time with our families right now. I went to Costco on Sunday to go fill up gas. The lines were very, very long. But I had a choice. I had a choice to go and pay higher gas prices to spend more time with my family. I might have been sitting there for half an hour, forty-five minutes, to go and fill up my tank, but I decided to go somewhere else. I think we should have those choices. And that we should have measures to promote competition so that we can have more options instead of just looking at what's, like I said, trying to gas cap in the dark. Thank you."

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

"Thank you. I rise in support of this bill. Thank you. There's been a lot of citations, references, as to the Stillwater report. And if Members take a close look at the whole 146 pages of the Stillwater report, what they'll find is on page 1 of the Executive Summary, it says: the high profitability of Hawaii's gasoline market relative to other markets is indicative of the use of market power in an oligopoly. Similarly on page 22, it says: one of the main problems with our market, they did say that it was "highly inelastic." Similarly on page 57, it says: part of the problem in our marketplace is that there is a lack of independent wholesalers and there is a lack of unbranded retailers. So when you look at this Stillwater report, what it does say is that there are problems with our marketplace. And what this bill is really trying to do is it is trying to find a way that we can find an approach to fixing this problem.

"We've recognized it's a significant problem that consumers have been asking for the last few years. And maybe gas caps are not the answer. However, maybe it is. What we do know is that there are significant problems out there in the marketplace. Even Stillwater will admit that. They come to a different conclusion; however, our job as policymakers is to figure out what is the answer that will make this work.

"People have criticized the fact that maybe we should just have the implementation immediately. But that's not what we want to do. What we want to do is make sure that we move carefully, study this issue as closely as possible and make the right decision. And that's what this bill tries to do. It's specifically requesting that the Auditor get involved so that we can have more disclosure and get more information. It's specifically requires a task force to be set up to look at the marketplace on the Neighbor Islands. And that's what we need.

"And if people are wondering, why we want a delayed implementation date? Why we're not repealing Act 77? One of the major reasons is the only way we'll get the proper information in order to figure out what is going on in the marketplace is to have some sort of 'hammer' out there. If people believe that there is no 'hammer', no fines, no penalties, then we will not get disclosure. We've already seen that in the State of Alaska, where litigation had to be undertaken in order for consumers to get information from Tesoro.

"The gas companies do not want to disclose how it is that they come up with their pricing mechanisms. Obviously, they cannot do that in public because then it becomes an issue of anti-trade. So it's hard. We call them up to our hearing, we're asking them in front of a table in public, 'Hey how do you set your prices?' They can't discuss with their competitors right there because that's anti-trust. That's three people sitting around and all of a sudden, they're talking about their prices? That's collusion. So what we need is we need somebody independent to look at this and try and figure it out. And that's why we've come up with this bill. And it is a very complex bill.

"Is it a 'silver bullet' that's going to solve everything? I don't think anybody is saying that. I don't think anyone is saying that this is exactly what we need. But everybody admits, Stillwater admits, there's a problem in the marketplace and what we're trying to do is figure out a way to fix it. Thank you."

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

"Thank you, Speaker. First, I'd like to request that the words of the prior speaker, the Chair of CPC, and EEP also, to be inserted into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Sonson continued, stating:

"And to echo the highlights that were pointed out by the previous speaker, there are some good things in this bill. The establishment of the task force to investigate the petroleum industry's practices and operation on the Neighbor Islands will benefit these Neighbor Islands because I think, the Representatives from Maui especially, should know and understand, that their prices are way higher than our prices in Honolulu. And those prices can't be explained by looking at the cost alone, or looking at the moving of gasoline from this island to that island. So there is something more that we don't know.

"And as stated by the prior speaker, cost is something that we cannot figure out in our Committee hearings. This is something to be done probably by the Auditor. I did personally ask questions regarding costs. And the testifiers who are representing the gas companies were very evasive. Basically they said, 'I have to ask my boss first'. And yes, they probably cannot disclose that and the reason for that probably is, of course I'm guessing, Mr. Speaker, because that's all I can do. It's probably because they don't want to tell us. Because we can take a look at things that make sense to a common person like, well how do we make gas? Don't we need something? Do we need to buy something?

"And if we look at it, we make gas out of barrels of oil. And since barrels of oil are the same when we buy it from the same market, we should be able to predict what the outcome is. If we can see from a trend that if the barrel of oil goes up, the gas prices go up. And if the price of barrel of oil goes down, and we can see that the price of gas goes down, we can sort of predict that there is a connection between the price of the base, which is the oil, and the product which is gasoline. But if you look at a market like Hawaii and you compare it to the mainland, you'll see different results. In the mainland it's very clear in their testimonies as to this and also evidence, paper documents indicating that on the mainland, you can predict that if the price of a barrel of oil goes up, you can also see that the price of gas goes up. And if it goes down, gasoline goes down.

"And I repeat, in Hawaii, that's not the case. What happens is if the price of oil goes up, gasoline prices rise very fast. And when the price of oil goes down, you have this price of gasoline

hanging around and it stays where it is or it goes down very little. So we have an imperfect market due to a lot of things. And one of them, yes, I think the speakers that are advocating a better market or free market, more competition in the market, they are correct. But we don't have that. A gas cap in this case, we should say 'capping profits' really, not capping prices, is a tool that we can use to correct this imperfection in our marketplace. And I strongly believe that the CPC Chair is correct when he said there is a 'silver lining to the dark cloud' that's been spoken of by the opponents of this measure. And that is we can see that we have stable pricing now with the threat of this 'dark cloud'. There is no reason not to believe that. It has to be. It is something that we can see. It makes sense. And to argue that, 'Hey if we had had the gas cap today, we would ...'

Representative Thielen rose, stating:

"Mr. Speaker, has he exceeded his five or ten minutes?"

The Chair responded, stating:

"Not yet. Please proceed, Representative Sonson."

Representative Sonson continued, stating:

"Thank you very much, Mr. Speaker. And to argue that if we had the gas cap in place today, as the law that was passed previously, we would have higher prices than the mainland or California to which it was tied. That is really not a correct statement, Mr. Speaker, because that would be the maximum price. The reason why we're doing this to begin with is we know that the customers or the consumers are being gouged. By saying that the market will follow the maximum is to say that the vendors of gasoline are always following this thing to maximize at the cost of the consumer, which is to gouge them at the highest point although their actual cost of doing business is actually much lower."

Representative Lee rose to yield her time, and the Chair, "so ordered."

Representative Sonson continued, stating:

"Thank you very much, Representative. So you see, Mr. Speaker, it's okay to debate these things. It would put these points out there. But I, and a lot of consumers out there are hoping that we can come up with a solution. We know that capping gas profits or capping prices is not the perfect solution, but I believe that is doing something good. I believe as the Chair of CPC believes, it has a 'silver lining' although it is referred to as a 'dark cloud'. We should go on. And we should try to find a better way to fix the problem. Yes, I think we should investigate the way that the petroleum industry is doing business in Hawaii. There should be a connection between the cost of the doing business and the profits that you make.

"And more so we have to know that this product is not toilet paper. I think I've heard arguments regarding this, or likening gasoline to toilet paper or a commodity that we can do without. Yeah, I can do without toilet paper. I've done it before. We can find a suitable substitute is what I meant.

"And I will wrap up Mr. Speaker. You see, gasoline is something that we cannot do without. Our economy is tied to this product. And our lifestyle is tied to this product. And since we have very little competition in this particular area, we are actually slave to this particular product. So Mr. Speaker, let's listen to our consumers. Let's find an answer to this. And let's support and continue to support this work in progress. Thank you very much."

Representative Jernigan rose to respond, stating:

"Mr. Speaker, I rise for a second time. Thank you, Sir. I believe the previous speaker spoke incorrectly when he was speaking about the price of crude oil going up on the mainland and the price of gasoline following it, and the price of crude oil going down and the price of gasoline following it. Actually on the mainland, I believe market forces drive the prices of gasoline. In the summertime when everybody's driving on vacation, you see the price of gasoline go up even when the price crude oil doesn't go up. In the winter time, when you have less driving, you see the price of gasoline going down. And actually the price of crude oil might be going up. In the wintertime you have a heavy demand for home heating oil.

"But he was I believe correct at the last of his comments saying we need more competition. The mainland has competition. We need competition to control our prices. And again that's why I oppose this bill. Thank you."

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

"Thank you, Mr. Speaker. I rise with reservations. Thank you, Mr. Speaker. I want to thank the Representative from Aiea for bringing forward the information that he did. I would like to adopt his words and to reflect in the Journal as though they were my own," and the Chair "so ordered." (By reference only.)

Representative Kaho'ohalahala continued, stating:

"I would like to add, Mr. Speaker, that I think some mention has been made of the Islands of Lanai, Molokai, and now Hana which is added to the bill to be exempt from the caps. Let me tell you that the Island of Lanai pays the highest prices for gasoline in the State of Hawaii. If any of you can top \$2.89 a gallon, please rise.

"The point that I want to make is that the gas cap, if you looked at it from a Lanai perspective, we should be supporting this if we were trying to look at caps, but we're exempting Lanai, Molokai, and Hana. And the reason we're doing the exemptions is because these communities, on my island, 3,000 people to consider that a gasoline operation and a business would be capped. It wouldn't be possible for them to exist. But nonetheless, I think the consumers and the people of Lanai and Molokai, and Hana for that matter, would like to understand a little bit more about why gas prices are the highest in the rural communities. So it is for those reasons, Mr. Speaker, that I need to support this measure moving forward because I think that if we can find any way to bring any relief to Lanai, Molokai, or Hana, then we should strive to do that. And if looking at this issue with the gas cap is going to help us to find some of those answers and that they are in fact going to bring some measure of relief to these rural communities and islands, then I need to know that that's the direction that I should be supportive of.

"I would just like to add Mr. Speaker, that looking into the future, that I hope the discussions on this Floor will be shifting from gas caps, and that perhaps island communities and perhaps Lanai for that matter, might take a more futuristic attempt to look at a hydrogen economy. And that we would not be talking so much about fossil fuels and debating fossil fuels but we'd be talking about how renewables are going to be producing a hydrogen economy. And to me that's very tinnabulating. And I'd like to say that an island like Lanai could demonstrate that kind of need and island thinking to bring us into the future, and that's where I would like this discussion to go. So, thank you."

At this time, the Chair announced:

"Thank you very much. The Chair will allow those Members who have not spoken yet to be given the opportunity. Is there anyone else that wants to speak? Representative Tamayo. Representative Bukoski, yes?"

Representative Bukoski rose, stating:

"Mr. Speaker, I believe I'm rising for the second time to speak substantively on this bill. I believe other Members have spoken two times, so when you have a chance, if you can recognize me please."

Representative Luke rose to a point of order, stating:

"Point of order, Mr. Speaker. I believe that would be Representative Bukoski's ..."

Representative Bukoski: "My second time rising was on a point of information, Mr. Speaker. Thank you."

Representative Luke: "I believe the second time that he stood was to change his vote. He stood up the third time on the point of order. So this would be the fourth time."

At 7:44 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:51 o'clock p.m.

At this time, the Chair stated:

"Prior to the recess, the Chair would like to restate what he said. For those who have not spoken for their first time, the Chair will allow you. So I recognize Representative Tamayo. Would you please proceed."

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

"Thank you, Mr. Speaker. I'm rising with reservations. First I would like the words of the Vice Chair of the Judiciary Committee to be inserted into the record as my own," and the Chair "so ordered." (By reference only.)

Representative Tamayo continued, stating:

"I don't support caps on gas, or any other products. First of all I'd like to state that. But from what I have seen from hearing the debate and looking at the different research and seeing what has gone on in the last couple years, is that this bill and Act 77 have so far, achieved what the original intent was, and that was to raise awareness and hold the suppliers accountable. What we're doing here is letting these suppliers and letting the people's voice be heard – that we can't handle these unnecessary high prices.

"I'm very skeptical of gas caps, which is why I'm supporting extending the implementation date. Caps of any kind are a very, very serious thing that no one should take lightly both now and in the future. And we need to gather as much information as we can so that in the end we end up doing the right thing for the people. Thank you, Mr. Speaker."

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

"In support. Mr. Speaker, I was persuaded by the testimony of Professor Fox before the Finance Committee. Dr. Fox

pointed out that under the current draft of the bill, it is only wholesale prices that are capped, and not retail prices. And therefore, wholesale price caps will follow crude oil prices, and retailers will be free to charge whatever prices they wish. Retail prices will simply be determined by what your competition decides to charge, and how much you want to compete them.

"Dr. Fox also pointed out that it is very difficult for competition to enter our State since we are such a small market with a very limited land mass. We have already seen an example where a new company tried to open a third refinery, and was shut out by one of the giant companies here.

"The problem has gotten out of control. I recently received an email from my friends in Maui that are trying out of desperation to wage a gas war by encouraging everyone to boycott the big gas sellers. The consumers clearly need our help. And we need to do this for the future of our State. Thank you."

Representative Takai rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Nakasone rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Kahikina rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Waters rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Lee rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"I rise in support of this measure.

"While it seems clear to me that the Hawaii gasoline market is not truly competitive, I have come to have my doubts about whether Act 77 (which I originally voted for) is workable.

"Certain business costs in Hawaii, such as the price of land, are relatively high. However, the sometimes-extreme variation in gasoline prices between Hawaii and the rest of the United States cannot be fully explained by these higher costs.

"Even more telling is the stubborn upward price bias of gasoline prices here in Hawaii. Prices in continental markets fall when crude oil prices fall. Here in Hawaii, gas prices often remain high long after crude prices have fallen. Furthermore, press reports indicate that at least one oil company that does business in Hawaii makes 14% of its profit in Hawaii despite the fact that Hawaii only accounts for 3% of the market. These indicators suggest that the market for gasoline is not functioning as it should.

"The ideal solution to the high price of gasoline here in Hawaii would be more competition. It is my hope that new competitors like Costco will bring a truly competitive gasoline market to Hawaii. Until that occurs, government intervention of some kind may be necessary to protect the consumer from price gouging. That being said, I support a delay in the implementation of the gasoline price caps bill (Act 77) and other changes in SB 3193 that address concerns with the provisions of Act 77."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The Chair then stated:

"Anyone else? If not the Chair will recognize Representative Bukoski for the final discussion on this particular issue."

Representative Bukoski rose, stating:

"Thank you, Mr. Speaker. And I apologize to this Body if I'm inconveniencing anybody but ..."

Speaker Say: "Representative Bukoski, you are not inconveniencing anybody."

Representative Bukoski: "Okay. Thank you, Mr. Speaker.

"I want to respond to the Representative from Aiea. His information that he presented is exactly accurate. We're not saying that there's an oligopoly. We all agree that there's an oligopoly. But we also agree and contend that in order to address oligopolies, if you read the Stillwater report, they're recommending competition. Caps and regulation do not promote competition. They stifle competition, Mr. Speaker.

"We talk about moving slowly. I mean we implemented Act 77, I don't know, a year, two years ago. And when we did debate that issue on the Floor here, I spoke about alternative fuels, I spoke about bio-diesel. We just passed a resolution to support bio-diesel. The Representative from East Maui spoke in favor of hydrogen fuel. The best way to promote hydrogen fuel and alternative fuel and bio-diesel is to allow the market to just happen the way it does. To just let the market go. It will naturally incentivize bio-diesel. Right now on Maui, bio-diesel is even with fuel. So it allows alternative fuels to compete in the open market. So if we really want to incentivize bio-diesel and alternative fuel, then let the market go.

"We're talking about moving slowly, but what we're failing to understand is that there are people out there who have dedicated their lives to building small businesses. Hard working men and women who have spent their lives and life savings building small businesses, who are walking away from it with nothing to show, because this bill and this Act 77 have been stifling the industry. It has been hurting the industry. I can give you examples on Maui where people who have devoted their lives to this' have nothing to give to their children. And basically just walked away. People here on Oahu are contemplating the same thing. Basically giving the stations to their employees because nobody wants it. They can't fix it. They can't repair it. They can't improve it. They can't renegotiate leases. They can't refinance. Nothing, because there's a dark cloud over this industry. And for those of the Members who have been in business, they should understand this. And that's the people that we really aren't looking at with this bill. And if we think that not capping retailers is going to create competition, I got another thing coming because on Maui, it's not. It's not. And I know that for a fact because there are several players on Maui that this is actually going to benefit them. And they are going to control the market and they're going to keep prices up.

"So this is a bad bill. We should repeal the whole Act or implement it now. And I disagree with the two-year implementation date. If we can implement a bottle bill in six months, we should be able to implement this in one month. Thank you, Mr. Speaker."

Representative Morita rose to respond, stating:

"Just a brief rebuttal, Mr. Speaker. With all due respect to the Representative from Maui, this market isn't very simple. He seems to see things in black and white, but just because we repeal this bill, it doesn't mean that the cap or the divorce laws or anything on the books right now, that competition is going to occur. The reality is we're looking at oil companies that are vertically integrated. That control everything from exportation to retail. We now see jobbers not only in the distribution, but also retailing. So it's not as simple as we turn our backs, close our eyes and competition will occur. This is a very complex market. And that's why we are taking our time. We are studying it. We are looking at all options. And we're looking for not necessarily the lowest prices for consumers, but the fairest price for everybody from the production side all the way to the retail side and the consumer. And we're doing our homework now in investigating this marketing and looking at every aspect of it so we can make the best policy to go forward. Thank you."

Representative B. Oshiro rose to respond, stating:

"Thank you, Mr. Speaker. I'm rising for my second time. Again, I'm still in support. I just wanted to clarify.

"When I did talk about the Stillwater report, it was cited that one of the recommendations was competition. When I reviewed the Stillwater report, there's nothing about competition as a recommendation. It says on page 2 that we need more transparency. It reiterates that on page 152. It also says we need consumer education. And we also need an integrated energy strategy. It does not have anything about competition because what Stillwater recognizes is you cannot have competition in a limited marketplace. And that's why we have an oligopoly.

"And lastly, I still don't understand how there is a constitutional problem with this. Under the contracts clause or under any sort of, I guess vagueness or broadness, I don't understand what the constitutional challenge is. I do think that the State, as part of its recognized police powers, is given the authority to enter into any types of contracts or businesses whenever it believes that there is a valid public purpose. And I've stated before, Act 77 I believe provides us with the basis for a valid public purpose. And we're merely trying to see how we are going to accomplish 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. 3193, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMERS," passed Third Reading by a vote of 37 ayes to 13 noes, with Representatives Blundell, Bukoski, Ching, Finnegan, Fox, Jernigan, Leong, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no, and Representative Chang being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1185-04) recommending that S.B. No. 3092, SD 1, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 3092, SD 1, HD 1, pass Third Reading, seconded by Representative Lee.

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

"I'm in opposition, Mr. Speaker. This is solid waste management. That's good. We should control solid waste. But this puts a bounty on it. You can call up and report your neighbor, or your political opponent, or anybody. It doesn't

matter. But the point is, when you call up to do that, you have to give your name. You have to tell somebody who you are. And I think that's opening you up to repercussions. And I think the way it is now it's anonymous. And maybe that works good. This is a large award. I think it will make a lot of people turn in other folks. It may cut down on the waste, but then we may find ourselves littered with dead bodies. 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. 3092, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Jernigan, Moses, Ontai and Pendleton voting no, and Representative Chang being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1186-04) recommending that S.B. No. 2478, SD 2, HD 1, pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 2478, SD 2, HD 1, pass Third Reading, seconded by Representative Lee.

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

"Thank you, Mr. Speaker. In opposition. The controls in this area, the connection between development and who's taking money out of the developments, is very tenuous. We have a process set up by which impact fees are assessed by people who understand the process of developments. Part of those impact fees can be taken out by the counties for the purpose of providing for educational institutions. That is what happens. And the beneficiary of that process is the Department of Education and our school systems.

"This basically allows the Department of Education to go in and impose impact fees wherever it wants, collect whatever it wants and it's virtually unaccountable and could be extremely destructive to the whole process of developing communities throughout the State. We have a way to raise revenue for education. It's an equitable system. Let's stick with it. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition.

"I believe we already have impact fees established for developers in certain areas by mutual agreement. And the current situation is we're getting impact fees. We already got them. The county got them out in the Leeward area for certain roads that are being built. And all that was needed was a transfer mechanism to get them from the county to the State. And they've already been applied toward many roads in that area. And that's good because we need the roads.

"And when we come to schools, we already have impact fees for schools. When a new developer wants to build, they're told, 'You've got to give us a school area over here, elementary school size, middle school, high school size,' and they usually have a park right next to them. And that's been going on forever. We get that. But this, Mr. Speaker, is a tax. We said we're not going to raise taxes. This is a tax. This provides the DOE with the statutory authority to assess a formal impact fee. Statutory authority to assess a fee. That's a tax, Mr. Speaker. Thank you."

Representative Lee rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"I support this bill with reservations.

"The intent of the bill would be to relieve the impact of development on the education system; however, the DOE currently has a system of collecting and expending educational fair share contributions derived from developers.

"The adoption of DOE rules to effectuate the imposition and collection of impact fees could be a lengthy process, as could the required intergovernmental agreement to allow transfer of the impact fees collected by the county to the State.

"Given the sequential nature of the Hawaii State and county land use control system, this bill contains a number of technical requirements that will be difficult to calculate, such as a determination that developments not pay more than their proportionate share of public facility capital improvements.

"That said, I believe a community should have the assurance that the impacts to their schools, as the result of development, will be mitigated through the collection and expenditure of impact fees thereby insuring continued quality in educational facilities."

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

"Thank you, Mr. Speaker. I'm rising with reservations. I support the intent of the bill. My community is one that is growing at an extremely rapid rate, much more quickly than the infrastructure can be built to support this growing community. Our schools are at capacity and most of them are busting at the seams, overflowing. So I support the intent, but I realize that this bill is definitely a work in progress, and there's improvement that needs to be made. Thank you."

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

"Thank you, Mr. Speaker. In opposition. And I wanted to incorporate the words of the speaker from Waikiki, as well as Kapolei.

"But I also wanted to add that in terms of resources for our DOE, I am in very much favor of having resources for our students. I think that we've not thoroughly looked though at the management of the current resources. Thank you."

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

"Mr. Speaker. In strong support. We have already a City ordinance by the City and County of Honolulu regarding impact fees that are intended solely for road improvement. And this one, I don't know if there is any City ordinance that has been established yet. So I am in support."

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

"Mr. Speaker, I rise in opposition to this measure. And ask that the words of the Representative from Waikiki and Kapolei be incorporated as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Meyer continued, stating:

"Often times when developers go in for permits to develop a new subdivision, they give land, a large portion of land for schools, which is worth a lot of money. Now this bill would allow the DOE, it actually authorizes the DOE to assess additional fees in some kind of an arrangement, intergovernmental agreement, with the county. And I think this is a real slippery slope. Thank you."

Representative Finnegan rose in opposition to the measure and asked that the remarks of Representatives Fox and Moses be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2478, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," passed Third Reading by a vote of 36 ayes to 14 noes, with Representatives Blundell, Ching, Finnegan, Fox, Halford, Jernigan, Leong, Marumoto, Meyer, Moses, Ontai, Pendleton, Stonebraker and Thielen voting no, and Representative Chang being excused.

At 8:09 o'clock p.m., the Chair noted that S.B. Nos.; 2589, SD 1; 2950, SD 1; 2895, SD 1, HD 1; 2647, SD 1; 2377, SD 1, HD 1; 2968, SD 1, HD 1; 2264, SD 1, HD 1; 2349, SD 2, HD 1; 2820; 2281, SD 1, HD 1; 3018, SD 2, HD 1; 2440, SD 1, HD 1; 2995, SD 2, HD 1; 3024, SD 2, HD 1; 3193, SD 2, HD 2; 3092, SD 1, HD 1; and 2478, SD 2, HD 1; passed Third Reading.

THIRD READING

S.B. No. 469, HD 1:

Representative Saiki moved that S.B. No. 469, HD 1, pass Third Reading, seconded by Representative Lee.

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

"I'd just like to cast a no vote."

The Chair responded, stating:

"I believe Representative Meyer will have your vote already announced. This is Third Reading, okay?"

At 8:11 o'clock p.m., Representative Evans requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 8:12 o'clock p.m.

The motion was put to vote by the Chair and carried, and S.B. No. 469, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Third Reading by a vote of 38 ayes to 9 noes, with Representatives Blundell, Bukoski, Ching, Finnegan, Jernigan, Meyer, Moses, Ontai and Stonebraker voting no, and with Representatives Chang, Kawakami, Nakasone and Takamine being excused.

S.B. No. 2905:

On motion by Representative Saiki, seconded by Representative Lee and carried, S.B. No. 2905, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL BOARD DISCIPLINARY ACTION," passed Third Reading by a vote of

47 ayes, with Representatives Chang, Kawakami, Nakasone and Takamine being excused.

At 8:13 o'clock p.m., the Chair noted that S.B. Nos.: 469, HD 1; and 2905, passed Third Reading.

ANNOUNCEMENTS

Representative Thielen: "Thank you. Mr. Speaker, I just would like to give the Members a 'heads-up'. Friday, April 23rd will be our annual Aloha Hemp or Natural Fiber Shirt Day in honor of Earth Week. Thank you.

"And so for Neighbor Island Members that are going home, if they can remember to bring back either a hemp or natural fiber shirts so they'll have it for April 23rd. Thank you."

Representative Hale: "Mr. Speaker, I'd like to inform the speaker who just spoke that I'm wearing mine. Thank you."

At this time, Representative Lee moved to keep the Journal open until 12:00 midnight this legislative day for the purpose of receiving Standing Committee Reports and Senate bills transmitted thereby, seconded by Representative Meyer and carried. (Representatives Chang, Kawakami, Nakasone and Takamine were excused.)

At 8:14 o'clock p.m., on motion by Representative Lee, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 9:00 o'clock a.m., Tuesday, April 13, 2004. (Representatives Chang, Kawakami, Nakasone and Takamine were excused.)

STANDING COMMITTEE REPORTS

In accordance with the motion made, the following Standing Committee Reports (Stand. Com. Nos. 1187-04 through 1296-04) were received by the Clerk prior to 12:00 midnight this legislative day, and the following action taken:

Stand. Com. Rep. No. 1187-04 (CPC) and S.B. No. 2779, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1188-04 (CPC) and S.B. No. 2897, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DENTAL EXAMINATION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1189-04 (CPC) and S.B. No. 2586, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1190-04 (CPC) and S.B. No. 2908, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1191-04 (CPC) and S.B. No. 3085, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO NURSES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1192-04 (CPC) and S.B. No. 3190, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT

RELATING TO THE PUBLIC UTILITIES COMMISSION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1193-04 (JUD) and S.B. No. 3044, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1194-04 (JUD) and S.B. No. 1362, SD 3, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1195-04 (JUD) and S.B. No. 2021, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO STREET ROD VEHICLES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1196-04 (JUD) and S.B. No. 2200, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1197-04 (JUD) and S.B. No. 2606, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO BREWPUB LICENSES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1198-04 (JUD) and S.B. No. 2056, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1199-04 (JUD) and S.B. No. 3041, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY ADMISSION FOR NONEMERGENCY TREATMENT," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1200-04 (FIN) and S.B. No. 2165, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND PROTECTION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1201-04 (FIN) and S.B. No. 2840, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1202-04 (FIN) and S.B. No. 2926, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1203-04 (FIN) and S.B. No. 2929, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENT," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1204-04 (FIN) and S.B. No. 2976, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1205-04 (FIN) and S.B. No. 3148, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1206-04 (FIN) and S.B. No. 2364, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1207-04 (FIN) and S.B. No. 2226, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS SERVICES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1208-04 (FIN) and S.B. No. 2538, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR IOLANI SCHOOL," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1209-04 (FIN) and S.B. No. 2671, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE CONGREGATION OF CHRISTIAN BROTHERS, INC. DBA DAMIEN MEMORIAL HIGH SCHOOL," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1210-04 (FIN) and S.B. No. 2790, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HALEAKALA WALDORF SCHOOL," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1211-04 (FIN) and S.B. No. 2791, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MONTESSORI SCHOOL OF MAUI, INC.," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1212-04 (FIN) and S.B. No. 3086, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ISLAND PACIFIC ACADEMY," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1213-04 (FIN) and S.B. No. 3020, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1214-04 (FIN) and S.B. No. 2909, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPLICATIONS SEEKING GENERAL RATE INCREASES FILED BY PUBLIC UTILITIES HAVING ANNUAL GROSS REVENUES OF LESS THAN \$2,000,000," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1215-04 (FIN) and S.B. No. 3153, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOREMEDIATION RESEARCH," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1216-04 (FIN) and S.B. No. 2558, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENTERTAINMENT INDUSTRY," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1217-04 (FIN) and S.B. No. 2063, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN

ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1218-04 (FIN) and S.B. No. 2413, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1219-04 (FIN) and S.B. No. 2654, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1220-04 (FIN) and S.B. No. 3175, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1221-04 (FIN) and S.B. No. 2605, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1222-04 (FIN) and S.B. No. 3051, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1223-04 (FIN) and S.B. No. 3222, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1224-04 (FIN) and S.B. No. 2134, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1225-04 (FIN) and S.B. No. 2302, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FILIPINO CENTENNIAL CELEBRATION COMMISSION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1226-04 (FIN) and S.B. No. 2686, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1227-04 (FIN) and S.B. No. 2869, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAINTENANCE OF PROPERTIES WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1228-04 (FIN) and S.B. No. 2948, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH NURSING SERVICES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1229-04 (FIN) and S.B. No. 2994, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE USE TAX," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1230-04 (FIN) and S.B. No. 3170, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN

ACT RELATING TO PETROLEUM PRODUCTS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1231-04 (FIN) and S.B. No. 2595, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1232-04 (FIN) and S.B. No. 2404, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EXPENSES OF THE 2005 NATIONAL ASSOCIATION OF COUNTIES MEETING IN HONOLULU," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1233-04 (FIN) and S.B. No. 2396, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1234-04 (FIN) and S.B. No. 1615, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1235-04 (FIN) and S.B. No. 3129, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DETERMINE AND IMPLEMENT THE BEST MITIGATION MEASURE TO CONTROL FLOODING OF LAKE WILSON," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1236-04 (FIN) and S.B. No. 3062, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1237-04 (FIN) and S.B. No. 643, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO BIOPROSPECTING," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1238-04 (FIN) and S.B. No. 3052, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1239-04 (FIN) and S.B. No. 2693, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO FLOODS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1240-04 (FIN) and S.B. No. 3025, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1241-04 (FIN) and S.B. No. 1556, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1242-04 (FIN) and S.B. No. 2073, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1243-04 (FIN) and S.B. No. 2131, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF DEFENSE," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1244-04 (FIN) and S.B. No. 2438, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SHARK MONITORING," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1245-04 (FIN) and S.B. No. 2748, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1246-04 (FIN) and S.B. No. 3068, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1247-04 (FIN) and S.B. No. 2380, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ART MUSEUM," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1248-04 (FIN) and S.B. No. 14, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED SCHOOL ADMINISTRATORS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1249-04 (FIN) and S.B. No. 214, SD 3, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1250-04 (FIN) and S.B. No. 2355, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1251-04 (FIN) and S.B. No. 2861, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1252-04 (FIN) and S.B. No. 2906, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF GOOD STANDING," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1253-04 (FIN) and S.B. No. 2936, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE FOR PREGNANT LEGAL IMMIGRANTS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1254-04 (FIN) and S.B. No. 762, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1255-04 (FIN) and S.B. No. 2928, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND ADVISORY COMMISSION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1256-04 (FIN) and S.B. No. 2996, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN

ACT RELATING TO TAXATION OF ALTERNATIVE FUELS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1257-04 (FIN) and S.B. No. 2033, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1258-04 (FIN) and S.B. No. 1138, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE SANCTIONS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1259-04 (FIN) and S.B. No. 2941, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1260-04 (FIN) and S.B. No. 2842, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1261-04 (FIN) and S.B. No. 2873, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1262-04 (FIN) and S.B. No. 3019, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1263-04 (FIN) and S.B. No. 3106, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1264-04 (FIN) and S.B. No. 473, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1265-04 (FIN) and S.B. No. 2834, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1266-04 (FIN) and S.B. No. 2839, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1267-04 (FIN) and S.B. No. 2878, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL TAX LIMIT ON COMPENSATION APPLICABLE TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1268-04 (FIN) and S.B. No. 2879, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION OF

THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1269-04 (FIN) and S.B. No. 2930, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1270-04 (FIN) and S.B. No. 779, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1271-04 (FIN) and S.B. No. 2424, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1272-04 (FIN) and S.B. No. 3207, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL TAX CREDIT," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1273-04 (FIN) and S.B. No. 3049, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE ANNUITIES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1274-04 (FIN) and S.B. No. 2004, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VETERANS CEMETERIES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1275-04 (FIN) and S.B. No. 2045, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1276-04 (FIN) and S.B. No. 2280, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LOCAL FLOOD WARNING SYSTEM FOR LAKE WILSON," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1277-04 (FIN) and S.B. No. 2718, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE LEGISLATIVE SERVICE AGENCIES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1278-04 (FIN) and S.B. No. 2690, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1279-04 (FIN) and S.B. No. 2782, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FUNDING OF A HABITAT CONSERVATION PLAN," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1280-04 (FIN) and S.B. No. 2919, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MILITIA," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1281-04 (FIN) and S.B. No. 3080, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN

ACT RELATING TO TRANSPORTATION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1282-04 (LMG) and S.B. No. 2716, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1283-04 (CPC) and S.B. No. 2474, SD 3, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1284-04 (JUD/CPC) and S.B. No. 2577, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PEER REVIEW," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1285-04 (JUD) and S.B. No. 2395, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1286-04 (JUD) and S.B. No. 1000, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1287-04 (FIN) and S.B. No. 1238, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1288-04 (FIN) and S.B. No. 2114, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SAFETY AND SECURITY IMPROVEMENTS FOR UNIVERSITY OF HAWAII CAMPUSES," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1289-04 (FIN) and S.B. No. 2210, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1290-04 (FIN) and S.B. No. 2835, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1291-04 (FIN) and S.B. No. 3104, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1292-04 (FIN) and S.B. No. 2887, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE INSURANCE COMPACT," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1293-04 (FIN) and S.B. No. 1318, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1294-04 (FIN) and S.B. No. 2344, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1295-04 (JUD) and S.B. No. 2607, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION," were placed on the calendar for Third Reading on April 13, 2004.

Stand. Com. Rep. No. 1296-04 (JUD) and S.B. No. 2843, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII," were placed on the calendar for Third Reading on April 13, 2004.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 9:00 o'clock a.m., Tuesday, April 13, 2004.

HOUSE COMMUNICATIONS

House Communication dated April 8, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House bills:

<u>H.B. Nos.:</u>	<u>Representatives</u>
1824, SD 1	Hiraki, Chr.; Herkes, Finnegan
1828, HD 1, SD 1	B. Oshiro, Chr.; Hamakawa, Pendleton
2140, HD 1, SD 1	Hiraki, Chr.; Lee, Marumoto
2147, HD 1, SD 1	Hiraki, Chr.; Lee, Marumoto
2196, HD 1, SD 1	B. Oshiro, Chr.; Hamakawa, Ito, Pendleton
2206, HD 1, SD 1	Ito/Hamakawa, Co-Chrs.; B. Oshiro, Thielen
2337, HD 1, SD 1	Hamakawa/Takamine, Co-Chrs.; B. Oshiro, Finnegan
2375, HD 1, SD 1	Morita/B. Oshiro, Co-Chrs.; Waters, Bukoski
2379, HD 1, SD 1	B. Oshiro, Chr.; Hamakawa, Caldwell, Thielen
2380, HD 1, SD 1	B. Oshiro, Chr.; Hamakawa, Caldwell, Pendleton
2397, HD 1, SD 1	Ito/Takamine, Co-Chrs.; Mindo, Moses
2411, HD 1, SD 1	Hiraki/Hamakawa/Karamatsu, Co-Chrs.; Stonebraker
2421, SD 1	Hiraki, Chr.; Herkes, Marumoto
2511, SD 1	Takamine, Chr.; Nishimoto, Bukoski
2683, SD 1	B. Oshiro, Chr.; Hamakawa, Caldwell, Finnegan

2789, HD 1, SD 1 B. Oshiro, Chr.;
Hamakawa, Caldwell, Thielen

2863, HD 1, SD 1 Chang, Chr.;
Karamatsu, Herkes, Leong

House Communication dated April 8, 2004, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate bills:

<u>S.B. Nos.:</u>	<u>Representatives</u>
1491, SD 1, HD 1	Takamine, Chr.; Kawakami, Nakasone
1611, HD 2	Morita/Schatz/Waters, Co-Chrs.; Jernigan
2009, SD 1, HD 1	Hiraki, Chr.; Herkes, Stonebraker
2294, SD 1, HD 1	Hamakawa, Chr.; B. Oshiro, Thielen
2443, SD 1, HD 1	B. Oshiro, Chr.; Hamakawa, Pendleton
2525, HD 1	Takamine, Chr.; Kawakami, Nakasone
2528, SD 1, HD 1	Takamine, Chr.; Kawakami, Nakasone, Meyer
2529, HD 1	Takamine, Chr.; Kawakami, Nakasone, Moses
2704, HD 1	Hiraki, Chr.; Herkes, Stonebraker
2844, SD 1, HD 1	Hamakawa, Chr.; B. Oshiro, Marumoto
2951, SD 1, HD 1	Hiraki/B. Oshiro, Co-Chrs.; Herkes, Finnegan
2983, SD 2, HD 1	Takamine, Chr.; Kawakami, Nakasone, Meyer
3098, HD 1	Takamine, Chr.; Kawakami, Kaho'ohalahala, Jernigan
3162, SD 1, HD 1	Takamine, Chr.; Kawakami, Waters, Bukoski
3185, SD 1, HD 1	B. Oshiro, Chr.; Hamakawa, Thielen