

THIRTY-THIRD DAY

Monday, March 11, 1985

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1985, convened at 10:20 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Ms. Elise Baer of the Christian Science Church, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Thirty-Second Day.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 29 and 30) were read by the Clerk and were disposed of as follows:

S.C.R. No. 29, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING 1985 AS THE INTERNATIONAL YOUTH YEAR (IYY) IN ACCORDANCE WITH THE DECLARATION OF THE UNITED NATIONS," was offered by Senator Wong, by request.

By unanimous consent, action on S.C.R. No. 29 was deferred until Tuesday, March 12, 1985.

S.C.R. No. 30, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO PROCEED EXPEDITIOUSLY WITH ALL REQUIRED ACTIONS TO CONSUMMATE, IF FEASIBLE, A LAND EXCHANGE BETWEEN CAMPBELL ESTATE LANDS AT KAHUAUALE'A WITH THE ADJACENT STATE-OWNED LANDS FOR THE PURPOSE OF FACILITATING THE DEVELOPMENT OF GEOTHERMAL RESOURCES ON THE EXCHANGED STATE LANDS," was offered by Senator Wong, by request.

By unanimous consent, action on S.C.R. No. 30 was deferred until Tuesday, March 12, 1985.

STANDING COMMITTEE REPORT

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 715) recommending that Senate Bill No. 1057, as amended in S.D. 1, pass First Reading and be placed on the calendar for Second and Third Reading.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the report of the Committee was adopted and S.B. No. 1057, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL

IMPROVEMENT PROJECTS," passed First Reading and was placed on the calendar for Second Reading on Tuesday, March 12, 1985 and for Third Reading on Wednesday, March 13, 1985.

ORDER OF THE DAY

THIRD READING

MATTER DEFERRED FROM
FRIDAY, MARCH 8, 1985

Senate Bill No. 1209, S.D. 1:

By unanimous consent, S.B. No. 1209, S.D. 1, was deferred to the end of the calendar.

THIRD READING

Stand. Com. Rep. No. 347 (S.B. No. 108, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 347 and S.B. No. 108, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," were recommitted to the Committee on Judiciary.

Senate Bill No. 260, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 260, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Abercrombie and Kawasaki).

Senate Bill No. 498, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 498, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO REQUIRE THE CONSENT OF THE SENATE FOR RETENTION OF JUSTICES AND JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (George). Excused, 2 (Abercrombie and Kawasaki).

Senate Bill No. 610, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 610, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," having been read throughout, passed Third Reading

on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

Senate Bill No. 189, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 189, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

Senate Bill No. 224:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 224, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

Senate Bill No. 203:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 203, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

Senate Bill No. 205, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 205, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

Senate Bill No. 462, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 462, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TERMS OF BOARDS AND COMMISSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

Senate Bill No. 735, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 735, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHECKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

Senate Bill No. 1158:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 1158, entitled: "A BILL FOR AN ACT RELATING TO TRANSFERS TO MINORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

Senate Bill No. 68, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, S.B. No. 68, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

Senate Bill No. 65, S.D. 1:

By unanimous consent, S.B. No. 65, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was recommitted to the Committee on Health.

Senate Bill No. 60, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, S.B. No. 60, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

Senate Bill No. 67, S.D. 1:

By unanimous consent, S.B. No. 67, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," was recommitted to the Committee on Health.

Senate Bill No. 76, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, S.B. No. 76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading

on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

Senate Bill No. 59, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, S.B. No. 59, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION FOR SCHOOL ATTENDANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

Senate Bill No. 10:

On motion by Cobb, seconded by Senator Soares and carried, S.B. No. 10, entitled: "A BILL FOR AN ACT RELATING TO STATE WARRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

Senate Bill No. 11:

On motion by Senator Cobb, seconded by Senator Soares and carried, S.B. No. 11, entitled: "A BILL FOR AN ACT RELATING TO RETENTION OF CASHED WARRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

Senate Bill No. 13:

By unanimous consent, S.B. No. 13, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACT," was recommitted to the Committee on Government Operations.

Senate Bill No. 1404:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 1404, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT TRANSFERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2
(Abercrombie and Kawasaki).

At 10:34 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:41 o'clock a.m.

At this time, Senators Kuroda and Kawasaki introduced to the members of the Senate Mr. Ryokichi Sasakawa, a world-reknown philanthropist, of Blue Sea and Green Land Foundation (B & G Foundation) of Japan, who was accompanied by Mr. Nakakita, managing director of B & G Foundation, Mr. Ogata, secretary to Mr. Sasakawa, and Mr. Milton Yanagawa of KITV, Honolulu.

Senator Kawasaki introduced Mr. Sasakawa as follows:

"The World is One Family; All Mankind are Brothers and Sisters' ... this is the credo of a great humanitarian in our midst whose philanthropy has had a great effect on many peoples' lives.

"An example of this is the eradication of smallpox throughout the world. Mr. Sasakawa has donated enormous sums to this particular program.

"In 1980 alone, he has given over \$7 million to overseas causes. In 1979, he gave nearly \$200 million in loans and subsidies to the shipbuilding industry for development of shipbuilding technology. He gave \$45 million to social welfare projects and \$5 million for promotion of physical training.

"This gentleman has amassed a fortune for one single purpose — global philanthropy.

"He feels that peace needs a foundation of universal well-being. By curing basic social ills such as malnutrition and disease, we take a step towards peace.

"He has made huge donations to the World Health Organization and other United Nations agencies as a path toward peace and well-being for humanity.

"Being the largest single donor in the world to the United Nations, Mr. Sasakawa is demonstrating what a single individual can do, putting his personal beliefs into action with stunning results.

"His hope is that his life's work will inspire others in the world community.

"Recently, he has donated several electric wheelchairs costing several thousand dollars each to the patients of Hale Mohalu, after learning of their needs.

"It is my distinct pleasure to introduce to this body a man whose generosity is benefiting peace and humanity on a worldwide basis.

"A man, it is said, who has donated more toward humanitarian causes than even the Ford Foundation. A man whose generosity has given the world in need more than \$12 billion.

"Ladies and gentlemen, I am delighted to introduce the great, world-reknown philanthropist, the legendary Mr. Ryokichi Sasakawa."

The honoree rose to be recognized and was presented with the congratulatory certificate by Senator Kuroda and leis by Senators Young and A. Kobayashi.

At 10:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:51 o'clock a.m.

THIRD READING

Senate Bill No. 1350, S.D. 1:

On motion by Senator Young, seconded by Senator Hee and carried, S.B. No. 1350, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George).

House Bill No. 269:

On motion by Senator Young, seconded by Senator Hee and carried, H.B. No. 269, entitled: "A BILL FOR AN ACT RELATING TO HOUSING LOAN AND MORTGAGE PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 271:

On motion by Senator Young, seconded by Senator Hee and carried, H.B. No. 271, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 376 (S.B. No. 20, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 376 was adopted and S.B. No. 20, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 377 (S.B. No. 87, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 377 was adopted and S.B. No. 87, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AQUACULTURE ADVISORY COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 378 (S.B. No. 168, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 378 was adopted and S.B. No. 168, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 379 (S.B. No. 170, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 379 was adopted and S.B. No. 170, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EXTENSION OF THE COMPLIANCE RESOLUTION FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 380 (S.B. No. 726, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 380 was adopted and S.B. No. 726, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 381 (S.B. No. 165):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 381 was adopted and S.B. No. 165, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George)

Stand. Com. Rep. No. 382 (S.B. No. 383, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 382 was adopted and S.B. No. 383, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL SUMMER SCHOOL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 383 (S.B. No. 150, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 383 and S.B. No. 150, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCENTIVES FOR SOLAR AND WIND ENERGY DEVICES AND HEAT PUMPS," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 384 (S.B. No. 159, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 384 was adopted and S.B. No. 159, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THIRD-PARTY FINANCING ARRANGEMENTS FOR PUBLIC FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 385 (S.B. No. 319):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 385 was adopted and S.B. No. 319, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 237, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 386 (S.B. No. 937, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 386 was adopted and S.B. No. 937, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 387 (S.B. No. 27, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 387 was adopted and S.B. No. 27, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO THE STATE FIRE COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 388 (S.B. No. 936):

By unanimous consent, action on Stand. Com. Rep. No. 388 and S.B. No. 936 was deferred to the end of the calendar.

Stand. Com. Rep. No. 389 (S.B. No. 135):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 389 was adopted and S.B. No. 135, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A UNIVERSITY OF HAWAII AT MANOA MALPRACTICE SELF-INSURANCE SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 390 (S.B. No. 136):

By unanimous consent, action on Stand. Com. Rep. No. 390 and S.B. No. 136 was deferred to the end of the calendar.

Stand. Com. Rep. No. 391 (S.B. No. 137, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 391 and S.B. No. 137, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 392 (S.B. No. 138):

By unanimous consent, action on Stand. Com. Rep. No. 392 and S.B. No. 138 was deferred to the end of the calendar.

Stand. Com. Rep. No. 393 (S.B. No. 139):

By unanimous consent, action on Stand. Com. Rep. No. 393 and S.B. No. 139 was deferred to the end of the calendar.

Stand. Com. Rep. No. 394 (S.B. No. 140):

By unanimous consent, action on Stand. Com. Rep. No. 394 and S.B. No. 140 was deferred to the end of the calendar.

Stand. Com. Rep. No. 395 (S.B. No. 141, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 395 and S.B. No. 141, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 396 (S.B. No. 313, S.D. 1):

On motion by Senator Yamasaki, seconded

by Senator Mizuguchi and carried, Stand. Com. Rep. No. 396 was adopted and S.B. No. 313, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 397 (S.B. No. 1289, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 397 and S.B. No. 1289, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 398 (S.B. No. 61, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 398 was adopted and S.B. No. 61, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 399 (S.B. No. 69, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 399 was adopted and S.B. No. 69, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 400 (S.B. No. 342, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 400 was adopted and S.B. No. 42, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Cayetano).

Stand. Com. Rep. No. 401 (S.B. No. 1188):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 401 was adopted and S.B. No. 1188, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 402 (S.B. No. 103):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 402 was adopted and S.B. No. 103, entitled: "A BILL FOR AN ACT RELATING TO RETENTION OF STATE TAX REFUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 403 (S.B. No. 245):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 403 was adopted and S.B. No. 245, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 404 (S.B. No. 252, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 404 was adopted and S.B. No. 252, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND COURT FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 405 (S.B. No. 881, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 405 was adopted and S.B. No. 881, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WITNESS FEES IN CIVIL AND CRIMINAL CASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 406 (S.B. No. 934, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 406 was adopted and S.B. No. 934, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND COURT REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 407 (S.B. No. 6, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 407 and S.B. No. 6, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 408 (S.B. No. 37, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 408 was adopted and S.B. No. 37, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 409 (S.B. No. 38, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 409 was adopted and S.B. No. 38, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 410 (S.B. No. 39, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 410 was adopted and S.B. No. 39, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 411 (S.B. No. 40, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 411 was adopted and S.B. No. 40, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 412 (S.B. No. 41, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 412 was adopted and S.B. No.

41, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 413 (S.B. No. 42, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 413 was adopted and S.B. No. 42, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Stand. Com. Rep. No. 414 (S.B. No. 43, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 414 was adopted and S.B. No. 43, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Stand. Com. Rep. No. 415 (S.B. No. 44, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 415 was adopted and S.B. No. 44, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Stand. Com. Rep. No. 416 (S.B. No. 45, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 416 was adopted and S.B. No. 45, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Stand. Com. Rep. No. 417 (S.B. No. 46, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 417 was adopted and S.B. No. 46, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Stand. Com. Rep. No. 418 (S.B. No. 47, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 418 was adopted and S.B. No. 47, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Stand. Com. Rep. No. 419 (S.B. No. 48, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 419 was adopted and S.B. No. 48, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Stand. Com. Rep. No. 420 (S.B. No. 49, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 420 was adopted and S.B. No. 49, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 421 (S.B. No. 50, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 421 was adopted and S.B. No. 50, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 422 (S.B. No. 51):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 422 was adopted and S.B. No. 51, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 423 (S.B. No. 52, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 423 and S.B. No. 52, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 424 (S.B. No. 77, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 424 was adopted and S.B. No. 77, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT RELATIONS BOARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 425 (S.B. No. 257, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 425 was adopted and S.B. No. 257, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 426 (S.B. No. 381):

By unanimous consent, action on Stand. Com. Rep. No. 426 and S.B. No. 381 was deferred to the end of the calendar.

Stand. Com. Rep. No. 427 (S.B. No. 426, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 427 was adopted and S.B. No. 426, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 428 (S.B. No. 1487,

S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 428 was adopted and S.B. No. 1487, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 429 (S.B. No. 135, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 429 was adopted and S.B. No. 135, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AERONAUTICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 430 (S.B. No. 350, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 430 and S.B. No. 350, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SAFETY," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 431 (S.B. No. 397, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 431 was adopted and S.B. No. 397, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICULAR TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 432 (S.B. No. 481, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 432 was adopted and S.B. No. 481, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 433 (S.B. No. 485, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 433 was adopted and S.B. No. 485, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 434 (S.B. No. 685, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 434 was adopted and S.B. No. 685, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 435 (S.B. No. 893):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 435 was adopted and S.B. No. 893, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 436 (S.B. No. 1170):

By unanimous consent, action on Stand. Com. Rep. No. 436 and S.B. No. 1170 was deferred to the end of the calendar.

Stand. Com. Rep. No. 437 (S.B. No. 1374, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 437 was adopted and S.B. No. 1374, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 438 (S.B. No. 384):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 438 was adopted and S.B. No. 384, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 439 (S.B. No. 459, S.D. 2):

On motion by Senator Yamasaki, seconded

by Senator Mizuguchi and carried, Stand. Com. Rep. No. 439 was adopted and S.B. No. 459, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIMINAL JUSTICE DATA CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 440 (S.B. No. 460, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 440 was adopted and S.B. No. 460, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIMINAL JUSTICE DATA CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 441 (S.B. No. 463, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 441 was adopted and S.B. No. 463, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 442 (S.B. No. 1089, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 442 was adopted and S.B. No. 1089, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATIONS FOR PAYMENT OF SETTLEMENT BETWEEN THE STATE OF HAWAII AND GOODFELLOW BROS., INC.," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Kawasaki and McMurdo).

Stand. Com. Rep. No. 443 (S.B. No. 1192, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 443 was adopted and S.B. No. 1192, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CONVENTION CENTER AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George).

Stand. Com. Rep. No. 444 (S.B. No. 1288, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 444 was adopted and S.B. No. 1288, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 445 (S.B. No. 1346, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 445 was adopted and S.B. No. 1346, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TREE FARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Stand. Com. Rep. No. 446 (S.B. No. 1408, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 446 was adopted and S.B. No. 1408, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY AND HOUSEHOLD MEMBERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 15:

By unanimous consent, S.B. No. 15, entitled: "A BILL FOR AN ACT RELATING TO CHICKEN EGGS," was recommitted to the Committee on Agriculture.

Senate Bill No. 351:

On motion by Senator Solomon, seconded by Senator Hagino and carried, S.B. No. 351, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING AND MARKETING OF FRUITS, VEGETABLES, AND COFFEE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 935, S.D. 1:

By unanimous consent, S.B. No. 935, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE COOPERATIVE ASSOCIATIONS," was recommitted to the Committee on

Agriculture.

Senate Bill No. 980, S.D. 1:

By unanimous consent, S.B. No. 980, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was recommitted to the Committee on Energy.

Senate Bill No. 651, S.D. 1:

On motion by Senator Kuroda, seconded by Senator McMurdo and carried, S.B. No. 651, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1216:

On motion by Senator Kuroda, seconded by Senator McMurdo and carried, S.B. No. 1216, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1220, S.D. 1:

On motion by Senator Kuroda, seconded by Senator McMurdo and carried, S.B. No. 1220, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HISTORIC PRESERVATION PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 63, S.D. 1:

By unanimous consent, S.B. No. 63, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HANSEN'S DISEASE," was recommitted to the Committee on Health.

Senate Bill No. 162:

On motion by Senator Matsuura, seconded by Senator Aki and carried, S.B. No. 162, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 456 (S.B. No. 153, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 456 and S.B. No. 153, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 264, S.D. 1:

By unanimous consent, S.B. No. 264, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL RESOURCES," was recommitted to the Committee on Energy.

Senate Bill No. 461, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 461, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHOPLIFTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 55:

On motion by Senator Toguchi, seconded by Senator Solomon and carried, S.B. No. 55, entitled: "A BILL FOR AN ACT RELATING TO AGENTS OF PRIVATE SCHOOLS AND CORRESPONDENCE SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 634, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, S.B. No. 634, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER LAW VIOLATION PENALTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1329, S.D. 3:

By unanimous consent, action on S.B. No. 1329, S.D. 3, was deferred to the end of the calendar.

Senate Bill No. 331, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 331, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE III OF THE HAWAII CONSTITUTION TO MAKE THE LEGISLATIVE PROCESS ENACTING STATUTES MORE EFFICIENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 463 (S.B. No. 74, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 463 and S.B. No. 74, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

MENTAL HEALTH," were recommitted to the Committee on Judiciary.

Senate Bill No. 1157, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 1157, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII YOUTH CORRECTIONAL FACILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 563, S.D. 1:

By unanimous consent, action on S.B. No. 563, S.D. 1, was deferred to the end of the calendar.

At 11:15 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:21 o'clock a.m.

Senate Bill No. 1095, S.D. 1:

By unanimous consent, action on S.B. No. 1095, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 92, S.D. 1:

On motion by Senator Aki, seconded by Senator Matsuura and carried, S.B. No. 92, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL MARINE DEALERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1224, S.D. 1:

By unanimous consent, action on S.B. No. 1224, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1377, S.D. 1:

By unanimous consent, S.B. No. 1377, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE ENERGY," was recommitted to the Committee on Economic Development.

Senate Bill No. 279:

On motion by Senator Aki, seconded by Senator Matsuura and carried, S.B. No. 279, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (George).

Senate Bill No. 404:

On motion by Senator Aki, seconded by Senator Matsuura and carried, S.B. No. 404, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOMES COMMISSION ACT, 1920," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (George).

Senate Bill No. 1485, S.D. 1:

By unanimous consent, action on S.B. No. 1485, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1223:

On motion by Senator Aki, seconded by Senator Matsuura and carried, S.B. No. 1223, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (George).

Senate Bill No. 906, S.D. 1:

By unanimous consent, action on S.B. No. 906, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 475 (S.B. No. 557):

By unanimous consent, action on Stand. Com. Rep. No. 475 and S.B. No. 557 was deferred to the end of the calendar.

Senate Bill No. 93:

On motion by Senator Aki, seconded by Senator Matsuura and carried, S.B. No. 93, entitled: "A BILL FOR AN ACT RELATING TO FISH CATCH REPORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 469:

On motion by Senator Aki, seconded by Senator Matsuura and carried, S.B. No. 469, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 967, S.D. 1:

By unanimous consent, S.B. No. 967, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND," was recommitted to the Committee on Economic Development.

Senate Bill No. 157:

By unanimous consent, S.B. No. 157, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY DEVELOPMENT CORPORATION," was recommitted to the Committee on Economic Development.

Senate Bill No. 468:

On motion by Senator Aki, seconded by Senator Matsuura and carried, S.B. No. 468, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 968, S.D. 1:

By unanimous consent, S.B. No. 968, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER," was recommitted to the Committee on Economic Development.

Senate Bill No. 96, S.D. 1:

On motion by Senator Aki, seconded by Senator Matsuura and carried, S.B. No. 96, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1231, S.D. 1:

On motion by Senator Aki, seconded by Senator Matsuura and carried, S.B. No. 1231, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 484 (S.B. No. 399, S.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 484 was adopted and S.B. No. 399, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 485 (S.B. No. 73, S.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 485 was adopted and S.B. No. 73, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMISSION TO A PSYCHIATRIC FACILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 486 (S.B. No. 746, S.D. 2):

On motion by Senator Chang, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 486 was adopted and S.B. No. 746, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF PERSONS QUALIFIED TO TAKE BLOOD SPECIMENS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 487 (S.B. No. 843):

On motion by Senator Chang, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 487 was adopted and S.B. No. 843, entitled: "A BILL FOR AN ACT RELATING TO REFUSAL TO SUBMIT TO A BREATH OR BLOOD TEST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 488 (S.B. No. 1409):

On motion by Senator Chang, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 488 was adopted and S.B. No. 1409, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION EASEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1096, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 1096, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1182, S.D. 1:

On motion by Senator Aki, seconded by

Senator Matsuura and carried, S.B. No. 1182, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1290, S.D. 1:

By unanimous consent, action on S.B. No. 1290, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 179:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 179, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 191:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 191, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 192:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 192, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 193:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 193, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DENTAL EXAMINERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 194, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 194, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO DENTAL HYGIENISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 196:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 196, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 560:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 560, entitled: "A BILL FOR AN ACT RELATING TO TRUST COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1114, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 1114, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1122, S.D. 1:

By unanimous consent, action on S.B. No. 1122, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1126, S.D. 1:

By unanimous consent, action on S.B. No. 1126, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1127, S.D. 1:

By unanimous consent, action on S.B. No. 1127, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1402, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 1402, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 249, S.D. 1:

By unanimous consent, action on S.B. No. 249, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1213, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, S.B. No. 1213, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 272:

By unanimous consent, S.B. No. 272, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was recommitted to the Committee on Tourism and Recreation.

Senate Bill No. 1214, S.D. 1:

On motion by Senator Kuroda, seconded by Senator McMurdo and carried, S.B. No. 1214, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1218, S.D. 1:

On motion by Senator Kuroda, seconded by Senator McMurdo and carried, S.B. No. 1218, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1310, S.D. 1:

On motion by Senator Kuroda, seconded by Senator McMurdo and carried, S.B. No. 1310, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REPLACEMENT OF ERODED SAND ON PUBLIC BEACHES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1151:

By unanimous consent, S.B. No. 1151, entitled: "A BILL FOR AN ACT RELATING TO PROPOSING AN AMENDMENT TO

ARTICLE III, SECTION 6, OF THE HAWAII STATE CONSTITUTION, TO CHANGE THE QUALIFICATIONS OF MEMBERS OF THE LEGISLATURE," was recommitted to the Committee on Judiciary.

Senate Bill No. 1358, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 1358, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COSTS OF COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Fernandes Salling and B. Kobayashi).

Senate Bill No. 156:

By unanimous consent, S.B. No. 156, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," was recommitted to the Committee on Judiciary.

Stand. Com. Rep. No. 513 (S.B. No. 663, S.D. 2):

On motion by Senator Chang, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 513 was adopted and S.B. No. 663, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DESIGN PROFESSIONAL CONCILIATION PANEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 514 (S.B. No. 83, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 514 and S.B. No. 83, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 515 (S.B. No. 1397, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 515 was adopted and S.B. No. 1397, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND EVALUATION AND SITE ASSESSMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 516 (S.B. No. 57):

By unanimous consent, Stand. Com. Rep. No. 516 and S.B. No. 57, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 517 (S.B. No. 82, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 517 was adopted and S.B. No. 82, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF THE SPECIAL LAND AND DEVELOPMENT FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 518 (S.B. No. 151, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 518 was adopted and S.B. No. 151, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 519 (S.B. No. 470, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 519 was adopted and S.B. No. 470, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 884, S.D. 1:

By unanimous consent, action on S.B. No. 884, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 521 (S.B. No. 1193, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 521 and S.B. No. 1193, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 522 (S.B. No. 1195, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 522 and S.B. No. 1195, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 523 (S.B. No. 913, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 523 was adopted and S.B. No.

913, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR GOODS AND SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 524 (S.B. No. 1286, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 524 was adopted and S.B. No. 1286, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 525 (S.B. No. 1287, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 525 and S.B. No. 1287, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 526 (S.B. No. 100):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 526 was adopted and S.B. No. 100, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX EXEMPTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 527 (S.B. No. 154, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 527 was adopted and S.B. No. 154, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (George and Kawasaki).

Stand. Com. Rep. No. 528 (S.B. No. 155, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 528 was adopted and S.B. No. 155, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCREMENT FINANCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (McMurdo).

Stand. Com. Rep. No. 529 (S.B. No. 1336):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 529 was adopted and S.B. No. 1336, entitled: "A BILL FOR AN ACT RELATING TO HOUSING LOAN AND MORTGAGE PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 530 (S.B. No. 36, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 530 was adopted and S.B. No. 36, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 531 (S.B. No. 1432, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 531 was adopted and S.B. No. 1432, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DOMICILIARY CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 532 (S.B. No. 474, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 532 was adopted and S.B. No. 474, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 533 (S.B. No. 1443, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 533 was adopted and S.B. No. 1443, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE, PSYCHOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 534 (S.B. No. 64, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 534 was adopted and S.B. No. 64, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DOMICILIARY CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 535 (S.B. No. 702, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 535 was adopted and S.B. No. 702, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 536 (S.B. No. 1436, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 536 and S.B. No. 1436, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 537 (S.B. No. 427, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 537 was adopted and S.B. No. 427, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A JOB-SHARING PILOT PROJECT IN THE DEPARTMENT OF HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 538 (S.B. No. 431, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 538 was adopted and S.B. No. 431, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS BONUS AND POST RETIREMENT ALLOWANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 539 (S.B. No. 558, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 539 was adopted and S.B. No. 558, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Abercrombie and Cayetano).

Stand. Com. Rep. No. 540 (S.B. No. 589, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 540 was adopted and S.B. No. 589, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 541 (S.B. No. 680):

By unanimous consent, action on Stand. Com. Rep. No. 541 and S.B. No. 680 was deferred to the end of the calendar.

Stand. Com. Rep. No. 542 (S.B. No. 1360, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 542 and S.B. No. 1360, S.D. 2, was deferred to the end of the calendar.

Senate Bill No. 115, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, S.B. No. 115, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1077, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, S.B. No. 1077, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 545 (S.B. No. 125, S.D. 2):

On motion by Senator Chang, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 545 was adopted and S.B. No. 125, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE

INFLUENCE OF INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 98, S.D. 1:

By unanimous consent, S.B. No. 98, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT PROGRAM OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was recommitted to the Committee on Economic Development.

Senate Bill No. 70, S.D. 1:

On motion by Senator Aki, seconded by Senator Matsuura and carried, S.B. No. 70, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 94:

By unanimous consent, S.B. No. 94, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES AND WILDLIFE," was recommitted to the Committee on Economic Development.

Senate Bill No. 90, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, S.B. No. 90, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL MARINE LICENSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 166:

By unanimous consent, action on S.B. No. 166 was deferred to the end of the calendar.

Senate Bill No. 152:

By unanimous consent, S.B. No. 152, entitled: "A BILL FOR AN ACT RELATING TO THE FACILITATION OF PERMIT PROCESSING," was recommitted to the Committee on Economic Development.

Senate Bill No. 280, S.D. 1:

On motion by Senator Aki, seconded by Senator Matsuura and carried, S.B. No. 280, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1386, S.D. 1:

By unanimous consent, action on S.B. No. 1386, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 95:

On motion by Senator Aki, seconded by Senator Matsuura and carried, S.B. No. 95, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Cayetano).

Stand. Com. Rep. No. 555 (S.B. No. 86, S.D. 1):

On motion by Senator Aki, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 555 was adopted and S.B. No. 86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENVIRONMENTAL POLICY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 556 (S.B. No. 1376, S.D. 1):

Senator Chang moved that Stand. Com. Rep. No. 556 be adopted and S.B. No. 1376, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

Senator Cayetano then rose to state that his law firm represents the Office of Hawaiian Affairs and requested a ruling of the Chair as to a conflict of interest.

The Chair ruled that Senator Cayetano was in conflict and was excused from voting on the measure.

By unanimous consent, action on Stand. Com. Rep. No. 556 and S.B. No. 1376, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 557 (S.B. No. 885, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 557 and S.B. No. 885, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1196, S.D. 1:

On motion by Senator Young, seconded by Senator Hee and carried, S.B. No. 1196, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading

on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 169, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 169, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 171:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 171, entitled: "A BILL FOR AN ACT RELATING TO INSURERS' SUPERVISION, REHABILITATION AND LIQUIDATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 173, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 173, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERIES AND MORTUARIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 175, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 175, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL EMPLOYMENT AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 180, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 182, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 182, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO TIME SHARING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Senate Bill No. 190:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 190, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF CONSUMER PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 201, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 327, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 327, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 449, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 449, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY IN DESIGNATED AREAS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 454, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 454, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 456, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 456, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO BEAUTY CULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 588, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 588, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 661, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 661, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 668:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 668, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 662:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 662, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

The Senate reconvened at 1:12 o'clock p.m.

Senate Bill No. 669, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 669, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused 2, (Holt and Kuroda).

Senate Bill No. 926, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 926, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RETAIL SALE OF GASOLINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Holt and Kuroda).

Senate Bill No. 730, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 730, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Abercrombie and Fernandes Salling). Excused, 1 (Kuroda).

Senate Bill No. 932, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 932, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGREEMENTS OF SALE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Abercrombie). Excused, 1 (Kuroda).

Senate Bill No. 961, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 961, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BANKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Kuroda).

Senate Bill No. 1124, S.D. 1:

By unanimous consent, S.B. No. 1124, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 1136:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 1136, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESMEN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Kuroda).

Senate Bill No. 1138, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 1138, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Kuroda).

Senate Bill No. 1178, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 1178, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESMEN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Kuroda).

Senate Bill No. 7, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 7, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Kuroda).

Senate Bill No. 688:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 688, entitled: "A BILL FOR AN ACT RELATING TO MECHANIC'S AND MATERIALMAN'S LIENS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1171, S.D. 1:

By unanimous consent, action on S.B. No. 1171, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 78, S.D. 1:

On motion by Senator Machida, seconded by Senator Abercrombie and carried, S.B. No. 78, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (McMurdo).

Senate Bill No. 484, S.D. 1:

On motion by Senator Machida, seconded

by Senator Abercrombie and carried, S.B. No. 484, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 489, S.D. 1:

On motion by Senator Machida, seconded by Senator Abercrombie and carried, S.B. No. 489, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES NOT COVERED BY CHAPTER 89," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 653, S.D. 1:

On motion by Senator Machida, seconded by Senator Abercrombie and carried, S.B. No. 653, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 861, S.D. 1:

On motion by Senator Machida, seconded by Senator Abercrombie and carried, S.B. No. 861, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER-EMPLOYEE RELATIONSHIPS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 882, S.D. 1:

On motion by Senator Machida, seconded by Senator Abercrombie and carried, S.B. No. 882, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1101:

On motion by Senator Machida, seconded by Senator Abercrombie and carried, S.B. No. 1101, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1102, S.D. 1:

By unanimous consent, action on S.B. No. 1102, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1335:

On motion by Senator Machida, seconded by Senator Abercrombie and carried, S.B. No. 1335, entitled: "A BILL FOR AN ACT RELATING TO SERVICE-CONNECTED OCCUPATIONAL DISABILITY RETIREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 195:

By unanimous consent, action on S.B. No. 195 was deferred to the end of the calendar.

Senate Bill No. 197:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 197, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 202:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 202, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF MEDICAL EXAMINERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1175, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 1175, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETAIL INSTALLMENT SALES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1239:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 1239, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1270, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 1270, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1271, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 1271, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1274, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 1274, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1366, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 1366, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE PROVIDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 344, S.D. 1:

On motion by Senator Solomon, seconded by Senator Hagino and carried, S.B. No. 344, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRESH FRUITS AND VEGETABLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 14, S.D. 1:

By unanimous consent, S.B. No. 14, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," was recommitted to the Committee on Agriculture.

Senate Bill No. 292, S.D. 1:

By unanimous consent, action on S.B. No.

292, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 732, S.D. 1:

On motion by Senator Toguchi, seconded by Senator Solomon and carried, S.B. No. 732, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONAL CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 775, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, S.B. No. 775, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1118:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 1118, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1337, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 1337, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE AND EMERGENCY ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Cobb, Hagino and McMurdo).

Senate Bill No. 160, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 160, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMITTEE MEMBERSHIP," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 9:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 9, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR GOODS AND SERVICES," having been read

throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1179:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 1179, entitled: "A BILL FOR AN ACT RELATING TO ANNUAL REPORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1299, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 1299, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LIQUOR COMMISSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1381, S.D. 1:

By unanimous consent, action on S.B. No. 1381, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 131, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 131, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1304, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 1304, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HONOLULU GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1423:

By unanimous consent, S.B. No. 1423, entitled: "A BILL FOR AN ACT RELATING TO THE VICE DIRECTOR OF CIVIL DEFENSE," was recommitted to the Committee on Government Operations.

Senate Bill No. 568, S.D. 1:

By unanimous consent, S.B. No. 568, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUORS," was recommitted to the Committee on Government Operations.

Senate Bill No. 298, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 298, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (George, Henderson, Kuroda, McMurdo and Soares).

Senate Bill No. 891, S.D. 1:

By unanimous consent, action on S.B. No. 891, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1132:

By unanimous consent, action on S.B. No. 1132 was deferred to the end of the calendar.

Senate Bill No. 12:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 12, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1221:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 1221, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 1:26 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:28 o'clock p.m.

Senate Bill No. 613, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 613, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 592, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 592, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITING COMMERCIAL EXPLOITATION OF CRIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 807, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 807, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 291:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 291, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 29:

On motion by Senator Abercrombie, seconded by Senator Yamasaki and carried, S.B. No. 29, entitled: "A BILL FOR AN ACT RELATING TO THE ADVISORY COUNCIL FOR CHILDREN AND YOUTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 99:

On motion by Senator Abercrombie, seconded by Senator Yamasaki and carried, S.B. No. 99, entitled: "A BILL FOR AN ACT RELATING TO INDIGENT BURIALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 102:

On motion by Senator Abercrombie, seconded by Senator Yamasaki and carried, S.B. No. 102, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1240, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Yamasaki and carried, S.B. No. 1240, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1354, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Yamasaki and carried, S.B. No. 1354, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES AND HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1361, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Yamasaki and carried, S.B. No. 1361, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1434, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Yamasaki and carried, S.B. No. 1434, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 133, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 133, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF AIRCRAFT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 379, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 379, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR CARRIER SAFETY LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 826, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 826, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEDICABS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1155, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 1155, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1312:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 1312, entitled: "A BILL FOR AN ACT RELATING TO JUNKED VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 377, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 377, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 251, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 251, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPTIONAL DISPOSITION OF TRAFFIC CHARGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 909, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Cayetano and carried, S.B. No. 909, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 127, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 127, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AERONAUTICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 128, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 128, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SHORES AND SHORELINES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 163:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 163, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 828, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 828, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chang).

Senate Bill No. 236, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 236, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 650 (S.B. No. 873, S.D. 2):

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, Stand. Com. Rep. No. 650 was adopted and S.B. No. 873, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL PROVISIONS ON PUBLIC SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 642, S.D. 1:

By unanimous consent, action on S.B. No. 642, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 149, S.D. 1:

Senator Aki moved that S.B. No. 149, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Matsuura then rose to speak in support of the measure as follows:

"Mr. President, the State Land Use Law passed in 1961 has rightly been recognized nationally as the pioneer in land use legislation at the state level.

"More than 20 years later, however, we are in the midst of an economic slowdown. It is not enough to regulate — we must also stimulate appropriate economic development. An important factor in our business climate is our land use permitting process. That process is complicated and duplicative. It is certainly a burden to the small landowner.

"In the last 20 years, the counties have built up their own expertise and ability in land use planning and regulation. The counties now have general plans and development plans. Their positions on land use closely resemble those of the State Land Use Commission. In the last 10 years, the counties and the Land Use Commission have agreed 85% of the time in all petitions.

"Senate Bill 149 attempts to reduce the duplication time and cost of the process, focuses on the areas of state concerns and re-establishes a long-range planning concept into the Land Use Law.

"This bill provides that all petitions for redistricting of lands 15 acres or less in size, except within the conservation district, go directly to the counties. This will reduce the number of petitions by half. The bill would also allow the waiver of a contested case hearing provided all parties are in support of the petition and enter into appropriate stipulations on all issues; and establish decision-making criteria relative to areas of state concern. Finally, it would re-institute a five-year review process.

"I believe that there is still a need for a state land use regulatory body. However, from listening to the various testimonies before the Legislature from all sectors of the community, including the business and development interests, environmental interests, and the county and state agencies, there is a need for change. I believe that this bill is moving in the right direction. The Land Use Commission can examine land

use requests from a more regional and statewide perspective where the cumulative impact and areas of state concerns would be the primary focus. Land use petitions in conservation districts are still covered by the Land Use Commission. So the environment is protected, while small petitions in other districts can bypass the commission and be handled by the counties.

"I am aware, Mr. President, that there is a great deal of lobbying from the private sector to streamline the regulatory process, from the counties for repealing the Land Use Commission, and from the environmental interest to protect and preserve the natural resources of the state. I believe this bill, Senate Bill 149, best responds to the balancing of all concerns and is a step in the right direction.

"Therefore, I urge passage of Senate Bill 149."

The motion was put by the Chair and S.B. No. 149, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hee).

Stand. Com. Rep. No. 653 (S.B. No. 1394, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 653 was adopted and S.B. No. 1394, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 654 (S.B. No. 1198, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 654 and S.B. No. 1198, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 655 (S.B. No. 472, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 655 be adopted and S.B. No. 472, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Abercrombie rose to speak against the measure as follows:

"Mr. President, I think if you read through the bill, you'll find that it'll be more difficult to have films made here any easier as a result of this bill. We seem to attack every problem by creating authorities and more bureaucracy to deal with it. I don't

think this is the way to handle it."

Senator McMurdo also spoke against the measure as follows:

"Mr. President, I've had numerous calls about this bill from people who are in the entertainment industry and would like to see movies come here. I mean this film bit ... they feel that this bill may discriminate against local people. They may not have a chance to do some of the productions they would like to."

The motion was put by the Chair and Stand. Com. Rep. No. 655 was adopted and S.B. No. 472, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A HAWAII FILM INDUSTRY AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Abercrombie and McMurdo).

Stand. Com. Rep. No. 656 (S.B. No. 564, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 656 and S.B. No. 564, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 657 (S.B. No. 1233, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 657 was adopted and S.B. No. 1233, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 658 (S.B. No. 1186, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 658 was adopted and S.B. No. 1186, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chang).

Stand. Com. Rep. No. 659 (S.B. No. 113, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 659 was adopted and S.B. No. 113, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOME CARE SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 660 (S.B. No. 496, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 660 be adopted and S.B. No. 496, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Soares inquired as to whether the chairman of the Committee on Tourism and Recreation would yield to a question. The Chair posed the question and Senator Kuroda having answered in the affirmative, Senator Soares asked:

"Mr. President, will the chairman and author of this bill tell this body what the estimated cost is to operate the department's responsibility for bingo?"

Senator Kuroda answered:

"Mr. President, I shall yield to the chairman of Ways and Means Committee inasmuch as this discussion had taken place in the Ways and Means Committee. Some figure had been mentioned. I sat in that committee hearing ... the decision-making hearing. I challenged the figure. I believe the chairman of the Ways and Means Committee could more properly address that question."

Senator Yamasaki responded:

"Mr. President, there is an appropriation of \$64,000."

Senator Soares then rose to speak against the measure as follows:

"Mr. President, during hearings on this bill to legalize bingo, and in the decision-making process, it became apparent to me and I believe to others on the committee that public sentiment favors its passage. What I don't believe anyone who favors the bill has given thought to is that passage will cost the taxpayers' money in the form of an appropriation to implement it. Projections are some \$64,000 for the first year and upwards to \$200,000 by the third or fourth year. Clearly there are economic consequences to this bill.

"Further, Mr. President, the administration, Police Department and Department of Consumer Protection all oppose this bill and have so testified. In view of their objections, and particularly the concerns expressed by the Police Department that passage of this bill might well give certain elements of organized crime the 'entree' they have been seeking, I urge all of you to vote 'no.'"

"I do believe that both the departments and the administration came out very

strongly against this form of gambling. Also, of course, the police department.

"In view of these objections by the departments that came before us and the consequences I see down the road with organized crime and the opportunity infiltrating these game, I feel very strongly that this body reject this bill before we find ourselves dealing with any sector of the crime industry that is going to cause havoc in the State of Hawaii. I ask all of you to vote against this bill."

Senator Kuroda spoke in favor of the bill as follows:

"Mr. President, I rise to speak in favor of this bill and, in rebuttal, state that these figures of \$64,000 for the first year and \$100,000 for the second year are figures on the high side that have been banged around.

"As I mentioned, I was not privy to the discussion when it was conducted in the Ways and Means hearing; however, during the time that decision-making was in progress, I sat in with the committee ... these figures are extremely high.

"With regards to the matter of the crime syndicate and other bad elements involved in the community, taking advantage of bingo as a gambling device and program and having it vulnerable to the infiltration of other gambling activities, I think that this fear is really not one that we should be concerned with."

Senator Abercrombie also rose to speak in support of the measure as follows:

"Mr. President, it would be hypocritical for me to vote against a bill like this when I went with my family as a child to play bingo at various church activities, including the Roman Catholic Church which allowed me in at that time for bingo purposes.

"I went with my mother and father and also did this at the time when the only kind of fire protection we had was from volunteer fire companies and they also utilized bingo as a way of raising funds.

"My trepidation with the bill is all this bureaucracy associated with it. I don't think we need any of it.

"I'm voting for the bill on the basis that if and when it comes back this will all be removed and the department will simply deal with it as a license and actually put people to work to deal with it. And if they show some experience with having a problem with dealing with the licensing with non-profit organizations and so on, then you could consider spending some money on it. But this is supposed to be recreational. We're not supposed to get into another

government business with bingo, and I don't think people were for it.

"I think that Senator Soares is quite correct when he says that people may be under a different perception of what's involved here. And I think the author of the bill wants to keep it simple too.

"So, as I say, I will vote for it on the basis that if and when it comes back, that these problems will be addressed so that we don't mislead people into what we're getting into."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 660 was adopted and, Roll Call vote having been requested, S.B. No. 496, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BINGO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (George, Henderson, Holt, A. Kobayashi, B. Kobayashi, Matsuura, Soares and Young).

Stand. Com. Rep. No. 661 (S.B. No. 258, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 661 was adopted and S.B. No. 258, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 471, S.D. 2:

By unanimous consent, action on S.B. No. 471, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 663 (S.B. No. 774, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 663 was adopted and S.B. No. 774, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1075, S.D. 2:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, S.B. No. 1075, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 665 (S.B. No. 1416, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 665 was adopted and S.B. No. 1416, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 666 (S.B. No. 495, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 666 and S.B. No. 495, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 667 (S.B. No. 1190, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 667 and S.B. No. 1190, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 668 (S.B. No. 237, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 668 was adopted and S.B. No. 237, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 669 (S.B. No. 1185, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 669 was adopted and S.B. No. 1185, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 670 (S.B. No. 656, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 670 was adopted and S.B. No. 656, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOME OPERATORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 671 (S.B. No. 239, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 671 was adopted and S.B. No. 239, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1152, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, S.B. No. 1152, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ON MERCHANTS ASSOCIATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 697, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, S.B. No. 697, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 674 (S.B. No. 241, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 674 was adopted and S.B. No. 241, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 675 (S.B. No. 701, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 675 was adopted and S.B. No. 701, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 676 (S.B. No. 246, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 676 was adopted and S.B. No. 246, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 1:54 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:05 o'clock p.m.

Senate Bill No. 1353, S.D. 1:

Senator Solomon moved that S.B. No. 1353, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hagino.

Senator Hee rose to speak in support of the measure as follows:

"Mr. President, I rise to speak in favor of the bill; however, I would like to point out some statements made in the committee report which do not adequately or completely express the intent of the bill.

"I'd like to thank the chair of the Agriculture Committee for moving the bill out as there is no question in my mind that one of the issues which has taken up much of the news media during the last two years and, particularly, during this session has been the use and abuse of pesticides relative to the monitoring and its enforcement by the Department of Agriculture. I can remember quite clearly Mr. Hector Matsuda coming forward from the DOA pointing out some of the abuses.

"This bill, Mr. President and members of the Senate, is an answer and a step forward to tighten up the Department of Agriculture's ability to enforce the abuse of pesticides. It was done with much hard work and compassion for the farmers and with the consumer in mind.

"Mr. President and members of the Senate, for the record, I call your attention to the second page of the committee report, second to the last paragraph, and I quote, 'Your Committee believes it is in the best interest of the public to provide flexibility in monitoring pesticide use.' That is not true. This bill is not to provide flexibility. Rather, this bill is to provide a tight framework in which '... the chairperson of the board of agriculture, in consultation with the advisory committee on pesticides and also with the approval of the director of health, shall cancel or suspend the use of such pesticide or specific uses of such pesticide when such usage is deemed to have unreasonable adverse effects on the environment. The chairperson of the board of agriculture shall take necessary action to cancel the registration or license of such canceled or suspended pesticide or uses as provided in section 149A-14(b).'

"Mr. President, this is a step in the right direction to provide the Department of Agriculture which has lacked the manpower,

lacked the resources and, perhaps, lacked the direction it needed from the Legislature with that framework and not allow the flexibility that is purported in the committee report.

"Mr. President, as I said, I rise to speak in favor of the bill. I am confident and hopeful that the committee report and the bill will go to the House and be further worked on and, again, I'd like to thank the members of the committee.

"Thank you, Mr. President."

Senator Solomon, in response to the previous speaker, remarked as follows:

"Mr. President, in response to the Senator from the 9th District, as the Committee Chairman of Agriculture, I would just like to clarify the committee report.

"The Senator made reference to the paragraph before the last paragraph (page 2) which says, 'Your Committee believes it is in the best interest of the public to provide flexibility in monitoring pesticide use.' This paragraph was in reference to item (2) of paragraph 2, page 2 of the committee report. If you will look at the items that were enumerated the committee felt very strongly that 'The use of such pesticide may be continued under any special local needs registration; provided that the Department of Agriculture re-evaluate the special local needs registration.'

"I would just like to state for the record that the Agriculture Committee is very much concerned about public health and safety.

"And I would like to commend the previous speaker for his acknowledgment in that this bill was discussed in great length, but I still would like to remind the body that it is the Agriculture Committee's priority to be sure that the farmers and the agriculture community be given some kind of flexibility in terms of dealing with this pesticide situation in the State of Hawaii.

"Thank you."

The motion was put by the Chair and carried and S.B. No. 1353, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 174:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 174, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Third Reading

on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 177, S.D. 1:

By unanimous consent, S.B. No. 177, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY," was recommitted to the Committee on Consumer Protection and Commerce.

Senate Bill No. 204, S.D. 1:

By unanimous consent, action on S.B. No. 204, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 198, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 198, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 199, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 199, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OSTEOPATHY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 213, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 213, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE DETECTIVES AND GUARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 217, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 217, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PODIATRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 218, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 218, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEARING AID DEALERS

AND FITTERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 220, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 220, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELEVATOR MECHANICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 230, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 230, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 309, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 309, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FOR MOTOR VEHICLES AND OTHER VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 389, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 389, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 457, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 457, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 539, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 539, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO ALARM BUSINESSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 556, S.D. 1:

By unanimous consent, action on S.B. No. 556, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 665, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 665, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1130, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 1130, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1144, S.D. 1:

By unanimous consent, action on S.B. No. 1144, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1334, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 1334, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT VACATION RENTALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Senate Bill No. 110, S.D. 1:

On motion by Senator Young, seconded by Senator Hee and carried, S.B. No. 110, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 112:

On motion by Senator Young, seconded by Senator Hee and carried, S.B. No. 112, entitled: "A BILL FOR AN ACT RELATING

TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 234, S.D. 1:

On motion by Senator Young, seconded by Senator Hee and carried, S.B. No. 234, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 235, S.D. 1:

Senator Young moved that S.B. No. 235, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Young rose to correct a typographical error in Standing Committee Report No. 700 on the S.B. No. 235, S.D. 1, as follows:

"Mr. President, 'Hawaii Community Redevelopment Agency' should be corrected to read 'Hawaii Community Development Authority.'"

The Chair ordered the correction be made.

The motion was put by the Chair and S.B. No. 235, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 287, S.D. 1:

On motion by Senator Young, seconded by Senator Hee and carried, S.B. No. 287, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 132, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 132, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIGHTS FOR MOTOR VEHICLES, MOTORCYCLES, MOTOR SCOOTERS, MOTORIZED BICYCLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 854, S.D. 1:

By unanimous consent, action on S.B. No. 854, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1318, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 1318, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1400, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 1400, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 129, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 129, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIENS ON AIRCRAFT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 255:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 255, entitled: "A BILL FOR AN ACT RELATING TO COMPLIANCE WITH COURT ORDERS IN TRAFFIC CASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1356, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 1356, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUPIL TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1264, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 1264, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO MOTOR VEHICLE SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 644, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 644, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1365, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 1365, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION OF APPLICANTS FOR HAWAII DRIVER'S LICENSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 615, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 615, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR PRIVATE ATTORNEYS GENERAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (George and Soares).

Senate Bill No. 742, S.D. 1:

By unanimous consent, action on S.B. No. 742, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1413, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 1413, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Young rose on a point of personal privilege and remarked as follows:

"Mr. President, I rise on a point of personal privilege.

"I wish to clarify several points relating

to my proposed lease rent control bill which did not pass your Committee on Housing and Community Development.

"Last session, lessee organizations and their attorneys approached the Legislature requesting relief from the substantial increases in residential lease rents experienced at renegotiation.

"The new rents, they said, were unaffordable.

"They said, lessees have few options, if any, at renegotiation but to accept what the landowner decided the new lease rent to be.

"I emphasize that as it was explained on numerous occasions by lessees, the need for the Legislature to cap lease rent increases is to help those homeowners who cannot afford to purchase their fee titles and who must, therefore, remain under the leasehold system.

"A blue ribbon advisory panel was organized this past interim, which included lessee representatives, to study the problem and find a reasonable resolution. The product of this study, Senate Bill No. 801, which incorporated the panel's recommendations, was introduced this year.

"The issue of unlinking a new lease rent control law and the Land Reform Act was thoroughly discussed throughout the interim. At all times, the lessees and their attorneys agreed that this unlinking should occur.

"The Senate advisory panel is emphatic the unlinking occur, too.

"All along lessees called for rent control ... nothing more. For the past year my committee, the panel, and lessee and lessor representatives worked hard on a rent control measure and, suddenly, rent control is not all the lessees want. It is now obvious a handful of vocal lessees, despite their previous position, have come to feel the answer is defined by the direct benefit to their pocketbooks, not what is fair for all parties.

"The unlinking of the two statutes does not mean there is a trade-off between lowered rents and higher land values. What I had provided for is that legislatively depressed lease rents not affect the land value of the fee title.

"Robert Schieve, chairman of the Hawaii Leaseholders Equity Coalition, is quoted in a Saturday Advertiser article as saying, 'If it's (the bill) going to torpedo the Land Reform Act ... it has to be sacrificed.'

"Senate Bill No. 801 would not adversely affect the Land Reform Act. To the

contrary, if the two statutes were not unlinked, landowners would have challenged the valuation issue.

"But what is extremely disturbing is Mr. Schieve's attitude about 'sacrificing' those lessees who are caught in the moratorium on lease rent increases imposed last year. These lessees will face renegotiation in July, and as current law provides, they will have to pay those new, increased rents for the next fifteen years.

"Please understand we are speaking of lessees who are in tracts already converted to fee simple. In other words, they, quite possibly, are lessees who could not afford to purchase their fee titles -- the ones, I was told by Mr. Schieve, who needed assistance the most.

"As it should be, my committee members freely voted their own conscience. The fate of the bill was fairly decided by the committee. Some voted the way they did because they understood and concurred with the lessees' position on the unlinking of HRS 516 and 519. Others voted 'I do not concur' for significantly different reasons.

"My concern is for those lessees who must renegotiate in this interim. I wonder if they feel represented by the Hawaii Leaseholders Equity Coalition, or whether they have been sacrificed and left to swing in the wind by the Coalition."

At 2:25 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:47 o'clock p.m.

AFTERNOON SESSION

ORDER OF THE DAY

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

THIRD READING

Senate Bill No. 1209, S.D. 1:

Senator Yamasaki moved that S.B. No. 1209, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Cayetano rose to speak against the measure as follows:

"Mr. President, just some brief remarks against this bill.

"This bill would give an exemption to travel agents for commission earned on airfares. As far as I'm concerned, this is just another hole in the dike, so to speak, ... further erosion of our general excise tax

base.

"I think there is a lot of confusion about why people who do business in the state pay the general excise tax.

"We don't pay the general excise tax so we can pass it on to people. We pay the general excise tax for the privilege of doing business in the State of Hawaii and the protection and all other services provided by the state.

"We already, some years ago, gave this exemption to insurance people; now we give it to travel agents. A couple of years ago, the real estate agents were in here asking for this, and I'm sure that others will be soon pounding the door.

"I'm opposed to this and I hope we take a strong look at what we're doing when we provide these exemptions, which, by themselves, do not seem to be of great importance but taken together only serve to erode our tax base."

Senator Soares then rose to request a ruling of the chair on a conflict of interest, as president of a travel agency and part owner of another.

The Chair ruled that Senator Soares was in conflict and was excused from voting on the bill.

The motion was put by the Chair and S.B. No. 1209, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Cayetano and Kawasaki). Excused, 1 (Soares).

Stand. Com. Rep. No. 388 (S.B. No. 936):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 388 was adopted and S.B. No. 936, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REDEVELOPMENT OF THE ALOHA TOWER COMPLEX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Abercrombie, Cayetano, Hee, B. Kobayashi and McMurdo).

Stand. Com. Rep. No. 390 (S.B. No. 136):

Senator Yamasaki moved that Stand. Com. Rep. No. 390 be adopted and S.B. No. 136, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Kawasaki spoke for the measure as follows:

"Mr. President, I had thought about voting 'no' on all of these revolving fund bills but I understand that the House is coming out with a bill that is a little different from ours, which gives the Legislature a measure of control over the operations of these revolving funds, so I will support this bill so it can go into conference and, hopefully, the conferees come out with a bill that gives the Legislature some semblance of control over the affairs of the university."

Senator Holt also spoke in support of the measure as follows:

"Mr. President, I'd just like to make a brief comment on this bill and the following four or five bills.

"The Senate is backing this legislation as a result of an audit that was taken of the non-general fund structure of the University of Hawaii. We have a letter from the Department of Budget and Finance requesting adoption of the proposals."

Senator Abercrombie also spoke in support of the measure as follows:

"Mr. President, I want to point out to the members that not only is this particular kind of funding going on without authorization legislatively right now, but not everyone pays enough attention to the fact the revolving funds require a report and this will enable us to keep much closer tabs on how this money is being spent. Right now, no one's paying attention.

"Once these bills come into effect, we're going to be able to pay a lot closer attention to what happens with this money and how it works at the university."

The motion was put by the Chair and Stand. Com. Rep. No. 390 was adopted and S.B. No. 136, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF SPECIAL FUNDS FOR THE UNIVERSITY OF HAWAII AT MANOA, THE UNIVERSITY OF HAWAII AT HILO, AND WEST OAHU COLLEGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 391 (S.B. No. 137, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 391 was adopted and S.B. No. 137, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF REVOLVING FUNDS FOR THE INTERCOLLEGIATE ATHLETIC PROGRAMS OF THE UNIVERSITY OF HAWAII AT MANOA AND THE UNIVERSITY OF HAWAII AT HILO," having

been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 392 (S.B. No. 138):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 392 was adopted and S.B. No. 138, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF REVOLVING FUNDS FOR INTERNAL SUPPORT SERVICES AT THE UNIVERSITY OF HAWAII AT MANOA AND THE UNIVERSITY OF HAWAII AT HILO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 393 (S.B. No. 139):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 393 was adopted and S.B. No. 139, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A UNIVERSITY OF HAWAII STATEWIDE COMPUTER SERVICES REVOLVING FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 394 (S.B. No. 140):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 394 was adopted and S.B. No. 140, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII'S TRANSCRIPT AND DIPLOMA REVOLVING FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 395 (S.B. No. 141, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 395 was adopted and S.B. No. 141, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII'S VOCATIONAL AND TECHNICAL TRAINING PROJECTS REVOLVING FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 397 (S.B. No. 1289, S.D. 1):

On motion by Senator Yamasaki, seconded

by Senator Mizuguchi and carried, Stand. Com. Rep. No. 397 was adopted and S.B. No. 1289, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 407 (S.B. No. 6, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 407 be adopted and S.B. No. 6, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Cayetano rose to speak against the measure as follows:

"Mr. President, according to the committee report, 'The purpose of this bill is to grant civil service status to the researcher in the office of collective bargaining.'

"Mr. President, this is a bill for an individual — one person. We would be granting civil service status to that person. In other words, we would be 'grandfathering' him in.

"This bill and the efforts of this person or persons on his behalf has had a long history in the Legislature. I've been here ten years and I think for the good second half of my career as a legislator, I have seen this bill rise from time to time. The reason it's still here, of course, is that past legislatures have had the wisdom to deny the passage of this bill and to deny giving this one individual this privilege which should be thrown out in open competition to the public-at-large. That is the principle of civil service and that is what we should be doing.

"The main concern I have about this bill is that the researcher in the Office of Collective Bargaining works with the state's chief negotiator and the negotiator's deputy is representing the administration in collective bargaining. It would seem to me that since the negotiator and the deputy are patronage positions, so to speak, namely, the governor is given the privilege of choosing his negotiator and selecting his deputy, that this researcher position should be placed in the same category.

"I think the impact of this bill can be better brought home if all of us imagined someone else appointing our committee clerks or our administrative aids. None of us would stand for it. I think our offices would not function as efficiently if we allowed that to happen.

"If we give this person civil service status, what we do is deny, in my view, the future administration, the future governor in 1986, the privilege of choosing his collective bargaining team. The researcher in this case is not just a researcher. This person is a very important part of the collective bargaining team. For that reason, in my view, he should not be in civil service.

"If, however, we insist on making this position civil service, then I say, let's make it truly civil service. Let's open it up and let everybody take the exam and the best man wins.

"We have been doing too much of this 'grandfathering' -- taking care of individuals.

"This is not the only bill which deals with this point. There are others and I will vote against those also.

"Thank you."

The motion was put by the Chair and Stand. Com. Rep. No. 407 was adopted and S.B. No. 6, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 11 (Abercrombie, Cayetano, Cobb, Fernandes Salling, George, Hee, Henderson, Kawasaki, McMurdo, Soares and Toguchi).

Stand. Com. Rep. No. 423 (S.B. No. 52, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 423 was adopted and S.B. No. 52, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Cayetano and Fernandes Salling).

Stand. Com. Rep. No. 426 (S.B. No. 381):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 426 was "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Kawasaki and Soares).

Stand. Com. Rep. No. 436 (S.B. No. 1170):

Senator Yamasaki moved that Stand.

Com. Rep. No. 436 be adopted and S.B. No. 1170, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Cayetano spoke against the measure as follows:

"Mr. President, the purpose of this bill is to give the board of trustees of the Public Employees' Retirement System the authority to establish the investment yield rate and other factors for actuarial valuations of the system beginning with the year ending June 30, 1985.

"Mr. President, at the present, the yield rate is capped and I believe the cap is set at 7 percent. This particular subject area is not easy to understand so let me describe it by saying that the earnings which are 7 percent or below go into the Employees' Retirement System; the rest in excess of 7 percent go into the general fund. But, under the existing law, the general fund of the state guarantees the Employees' Retirement System. That is the reason why the cap was set and the law was fashioned in the manner that it exists today.

"This bill would give the board of trustees the authority to establish the investment yield rate as they please and, in my view, this is inconsistent with the way the law is set. If the public employees want to have all of their retirement investment yield earnings, fine. Maybe, we should rethink, reconsider the question as to whether the state should continue to guarantee the Retirement System."

The motion was put by the Chair and carried, Stand. Rep. No. 436 was adopted and S.B. No. 1170, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Abercrombie, Cayetano, Fernandes Salling, Hee, Kawasaki and Toguchi).

Stand. Com. Rep. No. 456 (S.B. No. 153, S.D. 1):

Senator Matsuura moved that Stand. Com. Rep. No. 456 be adopted and S.B. No. 153, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aki.

Senator Abercrombie rose to speak against the measure as follows:

"Mr. President, I rise to speak against this bill.

"Mr. President, I ask you and the members to consider what's being done here in the name of economic development,

presumably. This gives the board the right to waive payments for utilization of geothermal resources ... waive royalty payments.

"Mr. President, I have commented previously on this in this session. Unfortunately, it appears that I have to continue to comment.

"The Legislature seems bent upon giving up not only its legislative prerogatives but its responsibilities and obligations. It is one thing for the Legislature to allow the Board of Land and Natural Resources to exercise certain rules and regulations with respect to the day-to-day affairs of geothermal resources or any other activity that comes under the board's jurisdiction. It is quite another when we are talking about royalty payments from energy sources to abdicate our responsibility, authority, and obligations to a board appointed by the executive. If we do that, what we're saying is that this particular source of revenue will not be under the control or observation, will not be under the jurisdiction of the Legislature. To a priori before the circumstances of revenue generation are known to us, give that prerogative to the Board of Land and Natural Resources, runs entirely against the course of events that any good legislature should follow.

"It says that we don't know what's going to happen. We're not sure what we want to do with it; we want to wash our hands of it and allow an appointed board at some time in the future to have complete and utter control over the royalty payment. That's not what the people of this state expect from any legislature worthy of the name and we should turn this bill down.

"There is no compelling reason to do this in terms of what the Legislature needs to do at this time. And in the absence of such a compelling reason to waive royalties, we should not do it.

"I would like to hear an argument that has any semblance of legislative reason attached to it as to why the Legislature should opt out of its responsibilities in this area."

Senator Solomon also rose to speak against the bill as follows:

"Mr. President, I'd like to speak in support of the previous speaker and speak against this legislation.

"If you are to read the committee report, it says here, the last paragraph: 'Upon further consideration, your Committee has amended the bill by providing that the Board shall submit a report of its geothermal royalty dispositions to the legislature in accordance with section 171-29, Hawaii

Revised Statutes. Your Committee believes that this will help assure that the State will receive the full measure of royalty payments to which it is entitled.'

"If you would turn to the statute and if you would look at part (b), it says here, 'Whenever in this chapter any sale, lease, easement, license, executive order, quitclaim, exchange, or other disposition is made subject to disapproval of the legislature, a written report thereof containing the information required in subsection (a)'

"If you would look at subsection (a), they have identified the following areas and may I, for the record, go to the different areas. It's commercial, industrial, and other business uses, sale and fee, hotel and resort, land exchange, exchanges for conversion of leasehold land to fee simple ownership, quitclaim, reclamation and disposition of submerged lands or reclaimed public lands, mineral and water rights lease disposition, and disposition to government agencies and utilities.

"If you would look at Section 171-58 which talks about mineral and water rights, you will see that there is no mention of the word 'royalties' and, again, Mr. President, I would like this body to consider the serious implications of this legislation in giving this prerogative to DLNR to waive the royalty rights.

"I feel that that definitely is the prerogative of the Legislature as well as the people of the State of Hawaii. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 456 was adopted and S.B. No. 153, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Abercrombie, Chang, Cobb, Hagino, Kawasaki, McMurdo, Solomon and Young).

At 4:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:08 o'clock p.m.

Senate Bill No. 1329, S.D. 3:

Senator Cobb moved that S.B. No. 1329, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Kawasaki rose to speak in support of the measure as follows:

"Mr. President, I understand the

possibility of getting 13 votes is tenuous, to say the least, but I think the reason for the police department and the counties advocating this bill perhaps should be discussed.

"It is the position, for example, of the City and County of Honolulu that, in their estimate, it actually costs the police department some 1700 man-hours to provide for the funeral escort service, which today is provided by on-duty policemen providing this service to the mortuaries.

"In terms of cost to the City and County, it is estimated that the cost is about \$41,000. We ask them to tighten their belt and I think this is one of the measures in which they attempt to at least get some \$41,000.

"I found out from the spokesman of the mortuary association that the average cost charged to the bereaved family in this city is about \$3,000 to \$3,500 per family. I was shocked to hear this.

"I also inquired as to the average cost of caskets. The answer I got was \$1,000 to \$1,500.

"It seems to me the profit margin for the mortuaries is adequate to enable them to absorb the cost of the escort service, which, according to this bill, is going to be a \$20 per hour fee charged to the mortuaries.

"It is my observation too that because we enact this bill, which will cause the mortuaries to have to pay the \$20 an hour for police escort service, I don't know that the mortuaries are going to add this to the bill, as is claimed by the opponents of this measure.

"As I said, it just seems to me that the profit margin enjoyed by the mortuaries today could adequately enable them to absorb this cost. For this reason, I vote in favor of this bill."

Senator Abercrombie spoke against the measure as follows:

"Mr. President, my remarks will be brief, as I hope my ride will be brief when my time has come. Of course, I won't know if it's going to be brief or not but I certainly don't want to leave any more grief to my survivors or survivor, or perhaps Senator Soares who offered to be my guardian at the end.

"In all seriousness, Mr. President, this service is not provided to the mortuary. It is provided to the deceased and the family of the deceased. The mortuaries do not need to have the motorcycle service. If people want to take their chances getting through lights in following car processions

and so on to a cemetery or memorial service or whatever it might be, they can do that. So, it is not for the mortuaries that this is done. This is done for the bereaved people. They are in circumstances in which their concentration is on the deceased and that's why it's important to have, I think, the motorcycle escorts.

"I think that because the service is in fact to the deceased and to the grieving family that it is well within the purview of public policy to have on-duty officers escorting the procession. Thank you."

Senator Kuroda, against the measure, remarked:

"Mr. President, I will be voting against this bill and I just want the previous speaker to know that of all the times that he has gotten up to speak on the floor, we are listening and we are with you."

Senator B. Kobayashi also spoke against the bill as follows:

"Mr. President, in committee, we discussed the fact that \$41,000 and 1700 man-hours necessary to provide the escort in the City and County of Honolulu is approximately one man-year. That's not an extraordinary amount of money, it seems, compared to what would have to be spent under this Senate Draft 3, which probably would be more expensive when totalled up for everyone because now your hourly charge could be as much as \$20 an hour.

"The other thing discussed in committee was that people pay taxes all their lives and you only get one of these escorted rides free. We thought we had great control over runaway costs and we think that it is not an unreasonable amount and, certainly, a traditional service provided by the police."

Senator Cobb also spoke against the measure as follows:

"Mr. President, very briefly. I will be voting 'no' on the premise that I've always been philosophically opposed to this bill. As the previous speaker mentioned, we're all entitled to at least one free ride. Thank you."

The motion was put by the Chair and carried and, Roll Call vote having been requested, S.B. No. 1329, S.D. 3, entitled: A BILL FOR AN ACT RELATING TO FUNERAL ESCORTS," having been read throughout, failed to carry on the following showing of Ayes and Noes:

Ayes, 10. Noes, 15 (Abercrombie, Aki, Chang, Cobb, Fernandes Salling, Hagino, Holt, B. Kobayashi, Kuroda, Machida, Mizuguchi, Soares, Solomon, Yamasaki and Wong).

Senate Bill No. 563, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 563, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM TRUSTEES' POWERS ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1095, S.D. 1:

By unanimous consent, S.B. No. 1095, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was recommitted to the Committee on Judiciary.

Senate Bill No. 1224, S.D. 1:

On motion by Senator Aki, seconded by Senator Matsuura and carried, S.B. No. 1224, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Abercrombie, Cayetano, Chang, George, Kawasaki, A. Kobayashi, B. Kobayashi and McMurdo).

Senate Bill No. 1485, S.D. 1:

Senator Aki moved that S.B. No. 1485, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aki.

Senator Kuroda inquired as to whether the chairman of the Economic Development Committee would yield to a question; the Chair posed the question, and Senator Aki having replied in the affirmative, Senator Kuroda asked:

"Mr. President, is this the bill that was originally a short form, introduced with the intention of attaching a senate draft for the Hale Mohalu Land?"

Senator Aki replied: "That is correct, Mr. President."

Senator Kuroda continued:

"Mr. President, I will vote for this bill, but I'd like to enter into the Journal some statements with regard to this bill.

"As the chairman just stated, there was a short form senate bill introduced to propose a senate draft to utilize this Hale Mohalu land for residential housing for the elderly and the handicapped. I spoke to the chairman with regards to the Senate's action last year, a resolution requesting the Land Board to lease this land for athletic purposes. He said that he had conducted meetings with the two groups, the athletic group and the housing group, much to the

credit of the chairman. He then redrafted the senate bill and put it in the form that we now see before us, which is to amend Section 171-43.1 to include the possibility of the use of this public land, in addition to organization for charitable, religious, or educational purpose, including recreation.

"Now, this bill proposes to permit the use of public lands for residential use for the elderly and the handicapped. This is a bill that is acceptable to the proponents who have the lease for the Hale Mohalu land for athletic purposes. That particular group does not oppose the joint use of this land. However, with this amended version, if it becomes law, the Land Board must be approached for the joint use. It is in the purview of the Land Board.

"The athletic group, which is in the Pearl City community, wishes to use the entire land for athletic purposes; however, it would cooperate should there be any change in thinking at the state level. Thank you."

Senator Abercrombie rose to speak in support of the measure as follows:

"Mr. President, I had put forward the draft that the previous speaker mentioned. I had consulted with him and other people who are associated with this issue about the idea of possible joint use and attended the meetings under the auspices of the chairman of the Economic Development Committee, Senator Aki, where the individuals involved in the Pearl City youth athletic complex and the coalition for the housing for the elderly and the handicapped were able to meet and discuss this issue.

"I'm grateful to the previous speaker for his conciliatory remarks and the willingness of the group including the previous speaker to entertain the possibility of shared use and joint use if we are able to work this out.

"Mr. President, for the edification of the members, those of us who would like to see joint use or alternative use are doing our best to secure other property with the idea of a possible exchange, or to be able to make a presentation to the group presently holding the lease, who, nonetheless, will incur certain expenses in the future they may not be able to handle, hoping to do our best to present a plan which will satisfy all sides and bring this tragic issue, I might say, an issue which began in tragedy, bring it to a successful, peaceful and mutually beneficial conclusion. Thank you."

The motion was put by the Chair and carried, and S.B. No. 1485, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 906, S.D. 1:

Senator B. Kobayashi moved that S.B. No. 906, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Machida.

Senator Hee spoke in support of the measure as follows:

"Mr. President, this bill, Senate Bill 906, like 1353, addresses the use and abuse of pesticides and is meant to create a stricter framework upon which the chairman of the Department of Agriculture and the director of the Department of Health would operate in.

"This bill, Mr. President, is specifically written to address pesticides which have been found in potable water, both at the EPA level of the Federal Government and at the local level. It is drafted because of the need and the apparent lack of common sense regarding human health and welfare by large corporations, with respect to carcinogenic and otherwise very harmful and deadly chemicals.

"Mr. President, as you know, there are some hearings which will be taking place shortly to extend the use of the chemical EDCP on pineapple fields in West Maui, and this legislation would sharply curtail any thought of allowing further abuse to human life by chemicals.

"The state has been grappling with the abuse of EDCP, EDB, TCP, and other chemicals which are now polluting our groundwater source.

"Mr. President and members of the Senate, as in Senate Bill 1353, this legislation would direct the director of health to ban the use of certain pesticides which have been deemed to have unreasonable adverse effects on the environment and on public health and safety. I hope that the House will act favorably on this legislation as it will demonstrate to the media and the public that the welfare of our constituents and the consumer have been placed at a very high priority.

"Thank you, Mr. President."

The motion was put by the Chair and carried, and S.B. No. 906, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 475 (S.B. No. 557):

Senator Yamasaki moved that Stand. Com. Rep. 475 be adopted and S.B. No. 557, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Kawasaki rose to speak against the bill as follows:

"Mr. President, the other day I attempted to amend this bill so that of the three hospitals receiving the benefit of these nontaxable revenue bonds, Queen's Hospital would be eliminated from that. And the reason, of course, as I have stated on the floor time and again is that Queen's Hospital, through the good graces of this Legislature, has in the last four years received a total of \$100 million of these nontaxable bonds, and the estimated savings that they anticipate as a result of our actions here is calculated to amount to some \$96 million. This to me is enough of a largess that we have already accorded the Queen's Hospital.

"It just seems to me, if we're going to grant these types of nontaxable bonds, perhaps, we should consider the plight of some of the other hospitals.

"The proposed amendment was intended to remove Queen's Hospital from the list because I felt that Wahiawa General Hospital who's come in for a \$3 million floatation and Wilcox Memorial Hospital for another \$3 million, perhaps, justified their request. In the case of Wilcox, I found out that the million dollars allocated to them has not been used, for one reason or another. In the case of Wahiawa General Hospital, an allocation of \$3 million in a prior authorization was given to them and \$1.9 million of that amount has been used and they have remaining to be used \$1,100,000. In view of these two facts, I felt that our not passing this bill would not work any undue hardship on these hospitals.

"It just galls me to think that Queen's Hospital, after getting \$100 million worth of benefit, refuses to provide the Ways and Means Committee with information, which I think is very relevant, very pertinent to our determination as to whether we should give them another \$5 million. The information, of course, was a request that they send us a schedule of the administrative salaries in excess of \$25,000. They met in a board meeting and refused to divulge that information to us.

"And, as you know, I offered another amendment to require this information to be submitted to us as we require some one hundred organizations that come for grants-in-aid benefits that we allocate under the grant-in-aid spectrum of appropriations.

"And where the hospital is impudent

enough or arrogant enough to say 'you shall not have this information even if you requested it legitimately,' I think, perhaps, it's time that we draw the line and tell the hospitals that information that we request is information that we need if we are to make responsible decisions on behalf of the people. And for that reason, I speak against passage of this bill."

Senator Fernandes Salling then rose to speak in support of the measure as follows:

"Mr. President, I rise to speak in support of this bill although I share the concerns of my fellow Senator with regard to Queen's Hospital, especially in light of the fact that I believe very strongly that when a legislative request is made for information, that institution should provide that information to this body so that we would be in a better position to make a decision on whether or not to fund them."

"In this case, however, as you can see from the bill, there are three hospitals coming in for a request and, just very briefly, I believe that Wilcox Hospital's request is reasonable. This is the main hospital on our island and they will be using these funds to refinance equipment loans on their one CT scanner and for other necessary laboratory, radiology and dietary equipment."

"For this body's information, the savings that this would yield to this hospital amounts to \$350,000 and, as was mentioned to us in the Ways and Means Committee, they hope to pass the savings on to their patients in approximately a dollar off their rate per day. For these reasons I urge the members to consider very carefully the passage of this bill."

Senator B. Kobayashi also rose to speak in support of the bill as follows:

"Mr. President, as some of you know, I have been associated with Queen's Hospital in one way or another for several years. I have filed all the proper papers before the State Ethics Commission. I have, beyond that, had bills not referred to my committee by my written request to the Senate President. This particular bill did not appear before the Senate Health Committee. In addition to that, by written request, bills relating to the State Health Planning Development Agency have not been referred to the Senate Health Committee."

"Nonetheless, I would like to ask if there is a conflict in my speaking or voting on this matter."

The Chair responded: "No conflict, Senator Kobayashi."

Senator B. Kobayashi continued:

"Thank you."

"Mr. President, in committee there was some discussion about how savings could be passed on. There was indication that the costs at Queen's were extraordinarily high, citing specifically \$740 a day for intensive care unit beds at Queen's Hospital. That's a very large amount of money."

"Also cited at the hearing was the cost of a bed for intensive care at Wilcox Hospital. That was \$695; again, a very large amount of money."

"But you have to understand that a bed is not a bed in a hospital. A bed comes with support equipment and support personnel. Take for instance an intensive care bed for neo natus ... small little babies ... at Kapiolani Children's Hospital. Those beds are priced at \$1,140 a day, \$400 more than at Queen's. Now, that's a lot of money, but there is only one place in the State of Hawaii where babies that weigh less than two pounds at birth have a reasonable chance to survive and that is at Kapiolani Children's Hospital. Now, at Queen's that bed might be considered cheap by Wilcox standards. Let me explain."

"At Queen's, you have behind that bed supporting it, radiology. You have at all times, two x-ray technicians on premises, 24 hours a day, 7 days a week. Those two technicians are capable of running all the x-ray equipment at Queen's Hospital and, in addition, CAT scan. CAT scan is an expensive but very sophisticated computerized x-ray machine that can show you soft tissue. Wilcox probably does not have that. In addition to that, there is on premises, 24 hours a day, 7 days a week, a surgery team because the people at Queen's and the trauma cases at Queen's cannot wait for people to come in 30 minutes and 40 minutes. A surgery team is on premises every hour of the day. This consists of at least an operating room nurse, a scrub technician, an anesthesia technologist, and I'm not sure who else."

"In addition to this, if you go on the medical intensive care unit at Queen's, you will find a physician on duty, on premises, 24 hours a day. That guy is right there. He's not down the hall, in the next room, in the next wing. There is also 24 hours a day, 7 days a week, respiratory therapists. Respiratory therapists, as we have heard in another committee, are extraordinarily important, especially for people who are in intensive care because lung capacity, breathing, the whole resuscitation process, ventilators, are now extremely sophisticated equipment and, of course, spell the difference between life and death."

"Also on duty, 24 hours a day, are I.V. therapists. Now, I.V. therapists today do things that we thought not possible just a few years ago. It's not just a matter of sticking a needle in a person's arm and finding a vein. If you get someone who's old, whose muscle tone is like jello, who is small, finding a vein with a needle is like dropping a 'BB' into a straw without hitting the sides in the dark. If you go through that vein, it's a hemorrhage. A person's vein can be really threadlike and moving because they're in a jello mass. But, we have those people on board 24 hours a day at Queen's.

"Recently, a woman who was at Queen's Hospital came up to me and said that she was glad that she finally found someone who was able to put a needle for an I.V. into her on the first try. And that's because the person who does that at Queen's is highly skilled.

"I've been giving blood fairly regularly for the last several years, and I've had a nurse miss my vein and my veins are probably much more prominent than those of a 60- or 70- or 80-year old person.

"Also on board at Queen's, 24 hours a day, are RN's, registered nurses on the intensive care unit. These nurses are highly trained. In fact, nurses who come from other hospitals to Queen's get special, intensive training at Queen's at the expense of Queen's. Many of their nurses are cross-trained to take care of a wide variety of cases. For instance, the cardiac cases are cross-trained between adults and pediatrics cases. The trauma cases are cross-trained between adults and pediatrics.

"Going into equipment ... every one of the intensive care unit beds at Queen's is equipped with ventilators because at Queen's Hospital the average person lying in an intensive care bed is much, much sicker than you will find at most hospitals. In fact, there are many people at Queen's who are lying in regular hospital beds who would, under other circumstances at other hospitals, be in an intensive care bed.

"Now, in addition, each of these beds is equipped with electronic transducers, which can measure blood pressure at several places in the body, including venous or heart blood pressure, chest cavity blood pressure and intracranial blood pressure. I doubt that you will find that kind of monitoring equipment at a place like Wilcox which has an intensive care rate quite comparable at \$695 a day.

"Now, in addition to this, you have a great number of causes for why medical costs, particularly hospital costs, are high. Some of these costs relate to what we do here every day. For instance, we do not have in this state or at least on this island the

equivalent of a municipal hospital where indigents can go. So, indigents end up at our nonprofit hospitals. Queen's takes a very large share of that, and if the state would like to take care of indigent care at Queen's, probably it would cost around \$5 million a year.

"In addition, there is the University Medical School. The University Medical School is not entirely self-supporting. All the hospitals chip in and provide services so that residents can really get trained. It's estimated, for instance, about \$2 million a year is spent by Queen's to provide support for the future doctors coming out of our University Medical School and for residents.

"Beyond that, Queen's has been providing training to people coming out of the School of Nursing and the School of Social Work. Also, we have emergency medical ambulance people. We call them MICT, mobile intensive care technicians. Those people are trained at Queen's and for many years, they used the facilities at Queen's free-of-charge. These people don't have broad medical backgrounds and they get hands-on experience in the emergency room at Queen's or in the intensive care unit at Queen's that is backed up by virtually one-on-one supervision because these people are, at least when they enter, not at all familiar with this kind of serious medical trauma.

"There are other areas in which the Legislature has also impacted high costs. Last year we passed a bill that abolished the patients' compensation fund having to do with malpractice. As a result, there are a number of people in the insurance industry that were happy. A number of doctors were very happy. The major organizations that took the brunt of this were hospitals because hospitals have the deep pocket. At Queen's approximately \$3.5 million was recommended for a set-aside to cover the so called 'hail' or the remaining cases that might pop up in the future for medical malpractice.

"We are also considering extending, this year, the prospective pay system in medicaid. That will probably cost Queen's Hospital alone over \$2 million.

"If we are very serious about having lower medical costs, we can start right here now and I've begun this shopping list.

"Now, the thing about medical care is that the whole business is changing and the emphasis on high technology is and probably will not continue. We will see lower costs in hospital, at least proportionate to previous experience, as well as in relation to the cost of living.

"This past year was the first year in which

we saw medicaid costs for the State of Hawaii lower than the prior year. At places like Queen's, there has been extremely drastic cost-cutting measures. Personnel, for instance, last year as opposed to two years ago was \$2 million less. And so there is a trend changing the formerly if rapidly escalating prices in medical care. It's not going to come about quickly, but you can't abandon the system that the community has grown to be accustomed of.

"Queen's in many cases provides the only kind of support for backup that many people have between here and the West Coast. Where else would you go if you had a complex open heart surgery for children? Kapiolani Children's and Tripler send their patients over to Queen's.

"Where do police take people who are psychiatric cases in the middle of the night and think themselves Napoleon or Jesus Christ or Mohammed? They take them to Queen's because Queen's has, again, a 24-hour psychiatric resident and locked wards, locked for psych patients.

"These are all costs that could be done away with, but when you do without these you might lose a few lives. And up to now, there has been an attempt to carefully balance and weigh available finances with high quality medical care. High quality medical care will not be known to most of us until we really need it, but when you really need it many of those services are here at Queen's Hospital. At least some of them are here at Queen's Hospital and nowhere else in the State of Hawaii.

"I'm not trying to belittle Wilcox Hospital or to compare costs between any hospital, including Kapiolani Children's Hospital, because, as I say, they do a fine job. But it is a matter of fact that these revenue bonds have been used by Queen's, basically to put up the equivalent of a brand new hospital at Queen's because for years and years and years the hospital scrimped along with old, old rooms. The building that was demolished to put up the new structure there was over 60 years old and was unusable for medical purposes. It literally took a support column big enough for you to sit on and moved it a foot or two in order to get the corridor eight feet wide and you can only do that in this particular case on one floor. Every other floor in that unit was not usable.

"The unit right next to the new building that's coming up on the grounds at Queen's is over 70 years old, and the one fronting the new building is equally old. These represent the former Queen's. The new Queen's will be equipped to go into the next century and it is this that the State of Hawaii has enabled Queen's Hospital to do, and I think that the people at Queen's and

possibly people who understand what is involved in medicine appreciate that.

"Thank you very much."

Senator Cayetano rose to speak against the measure as follows:

"Mr. President, in all the years I've been in the Legislature and for all the time that these kinds of bonds were authorized by our Constitution I've never voted against them. I think these bonds provide a good way to finance much needed hospital facilities and service, and I want to thank Senator Kobayashi for giving us that very interesting, detailed explanation of what goes into the cost of medical care, at least at Queen's Hospital.

"I'm going to vote against this bill because I believe that the information requested by Senator Kawasaki, and my belief is compounded by the remarks by Senator Kobayashi, make it imperative on the hospital to provide us with such information. There is no way we can develop a history to determine whether or not savings have, in fact, been passed on to the patients.

"I grant Senator Kobayashi that the new technology that he spoke about, the new facilities, all will add to the high cost of medical care. But I recall some years ago when then Senator Dante Carpenter was heading the Health Committee and I was a member of the Health Committee and also chairman of the Ways and Means Committee, that the Senator once came up to me and expressed great surprise about the little things which added to the patients' high cost of medical care.

"For example, Q-tips and cotton balls which you can buy in a package at drug stores for say \$1.50 or \$2.00, when they start charging you by the Q-tip and start charging you by the cotton ball, these things cost much more than they actually cost. Kind of sounds like the Pentagon, doesn't it?

"I recall the time Senator Carpenter related to me a story about a conversation that he had with someone who was complaining about the high cost of medical care at a certain hospital, and I shall not name the hospital, and the hospital went so far as to charge this patient for a glass of water, I think it was, in which he kept his dentures overnight.

"While I agree that high technology may add to the high cost of medical care, there are some other factors, and maybe it's a proper subject for the Legislature to look into.

"Certainly, the physicians are not hurting in terms of their salaries and the income

that they derive from their practices. I suggest you go to the Queen's Hospital parking lot. Occasionally, when I want to dream, I drive around in the parking lot and I see the 928 S Porsches and many of these other cars that sometimes we all think about owning. In any event, that's not the point. The point is, are we going to be able to receive the kind of information which will help us determine whether or not these bonds are fulfilling their primary purpose and that is, namely, to reduce the cost of medical care. As long as the hospitals take the obstinate attitude that they will not provide such information, then really we're walking in the dark. We can't make any such determination.

"I hold no malice to anybody in the hospital. I suggest that perhaps, prior to the end of the session, we look to coming up with some budget proviso which will require all hospitals, so we don't discriminate against Queen's or any specific hospital, that come to us for some kind of financial help, require them to provide us with information that we deem important for our determination as it relates to cost savings. Thank you."

Senator Kawasaki then remarked as follows:

"Mr. President, I would like to respond to the presentation provided us by Senator Kobayashi. I thank him for his rather detailed recitation of contemporary medical techniques.

"I would hope that a charge of \$740 a day to the average family, and most families can't afford it ... a one week's confinement in an intensive care unit for the average family is simply catastrophic for that kind of a daily charge the services described by Senator Kobayashi is available to patients. But, in any case, to be fair to the hospital, and first of all I'd like to remind Senator Kobayashi that comparing Wilcox Hospital who has not used even \$1 million of these nontaxable bonds, not at all up to this point, to compare charges of their \$695 for intensive care unit charges with Queen's Hospital's \$740 when Queen's Hospital has been the lucky beneficiary of having had \$100 million of these kinds of nontaxable bond benefits, which in their own testimony they claim is going to save them, over the life span of those bonds, some \$96 million, I think is unfair. This comparison is not quite valid in my judgment.

"In any case, to be fair to Queen's Hospital, as you recall, last year, I introduced a resolution which was adopted by this Senate asking for a competent, independent Legislative Auditor's audit of what goes into room charges. This is the only fair way we can see whether the charges charged to the average family, which I said is catastrophic for the average

family, so we can see whether these charges are justified.

"And the resolution asked for a legislative audit of two hospitals — Queen's Hospital and Kuakini Hospital — primarily because they are the two large hospitals that are representative of the private hospitals in this city.

"Now, if we had the money, if the legislative expenses bill provided us the money to have an audit of all the hospitals, that will be fine. But because of the limitation and constraints of our financial resources at this level, the legislative level, we picked on these two hospitals. What appalled me was the fact that the spokeswoman for Queen's Hospital contacted every Senator she could to try to dissuade us from having this independent audit.

"Now, what have they got to hide? It would seem to me, if I was the director of that hospital, I'd be delighted that the Legislature is willing, at their expense, to conduct an audit that we should be doing as hospital administrators ourselves.

"You know, all big corporate entities have an internal audit and they have an external audit. In this case, the legislative audit would have been an external audit, paid for by us, or the taxpayers. I would think they would welcome this because a good audit would show us exactly where the costs go. But, no, they oppose it.

"Again, I have a rather jaundiced view of this kind of attitude. I think it is quite consonant with this attitude in saying, you shall not have the information you requested, however valid it may be, it's none of your business.

"But, it is our business when we are going to accord them another \$5 million of nontaxable bond benefits when they have already gotten over a hundred million dollars. What appalls me most is that over the four-year period, with all the benefits Queen's Hospital has gotten, I haven't seen room rates come down one dollar, not an iota. And this is what appalls me. This is what prompts me to continue to badger these two big hospitals and say, 'Hey, show us. We've helped you people at the taxpayers' expense, show us what is the benefit that these people at the taxpayer level are getting.'

"I have not seen that benefit and until I do, and the only way to do it is to find out what goes into hospital expense charges ... and the only way we can find this out is having an audit or having them provide information to us, so we can, to a reasonable degree, ascertain whether the help we're giving them is trickling down to the patient level or the consumer level.

"This is the only reason for my concern and this is the reason I speak against granting one hospital which has been very lucky up to this point ... this one hospital ... another \$5 million.

"Wilcox Hospital will be delighted to have us give them the kind of money we gave Queen's so they can replace their old structures. I'm sure they'd be delighted to have this kind of help. We haven't given them that help. Queen's has been the lucky beneficiary. So let us pass the largess, as I said, equally to all hospitals before we give what in my judgement is unjustified help to one hospital in the fashion we've been doing up to now."

Senator Hagino requested a conflict of interest ruling by Chair as he is a member of the board of directors of Wahiawa General Hospital, and the Chair ruled that Senator Hagino was not in conflict.

Senator B. Kobayashi, in response to Senator Kawasaki, remarked:

"Mr. President, I would assist an effort for an audit of Queen's Hospital and support such a measure.

"I would have to tell you that it would be very complex and costly. An audit of an organization as large as Queen's Hospital could easily cost over \$100,000 and that would be only a financial audit. That is done yearly and if the State of Hawaii would like to pick up that expense, I think they would be more than appreciated.

"In addition to that, however, a good audit to find out why costs are so high, you would probably have to do a management audit and then, perhaps, a comparative audit. Last year we appropriated \$216,000 to the State Health Planning and Development Agency (SHPDA). That agency contracted with Peat, Marwick and Mitchell, an international consulting firm, who came up with a matrix for a study. The recommendation from Peat, Marwick and Mitchell was also, however, that this study which costs perhaps as much as \$216,000 have to be followed up by three further phases of unknown costs before they would be able to assist SHPDA. The original purpose of our \$216,000 appropriation was to help SHPDA come up with recommendations to change the direction of health care costs. So I think that the problem of an audit really is one of whether the state has the money and the willingness to pour public resources in fairly large numbers into what might be considered a private business activity.

"Nonetheless, I think it is perhaps justified and, certainly, I think the State of Hawaii has the right to know as much about internal finances, particularly if they are

not used publicly to unfairly disadvantage competitors. I think we can probably work toward a goal of some sort of audit or study."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 475 was adopted and S.B. No. 557, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR HEALTH CARE FACILITIES," having been read throughout, passed Third Reading, by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Abercrombie, Cayetano and Kawasaki).

At 5:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:13 o'clock p.m.

Senate Bill No. 1290, S.D. 1:

On motion by Senator Holt, seconded by Senator Chang and carried, S.B. No. 1290, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1122, S.D. 1:

Senator Cobb moved that S.B. No. 1122, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Matsuura rose to speak against the measure as follows:

"Mr. President and members of the Senate, I rise to speak against this measure.

"Senate Bill 1122, Senate Draft 1, does not specify who will be members of the corporation. As I read the draft, anyone can form the dental service corporation. This is what really concerns me. How is the consumer going to be protected?

"It is argued that this amendment would provide for more competition. The fact is, presently, there is no law that restricts anyone from marketing dental plans. In fact, those who testified in the committee hearing — the American Dental Plan and Diversified Dental Plan — are now presently operating.

"Mr. President, I'm most reluctant in revising any dental service laws because the dental plan organizations are not regulated

in Hawaii, and I emphasize 'not.' This is what made me to introduce Senate Bill 1241, to regulate all dental plan organizations. This includes larger carriers, as well as the smaller ones, so that the purchaser of this service is protected.

"In closing, Mr. President, I feel that this bill will not accomplish the stated objectives but would only create problems which would not be in the best interest of the consumer. Thank you."

Senator Cobb rose to speak in support of the bill as follows:

"Mr. President, the only change being made in the law is contained on page 2, lines 1 through 3, of the bill with the requirement that one-fourth of all the dentists in the State of Hawaii be members of such a plan is being repealed.

"As to the question of regulation of a non-profit corporation, that is being addressed in the draft of the Hawaii Model Non-profit Corporation Act which is moving in this Legislature. We are expecting a draft from the House and I've been informed that it is coming over. That would be in accordance with the timetable for adoption of the non-profit corporation act on the consensus basis this year to complement the for-profit corporation act which will go into effect on July 1, 1986. Thank you."

The motion was put by the Chair and carried and, Roll Call vote having been requested, S.B. No. 1122, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Aki, George, A. Kobayashi, Kuroda, Matsuura, Mizuguchi, Soares, Yamasaki and Young).

Senate Bill No. 1126, S.D. 1:

Senator Cobb moved that S.B. No. 1126, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Cobb rose to speak in favor of the bill as follows:

"Mr. President, I rise to speak in favor of Senate Bill 1126. In doing so, I recognize, knowing how to count, the probable demise of this bill. But I think it's important to put on the record some very salient facts involved in it. And in so doing, Mr. President, to raise both the conscience and the consciousness of the Senate.

"Later today we're going to be voting on a bill on optometry where eye drops will be allowed under very carefully prescribed

conditions with a mandatory referral system, which we will be discussing in some detail. The optometrists are now where the dental hygienists will be in one or more years, and although the vote today will be largely on the basis of commitments, which I will understand, I would like you to listen to what you have committed against, and perhaps reconsider it next year.

"The general supervision that the dentists are so concerned about has been a fact of life in Hawaii for over sixty years. General supervision takes place in the community. It is done in schools such as Kamehameha Schools, Punahou School, other private schools; it's done in eleemosynary organizations; it's done in senior citizens and old folks homes and retirement homes. It's done every place except in a dentist's office. In fact, Mr. President, the State of Hawaii is so restrictive on its recognition of general supervision that it now finds itself at extreme variance with the official position of the American Dental Association.

"I would like to quote very briefly from the American Dental Association's current policies that are now in force by the ADA. In 1977, by resolution, the American Dental Association adopted a policy on auxiliary status of the dental hygienist ... 'Resolved that the dental hygienist by education and training as an auxiliary of the dental profession; and, be it further resolved that the dental hygienist shall work only under the general or direct supervision of a licensed dentist who is professionally and legally responsible for the total dental care of the patient.'

"In 1980 the American Dental Association by further resolution, 'Resolved that the American Dental Association expresses its grave concern for the quality of dental care to the public in states where by law, rule or regulation dental hygienists are committed to administer inter-oral care procedures in any dental treatment facility not under the general or direct supervision and responsibility of the dentist.'

"Consider those words, Mr. President, because here the ADA is saying, 'general and direct.'

"The terms of the bill very clearly set forth on page 3 says, 'A licensed dental hygienist shall practice under either the direct, indirect, or general supervision of a licensed dentist, as determined by the supervising dentist.' That is where the responsibility properly rests.

"In addition, Mr. President, I have received communications from a number of senior citizens groups. Two of them have been able to get letters to me, in the short time since this bill was decked, in support of the measure. I would like to share them

very briefly with members of the Senate.

"The first is from the Arcadia Retirement Home, 1314 Punahou Street:

'Dear Senator Cobb,

'This letter is in reference to Senate Bill 1126. There is a great need to have dental hygienists come to our facility for routine cleaning. Most of our patients are unable to go out to their dentists and we feel that this will benefit them greatly. Please support this bill.

Sincerely.'

"The other was from the Lanakila senior citizens group, and it says, 'The Senior Citizens Advisory Committee of the Department of Parks and Recreation wishes to go on record as supporting Senate Bill 1126 as being an adequate procedure, carefully safeguarded, enabling dental hygienists to increase our access to preventive services, especially for senior citizens.'

"These, Mr. President, are the primary beneficiaries of this kind of dental care.

"Like the eye drops bill, Mr President, they're fighting not to control the action but merely to share it with their dentists and to work with the dentists because in each and every case, whether it's direct, indirect or general, the law clearly requires that the dentist make a diagnosis, recommend the treatment, put it in writing, and if there is any record in the patient's medical history as to any type of reaction, to note that in writing. Those are just normal, professional safeguards.

"Mr. President, the levels of supervision that this bill addresses are to implement the January 1984 Legislative Auditor's report. I would like to read two recommendations and one finding from that report because it was done during the course of the sunset review process on both the Board of Dental Examiners and the dental hygienists' chapter as they do not have their own board.

"One of the Legislative Auditor's recommendations is that the statute should be amended to allow all dental hygienists to perform routine hygiene services under a dentist's general supervision.

"Another LAD finding was that studies have shown that numerous functions currently performed by dentists such as taking a dental impression for study cast, administering local anesthetics, and completing restorations can be safely delegated to properly trained and supervised hygienists. Such an expansion in allowable functions would result in a significant decrease in costs and increase in efficiency.

"The recommendation of the auditor is that the statute should be amended to allow properly trained, qualified, and supervised dental hygienists to take dental impressions for study cast, administer local anesthetics, and complete restorations. The next bill will deal with that.

"Mr. President, if we were to end general supervision in the State of Hawaii, it would be the end of the dental hygiene program in such institutions as Kamehameha Schools, every eleemosynary organization, every senior citizens home and other private organizations, as well. I don't think we want to do that.

"I think the track record is so crystal clear in this area that hygienists have been performing under general supervision outside of the dentist's office for over sixty years.

"The auditor in his last report pointed out that in the preceding four years there were a total of 54 complaints registered against dentists and not one against a hygienist. Yet, I think it's counterproductive if we ever think of this in terms of a case of hygienist versus dentist. They are people that are supposed to work together as a team.

"The provisions of this bill are designed to implement the recommendations of the Legislative Auditor in his January 1984 legislative audit report on both the Board of Dental Examiners and dental hygiene and to date none of those recommendations have been implemented.

"These hygienists, Mr. President, have been told, next year, by so many people for the last seven years that they've been coming to the Legislature. They have been through two sunset reviews and one Legislative Auditor's report which recommended changes in the law and they have yet to achieve those changes. If they don't make it this year, Mr. President, they will be back and I shall return. Thank you."

Senator Matsuura spoke against the measure as follows:

"Mr. President, I speak in opposition to the bill.

"I appreciate the previous speaker's remarks and whatever he said about general supervision, that is correct. However, I must also mention that certain functions are not allowed. Just like in school, they don't go under the gum. So, the reason why I'm speaking against this bill is that this bill attempts to lessen the supervision of dental hygienists by citing the need for potential patients in convalescent homes, geriatric and handicapped centers.

"The present law allows dental hygienists in the private practice of dentistry to work only under the direct supervision of a dentist. That's the law today. Patients today in these convalescent homes and hospitals are being serviced by licensed dentists and dental hygienists.

"What this bill intends to do is to allow the dental hygienists to service these facilities under general supervision without the dentist present. We have heard testimonies by servicing dentists that the work that needs to be done cannot be handled by a hygienist without the dentist present.

"Dr. Steve Wilhite who practices hospital and geriatric dentistry testified that he believed that this proposal will severely endanger the health of these patients. He quoted Mr. Earl Baxendale, the past president and board trustee of the Hospital Association of Hawaii Skilled Nursing Facilities and head of the hospital administration for the largest skilled nursing facility in Hawaii, and I quote: 'Our care facilities would not allow a hygienist to come in without direct supervision of a dentist, whether the state law allows it or not. We feel this is not in the patients' interest.'

"We cannot allow anything less than the best.

"In closing, Mr. President, I strongly believe that the relaxation of the direct supervision to include general supervision will reduce the quality of care and will seriously increase the risk to all individuals who are in need of dental care.

"I ask that this body defeat this bill."

Senator McMurdo rose to speak in support of the measure as follows:

"Mr. President, I would like to say that I'm in full support of this bill.

"These people are beautifully trained. They are perfectly capable of doing this; they do it in other states; and I think that we are depriving a great many people of good preventive dentistry by not allowing this to happen because if you have this bill passed, then a dentist can go into a nursing home or one of these hospitals, look at all the patients, write out directions, and he doesn't have to stay there while the hygienist comes in and cleans the teeth. He can go on to another hospital. So, therefore, you are spreading good dental care much further for the same amount of money.

"Thank you very much."

Senator Cobb then added as follows:

"Mr. President, very briefly, the distinguished Senator from the Second District spoke about the requirement and need for direct supervision, yet the general supervision criteria that I read and quoted and was agreed to from the American Dental Association is what is being practiced, (1) in many other states, and (2) is the current policy of the American Dental Association, the national organization of dentists.

"I am utterly amazed that Hawaii is not caught up with the American Dental Association and is still lagging so far behind. That recommendation of the Legislative Auditor, sooner or later, has got to be addressed."

Senator A. Kobayashi then rose to speak against the measure as follows:

"Mr. President, I'm speaking against the bill.

"I'd just like to say that because these problems have come up nationally and the chairman did quote from the American Dental Association letters of 1977 and 1980, in March of 1985, there was another letter and the ADA is now looking into the problems and they are contemplating revising their policy. Thank you."

The motion was put by the Chair and carried, and Roll Call vote having been requested, S.B. No. 1126, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 10. Noes, 15 (Aki, Chang, George, Hagino, Hee, A. Kobayashi, Kuroda, Machida, Matsuura, Mizuguchi, Soares, Toguchi, Yamasaki, Young and Wong).

Senate Bill No. 1127, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, and Roll Call vote having been requested, S.B. No. 1127, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Abercrombie, Aki, Hee, Kawasaki, Kuroda, Matsuura, Mizuguchi, Toguchi and Yamasaki).

Senate Bill No. 249, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 249, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONFIDENTIALITY OF ADULT PROBATION RECORDS," having been read throughout, passed Third Reading

on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Abercrombie, Hee, Kawasaki and McMurdo).

Stand. Com. Rep. No. 514 (S.B. No. 83, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 514 was adopted and S.B. No. 83, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 520 (S.B. No. 884, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 520 be adopted and S.B. No. 884, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Abercrombie rose to speak against the measure as follows:

"Mr. President, the bill will create an industrial development authority having the power to issue special purpose revenue bonds up to \$10 million.

"Mr. President, I have risen on this floor previous to today and already today speaking against the Legislature abdicating its authority, its responsibility and its obligations. This bill will add a new chapter, creating an authority outside of this body to issue special purpose revenue bonds for \$10 million for industrial processing and manufacturing enterprises.

"Mr. President, we have just witnessed a lengthy debate over the bond issues for the hospitals that involved one Senator giving us a detailed exposition of what was involved; other Senators requesting information. So, we know how important this is. Senators have stated that we need more information, yet, here we are now saying that we are going to set up an authority outside ourselves over which we have no control, and that that authority is going to give away these \$10 million in bonds. The authority will be known as the Hawaii Industrial Development Bond Authority.

"If you look at the establishment of the authority, you will find that the board of directors consisting of two members appointed by the Governor and the directors of DPED, Taxation, Commerce and Consumer Affairs. That's what we're talking about. We're giving it away to the executive, away to department members, department leaders. Department directors

are going to make, essentially, legislative decisions.

"It is beyond me how anyone on this floor can stand up and defend such a process.

"If there is any utility to any of these industrial bonds or anything that this authority could do, there's absolutely no reason why the entities involved should not come to the Legislature for approval. This is another example of the failure of the Legislature to direct its own activities in a way that we can truly go before the public and say we are protecting the public interest.

"It is another reason for the executive to be contemptuous of us. It is no wonder that the executive takes the attitude that he does with the Legislature, when we constantly put ourselves into the position of saying that we don't want the responsibility; we want to exercise only the superficial, surface aspect of authority and that we acquiesce to the executive on such a fundamental process as deciding where millions and millions and millions of dollars of such bonds should go.

"In whose interest is this going to be? We are now in the last phases of an administration. The Governor cannot return again into office. This is nothing against the incumbent in terms of personality, in terms of my relationship with him or your relationship with him or anybody else's. It's not good legislative policy to create an authority with people who are in a lame duck administration in the last half of that administration to give away millions upon millions of dollars worth of bond issue. There is no legislative reason that is compelling in any sense, and as I have asked earlier in the session and I have asked earlier today, I would like someone to stand up and tell me how it is that we have a rationale that is defensible with respect to doing this kind of activity ... to giving away our responsibility and our authority.

"Mr. President, could you see to it that whoever is competing with me would be asked to stop doing it. Mr. President, obviously, I am holding the floor spellbound but not the media. They are under a deadline and I know we are too. My point has been made.

"I would ask the members to reconsider what they are doing on the following basis. Nothing that I am suggesting by way of holding this back will prevent us from putting these bonds forward to the institutions or entities that might come and request them of us if we defeat this bill. No one is harmed. What is harmed is our responsibility and our authority and I think that they should remain with us.

"Thank you very much, Mr President."

Senator Henderson spoke in support of the measure as follows:

"Mr. President, this bill was brought to the Senate by me through the initiative of Quinten Taylor, who's head of the Hawaii Island Economic Development Authority.

"This particular legislation is aimed at helping small business. In Alaska, they have the Alaskan Industrial Development Authority which has been a very effective way of getting these sorts of special purpose revenue bonds to small business entities.

"This particular measure would allow for an authority that would be working all year long to make loans to small businesses. What in effect would happen would be that the small businessman and his banker would come to the authority with a project. The authority would process it, make sure that it complied with the federal laws, and then stamp approval of it, and you would in effect have a small businessman with a tax free note to his banker.

"The small businessman would benefit because of lower interest rates. The banker would benefit because of the tax free interest loan. So, really, it's designed specifically for small businessmen and I think it would be important that we pass this legislation in order to promote that issue. Thank you."

Senator Kawasaki spoke against the measure as follows:

"Mr. President, I will cut my presentation short. I am in full support of the very logical position taken by Senator Abercrombie. I think he has made a good case against passage of this bill.

"If the administration's departments want to help small business, and I take it that's the reason they testified in favor of the bill, then I challenge the administration to really help small business and bring about some reforms in the abuses in the workmen's compensation law instead of just standing aside. And the first thing they should do in that regard is to fire the director of the Department of Labor."

Senator Abercrombie added as follows:

"Mr. President, I'm so pleased to have had that last bit of help. Thank you.

"I don't want to bring up the Department of Labor at this time, but I do want to indicate to my good friend Senator Henderson that I am in complete sympathy with what his aims are. This bill was not the way to accomplish it. There is absolutely not a single word in here about small business. On the contrary, it is much

more likely, given the makeup of this authority and all the attendant material which I shall not read but I hope the members would take my word, that it is quite likely that the exact opposite would happen. There is nothing in here mandating small business assistance."

Senator Yamasaki then spoke in support of the measure and remarked:

"Mr. President, in the committee report on page 1, there are already 21 states that have such authorities similar to the one proposed in this bill, and the purpose of it is to induce and stimulate business activity. And I believe that this is one of the reasons why we have allowed exemptions in several bills that we have already passed. This is primarily to stimulate our economic activity so that there will be more jobs and I know that there was real concern expressed by members of this body on the amount of exemptions that we are allowing this session.

"I would like to repeat, this is primarily to stimulate economic activity ... and that a bill such as the room tax ... these kinds of measures provide for the stimulation of the economy and that the general funds that we use to pay for such programs would be replaced by additional revenue generated out of this type of legislation. I'd like to urge members of this body to consider this as an economic stimulation activity, and I'd like to urge your vote."

Senator Hee spoke against the bill as follows:

"Mr. President, that is precisely why the Legislature should be the body to stimulate that activity; therefore, I will be voting against the bill. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 520 was adopted and S.B. No. 884, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL DEVELOPMENT BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Abercrombie, Cayetano, Chang, Hagino, Hee, Kawasaki and McMurdo).

At 5:40 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:51 o'clock p.m.

Stand. Com. Rep. No. 521 (S.B. No. 1193, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 521 was adopted and S.B. No.

1193, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Abercrombie, Hee and McMurdo). Excused, 1 (Kawasaki).

Stand. Com. Rep. No. 522 (S.B. No. 1195, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 522 was adopted and S.B. No. 1195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION AND REFUNDING OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," having been read throughout, passed Third Reading by not less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, (Kawasaki).

Stand. Com. Rep. No. 525 (S.B. No. 1287, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 525 be adopted and S.B. No. 1287, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Abercrombie rose to speak against the measure as follows:

"Mr. President, I will speak against this bill.

"Mr. President, there are lots of bills to come up this evening that have had attended publicity and presumably have impact on the community economically and otherwise. We've heard some of them already. This bill may not, in many people's mind, fall into such a notorious category, but I hope by the end of my remarks, and they will not be long, that it will take on a measure of importance in your mind and in the members' minds that will allow us to defeat this bill.

"Mr. President, I ask the members' attention, all of the members' attention on this issue as follows.

"This is, as the chairman no doubt will indicate in his remarks and as he has indicated so far, a fundamental policy issue for this Legislature. Mr. President, this bill is running in the exact opposite direction of every kind of discussion that has taken place in these legislative halls since the advent of the Constitutional Convention in 1978.

"They may ask, why are you taking such an apocalyptic kind of attitude? It's very

simple. We are going to establish an institute by law here in the Legislature in the area of something which will have a great deal of appeal on the surface to everyone. And I want to indicate I am not addressing the subject matter in my opposition. I have nothing against research and training at the University with respect to travel and industry management. I have consistently supported the TIM at the University. I have been chairman of this committee in the past; I think I understand completely what is involved in the arguments over the internal managerial jurisdiction of the University. And I'm sure the chairman will tell you that the vice chancellor for research opposes this bill on sound grounds that if the Legislature is going to come in and act for the regents, and here we've been passing one bill after another saying we don't want the authority; we don't want the responsibility; give it to somebody else, now we're saying that the Regents and every professor, every student who has an interest in a particular area, all of the deans, all of the chairs of the various departments, all of the various faculties in arts and science and in engineering, all of the schools, all of the institutes, all of the colleges that make up the university system, all of the community college programs, all of the various programs within the University-wide system on every island, all of whom have to go through a procedure of peer review, department review, faculty review, college review, review by deans, reviews by the campuses, reviews by the Board of Regents, by the President's office, by the various chancellors, will now be bypassed and the Legislature, on its own, is going to set up this specific area, Tourist Industry Research and Training Institute.

"We've just passed a bill on a revolving fund in the area of research and training. In that revolving fund, the reason we have is that we have to have an accounting as to what is involved with research and training. We have an overhead recovery fund that requires a report made in detail, right down to postage stamps, as to expenditures with respect to seed grants, with respect to trying to get new grants for research and training funds in the University. We have established these systems. We have looked to the University for leadership in this area. We demand it of the University and now we turn around and say that legislatively we are going to establish this. For what particular reason, I know not.

"It also indicates in this bill that we are going to establish positions; we are going to expend money. And, Mr. President, you know and I know and members of this body know, I have seen people on their knees begging for \$1,000, \$2,000, \$3,000. I can recall instances when the President of the University, when the Director of Research, when members of the Board of Regents were down, when the Vice President for

Administration was down here with all their hundreds of thousands of dollars of salary, arguing against a \$3,000 appropriation to send our students, to pay for their air fare and their food and their lodging for the astronomy facility on the Big Island. They spent a whole afternoon beating the graduate students down into the ground, so that they couldn't have a lousy \$3,000 appropriation. That's what we've gotten out of the University in the past. That's why we've been upset with them. And now, we are going to take the position that we are legislatively going to create an institute without going through any of the procedures that everybody else at the University has to abide by.

"The effect of it is going to be that anybody can come in here to the Legislature and I'll be the first ... I'll tell you that right now ... I wanted to be the president of the University anyway, I know I can run it ... I'll come in here and I'll give you all the institutes that you should have in and have out, so we can pass that.

"There is absolutely no justification for doing things in this manner. I'm willing to give Dr. Mackey the chance that he needs to provide the leadership that's necessary in this University. We've had discussions on this floor about salaries and everything else in wanting to have a top university. How is it possible for us to bring in a new leader to the University, and I was the first one to go up and put my hand out to him and say I want to be helpful.

"Nobody wants to bring a man down before he gets a chance. He's going to be here on July 1st and we're coming in, before he's even had a chance to get started, and say we're going to create a whole new institute for you; we're going to put the money into it; we're going to put positions into it; we're going to tell you what to do, without even so much as a by your leave from the regents, the chancellors, the President of the University or anybody else.

"This is not the way to do it. No harm will come to the University nor to the Travel Industry Management School if this institute is not set up right this very moment.

"Great harm will come to the process of what goes on within the University in terms of its internal managerial jurisdiction and great harm will come to us as a legislature because we will have asserted ourselves in an inappropriate time and in an inappropriate manner. This goes far beyond the individual elements that are involved in travel industry research and training.

"I will be happy to support appropriations in that area. I would be happy to do anything to enable us to better prepare our

students and to deal more with the world around us, whether it's the Pacific Basin or Asia, or anywhere else in terms of tourism and the University ... happy to do that, provided that we do it in a proper manner.

"This is a fundamental question and I ask your kokua on this, not because I'm against the chairman, not because I'm against his leadership in the committee. On the contrary, I think we work well together. I've supported him in virtually every area that I can think of. We've been mutually supportive of one another.

"This is bad policy, the wrong thing to do at the wrong time and in the wrong place. And, I ask that this bill be defeated on that basis."

Senator Holt, in response to the previous speaker, remarked:

"Mr. President, just to clarify some of the points made by the previous speaker, and I don't think it's necessary to get into the merits or demerits of a tourism institute, but to speak on his point that this is a fundamental policy issue of this Legislature and that it would be bad policy to go ahead.

"I would just like to take this body back one year, to last session, when we had a bill before us with respect to tuition waivers for the National Guard and other types of reserve people. It was not an item presented to this Legislature by the University. In fact, they themselves came out in opposition to that measure, but the Legislature went ahead and as a matter of state policy and as a matter of statewide concern enacted that provision. And this, I think, would be similar if we were to go ahead and vote for this bill. Thank you."

Senator Abercrombie responded as follows:

"Mr. President, I appreciate the previous speaker's remarks. I really do, but if that is going to be the best defense we can come up with ... that had to do with public policy entirely outside the curriculum, entirely outside the internal policy, vis a vis the faculty and the presentation to the students and what is done in terms of managing the faculty. That had to do with tuition as to what students might come in or might not come it with respect to the National Guard. It had absolutely nothing to do with the core curriculum, nothing to do with the management of any of the entities within the University in terms of institutes, colleges, departments, classes, etc.

"We are setting ourselves up as curriculum experts and in fact passing on something that the University Regents should do; that is to say, the establishment of a curriculum, a staff, and a program as embodied in an institute in the University

with virtually no expression of support from within the University nor any knowledge on our part as legislators as to what that curriculum, faculty, and program, etc, will constitute."

Senator Holt then responded:

"Mr. President, just to clarify again, to point out to the members that the previous speaker is correct ... in fact, there is a system set up at the University. I might agree that if it were working as we had hoped it would work then there would not be a lot of items in the University's budget which hasn't really met the procedures as set forth by the regents.

"There seems to be many items that come forward to the Legislature, and I have received many requests, which are not in the regents' budget, yet, permission is given by authorities at the University for those requests to come forward.

"And I submit that it is a concern of a situation that we have to contend with but I ask the members to support this bill. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 525 was adopted and S.B. No. 1287, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Abercrombie, Cayetano, Fernandes Salling, Hee, Kawasaki, Kuroda, McMurdo, Solomon and Toguchi).

At 5:54 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:55 o'clock p.m.

At this time, Senator Abercrombie rose on a point of personal privilege and remarked as follows:

"Mr. President, I won't delay proceedings but I feel, as a result of the vote, I must speak on a point of personal privilege.

"Mr. President, there is no doubt in my mind that we have established a precedent tonight that is going to be a program for disaster for the University and the message is very clear, as a result of this vote, to every professor, every entity within the University that there are no governance procedures inside the University that need have attention paid to them provided there is some legislative impetus anywhere; that from now on they will be well advised not to pay any attention to what is inside the University in terms of procedures but to

come directly to the Legislature because that's where we're going to be doing the University's business. This is a very, very unfortunate vote."

Stand. Com. Rep. No. 536 (S.B. No. 1436, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 536 was adopted and S.B. No. 1436, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CHILDREN'S TRUST FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Abercrombie, Cayetano and Henderson). Excused, 1 (Hee).

Stand. Com. Rep. No. 541 (S.B. No. 680):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 541 was adopted and S.B. No. 680, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES OF THE MAUI INTAKE SERVICE CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (George, Henderson, Kawasaki and Soares). Excused, 1 (Hee).

Stand. Com. Rep. No. 542 (S.B. No. 1360, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 542 was adopted and S.B. No. 1360, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GENERAL AVIATION RELIEVER AIRPORT ON OAHU AT DILLINGHAM FIELD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (George, Henderson, A. Kobayashi and Soares). Excused, 1 (Hee).

Senate Bill No. 166:

Senator Aki moved that S.B. No. 166, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Cayetano spoke against the bill as follows:

"Mr. President, very briefly. It is my understanding that this bill proposes to remove the requirement that the commission members who are nominated and appointed by the Governor be subjected to advice and consent by the Senate. I am opposed to that.

"I believe that advice and consent in this Senate has been eroded enough by this particular administration. Two years ago

we passed a bill which all but emasculated the advice and consent authority that we had granted to us by the Constitution. We should not be going further in eroding that authority even further.

"Thank you."

Senator Aki spoke in support of the measure as follows:

"Mr. President, in speaking in favor of this bill, I just want to point out that we are talking about the advisory members on the boards and commissions and we are exempting these people only.

"There is also the State Policy Council and we are not exempting those positions.

"Thank you."

The motion was put by the Chair and carried and S.B. No. 166, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLANNING ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 11 (Abercrombie, Cayetano, Cobb, Fernandes Salling, Hagino, Henderson, Kawasaki, B. Kobayashi, McMurdo, Solomon and Young). Excused, 1 (Hee).

At 6:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:03 o'clock p.m.

Senate Bill No. 1386, S.D. 1:

On motion by Senator Aki, seconded by Senator Matsuura and carried, S.B. No. 1386, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Abercrombie and Hee).

Stand. Com. Rep. No. 556 (S.B. No. 1376, S.D. 1):

On motion by Senator Chang, seconded by Senator Cobb and carried, Stand. Com. Rep. No. 556 was adopted and S.B. No. 1376, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RIGHT TO SUE BY NATIVE HAWAIIAN INDIVIDUALS AND ORGANIZATIONS IN AN ACTION RELATING TO THE NATIVE HAWAIIAN PUBLIC TRUSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (B. Kobayashi). Excused, 3 (Abercrombie, Cayetano and Hee).

Stand. Com. Rep. No. 557 (S.B. No. 885, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 557 was adopted and S.B. No. 885, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL DEVELOPMENT BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Cayetano, Hagino, Kawasaki and McMurdo). Excused, 2 (Abercrombie and Hee).

Senate Bill No. 1171, S.D. 1:

Senator Machida moved that S.B. No. 1171, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Cobb.

Senator Fernandes Salling rose to speak against the measure as follows:

"Mr. President, what this bill is trying to do is to make uniform between the state and counties the administration and interpretation of the civil service statute. On its face this may appear to be a good idea; however, I think one should look at how you would go about accomplishing this. And looking at the bill itself, you will see that the present law states that if there is a dispute between the county and the state that the matter shall be submitted to the circuit court to make a decision. However, a change in this statute that is before you today is to delete that section of the law, and to replace it with a provision that says the opinion of the Attorney General of the State of Hawaii shall take precedence and he shall rule in a case where there is conflict over these questions between the state and counties.

"Mr. President, I believe that the counties and the state agencies, both by nature and their scope of responsibility, differ on matters, and we expect them to do this. Yet, this is what this bill would do. If you represent the counties, you can't help but wonder if by allowing the AG to be the final arbiter that the deck is stacked in favor of the state. I urge my fellow members to consider this question of uniformity and also the means by which we will accomplish it and how it would infringe upon, I believe, the differences that perhaps we should maintain between the counties and state in areas such as this. Thank you."

Senator Machida supported the measure and stated:

"Mr. President, a few remarks in support of the measure.

"I'd like to point to the existing language in Sections 76-2 and 76-3. In 76-2, under 'Uniform interpretation,' the language presently says, 'It is the intent of the legislature that the construction and interpretation of any of the provisions of this chapter and of chapter 77 be uniform for the State and the several counties.'

"In 76-3, under 'Uniform administration,' the present statute reads, 'It is the intent of the legislature that the system of personnel administration established by this chapter and chapter 77 shall be as uniformly administered as is practicable.'

"But as is the case, Mr. President, it really is not uniform among the jurisdictions.

"What this bill tries to do is to clarify the intent of the Legislature. Let me just point out what this bill would do.

"First, uniform personnel regulations in the state and its political subdivisions would reduce the development of inconsistent provisions and more importantly reduce inconsistent application of these rules and regulations.

"Secondly, uniform administration, the uniform development in terms of having common effective dates of the affected rules and regulations with the additional benefit which would reduce the current lag time between one jurisdiction in the adoption of a particular rule from another jurisdiction. The current lag in adopting common rules among the jurisdictions averages a few months to a year.

"Third, uniform rules would lead to uniform format which would aid in locating common rules, rather than require a complete search of each jurisdiction's personnel manual to assure a consistent language and method of application.

"Fourth, uniform rules could result in cost savings for all jurisdictions if each jurisdiction shared in the cost of publishing the new personnel rules and regulations and subsequent amendments thereto.

"Additionally, Mr. President, we have a uniform classification system; we have a uniform pricing system; we have a uniform retirement system; we have a uniform health benefits program; and we also have, as much as possible, a uniform personnel system.

"So, it would be more logical to try to carry out the intent of the existing statute and make it clear that the personnel rules and regulations should be uniform in all jurisdictions. Thank you."

Senator Fernandes Salling responded as follows:

"Mr. President, very briefly, even if we were to agree that we should have uniformity, the question still remains, are we going to allow for the interpretation to be made by the Attorney General's office, which has a self interest in this? It is a state agency. Or, should we not let the matter be decided by the courts as it is presently done under this law?

"Now, the change would make it so that, if we should have questions arising as to differences with uniformity, it would be submitted to the AG and I don't think it would be binding."

Senator Machida then remarked:

"Mr. President, I understand the concern of the previous speaker, and although the Attorney General's opinion takes precedence over the corporation counsel's opinions, I don't see where the county doesn't have the right still to ask for a judicial review if they disagree with the Attorney General's opinion."

Senator Abercrombie also rose to speak against the measure as follows:

"Mr. President, the current law indicates that conflicts are to be resolved by the circuit court. This is to be eliminated. I am a layperson, just as the previous speaker is in this area and I don't know what attorneys will tell us, but my guess is that the legal authorities looking at the question would say, well, the Legislature has stated that the Attorney General's view is to have primacy, and so you can't come here. If you disagree with the Attorney General, that's tough luck to you because the Legislature said that's where it's supposed to end.

"Now the only way that someone could come and argue with that, as I understand this bill, is to say that that in itself, what the Legislature does, is unconstitutional. I'm not sufficiently well versed in law to know whether that's the case or not, or even to venture a guess as to whether it's unconstitutional other than to say I imagine that it is not.

"This is probably another one of those policy matters that's within the purview of the Legislature to make, and I think the argument of the Senator from Kauai is that we hear about home rule here, we hear about respecting the counties, and what we're saying here is that the county attorneys or the corporation counsel of the counties simply does not have the capacity to withstand the opinion of the Attorney General which, looking at the record of corporation counsels, county councils and the Attorney General in this state, is laughable on its face.

"The attitude that there should be uniform administration is not at odds with the position taken by those of us who oppose this bill.

"Yes, you uniformly administer the law, but the policies are up to the counties. There is a big difference between policies and between administration of those policies. Whatever the civil service policies are, how often do we have to hear about how unique each island is, or each county is, or different islands within each county. So, the civil service requirements are no doubt county specific. The administration of those policies has to be uniform but policies need not be.

"This is another example of centralizing a bureaucracy at the expense of the county governments that does not have a compelling reason associated with it. Those words, I'm sure, seem to be almost a cliché by this time but they are not meant to be that. They are, simply, one time after another, law after law, and issue after issue that comes up in this Legislature in which I am compelled to say that we do not have a good reason for doing what we're doing. And in the absence of good reasons, we shouldn't do it. Now, that seems to me a sound legislative philosophy that can be adopted regardless of policy, regardless of party, regardless of preferences one way or another.

"In the absence of a good reason to do it, there is no reason to go ahead with legislation."

The motion was put by the Chair and carried and S.B. No. 1171, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 10 (Abercrombie, Cayetano, Fernandes Salling, George, Henderson, Kawasaki, McMurdo, Soares, Solomon and Toguchi). Excused, 1 (Hee).

Senate Bill No. 1102, S.D. 1:

Senator Machida moved that S.B. No. 1102, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chang.

Senator Kawasaki spoke against the measure as follows:

"Mr. President, of all the bills that are on the desks tonight, this is the one bill that I am vehemently opposed to. I think this is one of those bills where on occasion machinations seem to fool a lot of us. If you are to read the bill very carefully, the bill appears to be a rather innocent

bill to direct the appeals of an employee, a government employee, asking for a review of his case directly to the courts.

"I'd like, first of all, to direct a question to the chairman of the Labor Committee as to the qualifications of the members serving on the Industrial Relations Appeals Board. Do these people have any qualifications in regard to their ability to judge medical cases that may come before them?"

The Chair asked the chairman of the Committee on Labor and Employment if he would yield to the question and Senator Machida replied:

"Mr. President, I'll try to answer the question as best as I can.

"The Labor and Industrial Relations Appeals Board is made up of three members. The chairman of the appeals board is an attorney and the other two are laypeople.

"In terms of whether they have the ability to render medical decisions, I think, it would be similar to a judicial review. If you go to the circuit court for an appeal, I don't believe that the judge has to have a medical background to render decisions on medical cases. So, I would say it's similar to a judicial process, that they're able to make those decisions that are necessary to resolve the case."

Senator Kawasaki continued:

"Mr. President, then the answer is that since the Industrial Relations Appeals Board membership of three people constitute a lawyer and two lay people, in the event they have to decide on medical judgments they will have to hire the services or contract for the service of a physician or a group of physicians. That question has been answered.

"When I read this report, Mr. President, as others I'm sure had the same experience ... let me read the language, 'Your Committee received testimony by the secretary of the Employees' Retirement System, the Hawaii Government Employees Association, the Department of Civil Service of the City and County of Honolulu, and James A. King, a private attorney, (Mr. King, I must say, is an attorney who generally has practices representing employees before bodies such as this. He, I think, is the prime mover for the introduction of this bill.), and finds that this bill will place disability retirement appeals before a board which is well qualified to do such work and, to a significant extent, will reduce the workload of the circuit courts.'

"The language gives me the impression, at first view, that these people — the HGEA, Mr. James King, the City and County of

Honolulu Civil Service representative and the spokesman for the Retirement System Board of Trustees — that they are generally in favor of this bill.

"Now, let me direct another question to the chairman of the Labor Committee.

"Were the spokesmen for the City and County Civil Service bureau and the Retirement System Board of Trustees (the board, as you know, is comprised of seven members, two of which are people directly representing the employees' organization) did these two people testify in favor of the bill or against the bill?"

Senator Machida answered:

"Mr. President, as far as I can recollect, the person representing the Retirement System did not go along with this proposal. As far as the testimony for the Civil Service Director of the City and County, I don't recall what her testimony was."

Senator Kawasaki then continued:

"Mr. President, I took the trouble to find out because it just didn't seem possible to me that these four spokesmen who testified during the hearing were all unanimously in agreement that this bill should pass. Quite to the contrary, and contrary to the reading of this bill by the average person reading this bill, not only did the spokesman for the Retirement System testify against it, the spokesman for the City and County Civil Service Department testified vigorously against it.

"I can understand the HGEA spokesman being for it, and I can understand Mr. James King, the principal mover of this bill, testifying for it.

"I think this bill misleads us and I resent this deeply. If you were to examine the language very carefully, you could not help but come to the conclusion that anyone would come to.

"The fact remains that two out of the four people who testified during the hearing of these bills testified vigorously against it, and particularly with regard to the spokesman for the Retirement System and the board of trustees of that organization. And, as I said, two representatives of the employees serve on the board. Notwithstanding that fact, there were objectives enough as a body, to testify against passage of this bill.

"One of the reasons private attorneys representing representatives before this board would like to have this channeled to the Industrial Relations Board is because by practice, and our experience and our observation show, that this appeals board

generally has tended to favor the appeals in favor of the employee making these appeals.

"The Medical Board ... let me just briefly give you the system in which this works. If a government employee feels that he is injured and he wants to retire on an injury that he can claim to be work-connected, connected with his work, he presents documentation to this effect, documentation attested to by his supervisor in whatever department he works, etc. If this documentation is valid and if beyond a doubt ... generally, I think the Retirement System Board who's given the authority to make judgments ... grants a work-connected disability, and the pension benefits, of course, are much more generous in this category than the retired pensioner.

"However, if the trustees feel that there is a question of whether a work-connected disability is involved here, then by law, (law that goes back six decades, back to 1925, where the Legislature at that time wisely said the Retirement System Trustees are given the authority to decide whether an appeal before them shall be granted) an appeal to say he is going to retire on a work-connected disability is reviewed by a medical board.

"The Medical Board that is required under the statute is a board appointed by the Retirement System Board of Trustees, and what does the board consist of today? It consists of three licensed medical doctors who have to pass judgment and in the event they need specialized knowledge beyond their scope of ability to judge a case, then they can contract for the fourth licensed physician.

"Now, if this Medical Board that's been in existence for many years, and they've turned down many a request, unjustified requests, to have people retired on a disability pension, saved the taxpayers literally millions of dollars over the years ... if this board decides that the case before them is not valid, that this employee is not entitled to retire under a medical retirement, work-connected, then there is another body that is known as the Medical Review Board.

"What this bill is trying to do is to completely wipe out the Medical Board. This is what I resent because on the face of the first page of the report, you don't get this indication. Read the bill very carefully in the inner pages and this is the fact that is evident. This is a bad bill. This only circumvents what was intended by legislatures of the past.

"And, incidentally, this bill has been introduced time and again, and it hasn't passed. Sometimes I wonder if there is not a conflict of interest situation here of the

introducers of this bill, both of whom are employees of labor organizations connected with government employees. That in itself is bad enough, but when a bill's language is so designed to mislead us, I resent this deeply. I ask that this body turn this bill down."

Senator Machida responded as follows:

"Mr. President, just a comment in rebuttal.

"I think the previous speaker said that the representative from the Employees' Retirement System testified vigorously against it. That's stretching it a bit. That wasn't the case at all. He did indicate that they wanted to maintain the present system, but it wasn't in a very vigorous manner, as indicated by the previous speaker."

Senator Kawasaki responded:

"Mr. President, the bottom line question is, how did he testify, for or against?"

Senator Abercrombie then remarked as follows:

"Mr. President, I must admit to Senator Kawasaki that I misread the bill, and must eat my humble pie now on the bill.

"The reason I'm taking a moment or two is I'm trying to swallow that pie right at the moment. Now that I've got it down, I must say that I did not contemplate at the time that the bill was signed that the Medical Board would be removed for all intents and purposes and the substitution made by the Labor and Industrial Relations Appeals Board.

"My impression was that the decision was more in line with what Senator Kawasaki indicated with respect to streamlining the procedure with respect to the legal side of it, as opposed to having the board make medical decisions.

"And I want to reiterate for everyone if others were of the same mind as myself, do you really, seriously want to pass this bill and say that disability should be judged by those we are going to affirm for the Labor and Industrial Appeals Board? That's ludicrous. There is no possible way for that Medical Board's expertise to be substituted for, no possible way, if we are in fact trying to maintain the integrity of this system of decision-making. There can be absolutely no justification for it.

"I shudder to think that we would actually say that decisions of the medical people in this respect are of no import whatsoever, and that political appointees to the Appeals Board will make medical decisions. That is so blatantly against the public interest

and against the interest, by the way, of the pensioner.

"I hope nobody is going to assume that the person making the application is always automatically going to get to it and be able to have it. What this does set up is the possibility of political entry, political logrolling, the size of which and the import of which has been the basis for scandal I expect all across the country with respect to giving any board this kind of power to make medical decisions. That's asking for trouble.

"I cannot believe the public will not recognize this for what it is when the full impact of it becomes clear. We should be indebted to Senator Kawasaki for pointing it out.

"The bottom line, Mr. President, is that for all intents and purposes the Labor and Industrial Appeals Board will now become de facto licensed physicians making medical decisions and rendering opinions that are clearly medical in nature. That's what this vote means, and I defy anybody to stand before a body of taxpayers and justify that."

Senator Machida responded as follows:

"Mr. President, as the discussion goes on it seems to be getting muddier and muddier. I would like to point out that the present process provides that the Medical Board initially sends their recommendation of a case to the Board of Trustees of the Retirement System. The board of trustees renders a decision whether in fact the person is disabled or not. If the employee is unhappy with the decision, the present law says that he can appeal it to the circuit court.

"What this bill does is, if the employee is not happy with the decision of the board of trustees, he now appeals it to the Labor and Industrial Relations Appeals Board. That's what it does. The Labor and Industrial Relations Appeals Board does not take the place of the Medical Board. The present process up to the board of trustees remains intact, and the reason why we have it going to the Labor and Industrial Relations Appeals Board is that, ultimately, it is less costly for the person that's filing the appeal to go to the Labor and Industrial Relations Appeals Board. That's what this bill does."

Senator Kawasaki then inquired:

"Mr. President, a question directed to the chairman of the Labor Committee. If as intended in this bill the appeal goes to the Industrial Relations Appeals Board, then we take it that the Medical Board set up to do a medical review of his appeal, that board is in effect useless. What does the board do then? Does this bill not eliminate the board

completely?"

Senator Machida replied:

"Mr. President, not to my knowledge. It doesn't do that."

Senator Kawasaki continued:

"Mr. President, it seems to me then that we are paying huge amounts of taxpayers' money to the members of the Medical Board who are not there to do a job that they were put in to do to begin with, as I said, six decades ago back in 1925.

"Again, there's no particular reason to debate the merits of this particular bill.

"As I said, I regret the committee report is so misleading so far as the merits go. I think this is very bad. It's against general public interest. I ask this body to defeat this bill."

Senator Chang then requested a conflict of interest ruling of the Chair as a representative of a party in a matter before the Labor and Industrial Relations Appeals Board, and the Chair ruled that Senator Chang was not in conflict.

Senator B. Kobayashi, against the measure, remarked:

"Mr. President, I have a concern on the bill on the last page, page 3, in which they talk about a bill being subject to procedural requirements of chapter 91. Chapter 91, as you know, is the 'sunshine' public records chapter, and I'm not sure that it really has procedural requirements sufficient to review a medical case by a non-medical organization.

"It seems that going on on that last page, you then have an appeal from the board to the State Supreme Court and I think this is another matter of concern. Thank you."

The motion was put by the Chair and carried, and Roll Call vote having requested, S.B. No. 1102, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 8 (Abercrombie, Cobb, Fernandes Salling, George, Kawasaki, B. Kobayashi, McMurdo and Soares). Excused, 2 (Hee and Young).

At 6:33 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:42 o'clock p.m.

Senate Bill No. 195.

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 195, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Hee and Holt).

Senate Bill No. 292, S.D. 1:

On motion by Senator Machida, seconded by Senator Chang and carried, S.B. No. 292, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 6 (Aki, Cobb, B. Kobayashi, Matsuura, Mizuguchi and Soares). Excused, 2 (Hee and Holt).

Senate Bill No. 1381, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 1381, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Hee and Holt).

Senate Bill No. 891, S.D. 1:

Senator Kawasaki moved that S.B. No. 891, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fernandes Salling.

Senator McMurdo rose to speak in support of the measure as follows:

"Mr. President, I rise to speak in favor of this bill. As you know, I represent Waikiki, at least part of it, and that's an area in which residents' concerns and those concerns of the tourist industry are often at odds. However, in this particular instance they are united.

"This bill will simply give the Liquor Commission the discretion to decide whether it is proper for a bar or cabaret to have nudity, nude dancers, and that sort of thing. It does not forbid it; it just says that they would have the discretion to decide where it is appropriate and where it is not appropriate.

"Waikiki is becoming overrun with sleazy bars. Everyday one hears concerns about the drug pushers, the prostitutes, and the noise from these cabaret type bars, which

are the ones which are allowed to have nude dancers. They are also able to stay open till 4:00 a.m.

"The clientele who patronize these bars are for the most part not the kind any of you would want in your own residential area and neither do the residents of Waikiki, some 20,000 of them, and they too have the right to quiet enjoyment.

"We're all interested in helping tourism and the tourist industry. They will tell you that we must start by cleaning up Waikiki. The Legislature is very willing to help the industry with all sorts of money, but if you pass this bill you will only be hurting and compounding the problem.

"I ask for your support on this bill. Thank you."

At 6:46 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:47 o'clock p.m.

Senator Kuroda spoke against the measure as follows:

"Mr. President, I rise to speak against this bill.

"I don't live in Waikiki. I do have interest in Waikiki. And, I don't frequent bars; I don't drink; but I have friends who do and they enjoy art. They also enjoy singing called 'karaoke.' Art and 'karaoke' go together, and for the sake of these people who enjoy 'karaoke' and art, special kind of art I feel that this bill should be defeated."

Senator B. Kobayashi spoke in support of the measure as follows:

"Mr. President, several years ago in the middle of night I authored this bill or part of this original chapter that talked about different kinds of bars, other than the standard bar. The problem arose then, which still exists now.

"There are bars which are good for many people involved and which do not adversely affect the community. But, there are other bars that do adversely affect the community. This legislation simply allows by the words 'may prohibit nude or unclothed entertainment' the discretion of the county liquor commissions to prohibit what they would consider what is not in the best public interest. I urge support of the measure."

The motion was put by the Chair and carried, and Roll Call vote having been requested, S.B. No. 891, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPENSERS' LICENSES," having been read

throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 11. Noes, 13 (Cayetano, Chang, Cobb, Hagino, Holt, A. Kobayashi, Kuroda, Machida, Matsuura, Mizuguchi, Soares, Solomon and Yamasaki). Excused, 1 (Hee).

At 6:50 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:51 o'clock p.m.

Senate Bill No. 1132:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, S.B. No. 1132, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Abercrombie, George, A. Kobayashi and Soares). Excused, 1 (Hee).

Senate Bill No. 642, S.D. 1:

Senator Kawasaki moved that S.B. No. 642, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fernandes Salling.

Senator A. Kobayashi rose to speak against the measure as follows:

"Mr. President, it is with great reluctance that I stand to speak against this bill.

"When I introduced the bill, the intent was to help the small property owner, especially those who buy into residential zones in hopes of building a house someday, and then the land gets downzoned to preservation, and they are stuck with this land. They are not able to build their house. No one will buy the lot because it's zoned preservation; and they have received no compensation. That was the intent of the bill; however, a section was added that would do the reverse, and if you upgrade your land a fee would be assessed.

"When land is upgraded, there is already a fee which is a higher property tax. And the small landowner will suffer in this case.

"Also, I think it will inhibit large scale housing projects to be zoned from agriculture to housing.

"So, it is with great reluctance that I ask for a 'no' vote on this bill. Thank you."

Senator Kawasaki spoke in support of the bill as follows:

"Mr. President, I am at loss to understand the reasoning of the previous speaker. I

agreed with her and I've been introducing bills identical to the language of this bill for many years now.

"So often a property owner has purchased a property and his purchase may go back years. He may have purchased property and at the time of the purchase that may have been zoned urban or residential, apartment zone, or whatever, business. Then comes the government entities, the City and County in this case and decides to put a portion of that property or even the entire property into preservation, which in effect is almost condemnation because the owner can't do what he wanted to do with the property ... do exactly what he wanted to do with it, and that's the reason for his purchase.

"In the case of downzoning by government action, I think it's only proper and equitable that the government compensate the property owner for losses incurred because of government action.

"Conversely, there are many cases where property owners' properties have been greatly enhanced and particularly with regard to large parcels, I could think of, off hand, the very good case of Makaha Valley. Mr. Chinn Ho owned Makaha Valley that was zoned agriculture, and the Board of Supervisors, at that time, zoned it, some 500 acres or in excess thereof, to hotel resort. What this did was to enhance Mr. Chinn Ho's assets tremendously from agriculture zone to hotel resort.

"In a case like that, because of government action which enhanced the assets of a private owner in such a dramatic fashion, it just seems to me logical that the government is entitled to some portion, some kind of compensation because, without doubt, the property owner benefits. As a matter of fact, Chinn Ho got to be a multimillionaire as a result, I think.

"There is another case, Gentry. Mililani was prime agricultural land. Assessed valuation was low as a consequence; property tax was low as a consequence. But along came government action, in this case, the State Land Use Commission, which upgraded that to urban zoning, etc., so we have this beautiful subdivision called Mililani. But, again, Mr. Gentry was the beneficiary of a tremendous increase in the value of his land. That's great for the guy, but don't you think the government ... when I say government, that's the rest of the taxpayers ... it is because of government action that Mr. Gentry's property was enhanced, that put a lot of millions of bucks in his pocket ... is entitled to something?

"So this bill is intended to bring equity both ways. When a government downgrade

incurs a loss to the property owner, then the government should compensate for that loss incurred on the property. Conversely, if by government action a property owner's property is enhanced greatly, adding great value to it, then, I think the government is entitled to some reasonable compensation thereof.

"This is the intent of this bill. I'd say that this bill is badly needed if we are to show people in this state that government, at least our form of government, a democracy, we treat everybody fairly."

Senator Henderson spoke against the measure as follows:

"Mr. President, I fear this bill will have a tremendous impact on housing. What it would mean is, if we took some ag land and upzoned it to urban, that they will be assessed a premium against the land that would have to be paid to the counties.

"Now, in my book, that is just going to be added into the price of the cost of the house, and the poor new homeowner is going to have to bear the burden.

"Secondly, this is a strictly anti-business bill.

"Under the bill, the counties will get windfall profits. Not only would they be paid a premium, but then they would assess their real property taxes on an upgraded value. So in my book, this is a bad bill. To me, it's anti-development; it's anti-housing. It's a situation where there is no justice or equity to the homeowner or to the citizens of the State of Hawaii.

"Thank you very much."

Senator Kawasaki then responded:

"Mr. President, I'm compelled to respond to Senator Henderson's remarks. I just happen to be a developer of sorts, an amateur one, if you will, but I think Senator Henderson is being unrealistic to assume that because an agriculture zoned land was upgraded that that developer when he develops this into finished, residential lots, he's going to keep the prices of these lots or a package deal if he puts a house on it, he's going to keep his price reasonable.

"The fact of the matter is, market reality dictates that that developer charge whatever he thinks he can get away with in a price that ultimately is charged to the consumer or the home buyer. Because agriculture zone was upgraded the cost to the developer was low, because he bought it as an agriculture zoned land. The fact that government action upgraded it add tremendous value to it.

"Don't for a moment think that the developer is not going to take advantage of that fact and, ultimately, he will retail that same lot, after he develops it with improvements, sidewalks, roads, sewers, and electrical posts, etc., don't think he's going to keep the price down as a great altruistic movement. He will charge whatever he thinks he can get away with on the market. This is the nature of the beast. This is the development business. Unfortunately, it doesn't work as Senator Henderson anticipates. The cost is going to be charged to the consumer, a price that the developer or the real estate people, whatever they think they can get away with, this is what they are going to charge, so there's no savings that accrues to the ultimate lot buyer, the consumer."

Senator Henderson responded:

"Mr. President, I agree with Senator Kawasaki. All the costs are going to be passed on to the consumer. What this does is restrict, in a way, the supply of land that's going to be available for development."

"In my opinion, if you want to lower the cost of housing in the State of Hawaii, you have to increase the supply. I would say supply and demand plays an important part."

"What you say is correct, but by making it more difficult to put lots on the market, you are in effect restricting the supply and not satisfying the demand and that just allows what you talk about."

"This bill is anti-development. It restricts the supply of property that's going to go on the market, and it's a bad bill. Thank you."

Senator A. Kobayashi then added:

"Mr. President, may I just reiterate that the intent of this bill was to encourage housing, especially for the small property owner, and this will affect them also because if someone has a lot that is now zoned preservation or conservation and it is upgraded to residential and he is able to buy a house he would be assessed a fee, and so it affects not only the large owner who would like to develop more housing, but it affects the small property owner, as well. So, I do urge a 'no' vote. Thank you."

The motion was put by the Chair and carried, and Roll Call vote having been requested, S.B. No. 642, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ZONING," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 6. Noes, 18 (Aki, Cobb, George, Hagino, Henderson, Holt, A. Kobayashi, B. Kobayashi, Kuroda, Machida, Matsuura, McMurdo, Mizuguchi, Soares, Solomon,

Toguchi, Yamasaki and Young). Excused, 1 (Hee).

Stand. Com. Rep. No. 654 (S.B. No. 1198, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 654 be adopted and S.B. No. 1198, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Cayetano spoke in support of the measure as follows:

"Mr. President, I rise to speak in favor of this; however, I would like to express some concerns for the record."

"Mr. President, this has been a major problem for us this session. Certainly, it is one of the most serious problems that we have been confronted with and in human terms probably one of the most tragic."

"I'm a bit concerned because I think that from what I've observed, the manner in which the Legislature has been analyzing this problem is conducive to reaching a resolution of the problem which would serve the public interest. Whenever this issue is brought up, I hear often the words 'we have a moral obligation to make sure that the depositors are paid off.'"

"If we look at this problem, Mr. President, in terms of the moral obligation, then our focus will necessarily be very narrow, indeed. It seems to me that it would be more feasible for us to look at this problem with compassion, but also with some objectivity and some vision in terms of the public interest, and by public interest I mean the public at large."

"In order to do that, it seems to me, we have to understand the history of the Thrift Guaranty organization."

"In 1977, the Legislature, in response to a very troubled industrial loan industry, came forth and passed the Thrift Guaranty Act. The act, as I said, was passed in response to the problems of the industry, and let me quote from the committee report: 'The Legislature further finds that the industrial loan industry is presently experiencing difficulties brought about at least in part by economic circumstances beyond the control of the management of these companies. The sharp decline in Hawaii's real estate and construction industries from the boom conditions of the late 1960's and the early 1970's has adversely affected many companies which heavily engage in real estate development and second mortgage lending.'"

"The organization that we set up by law, and it was necessary that the state set it up

by law because the state is the only body which can do so, in essence, is a private guaranty corporation. And, Mr. President, we were very careful, and I recall the debates and discussions on this act when it was up for consideration, we were very careful to make sure that the parties understood that the Thrift Guaranty was not an agency or instrumentality of the State of Hawaii.

"Specifically, in Section 408A-27, we provided and set forth in law the following: 'All advertising by any member with regard to its membership in the guaranty corporation shall include the following statement: "Thrift accounts protected up to \$10,000 by the Thrift Guaranty Corporation of Hawaii, which is not an agency or instrumentality of the State of Hawaii or of the federal government."'

"That, according to the law, that sentence should have accompanied all of the advertising conducted by the members of the Thrift Guaranty.

"As part of the act, we loaned the companies or were prepared to loan them \$20 million. It's important, Mr. President, that we understand, at least this is my understanding, and if I am incorrect I hope somebody would correct me, that the \$20 million that we loaned them was separate and apart from the assessments that they pay into the fund.

"Subsequently, there was another \$7 million or so loaned to the Thrift Guaranty Corporation.

"So, if one were to step back and look at the Thrift Guaranty Corporation, one would find that this organization owes the State of Hawaii \$27 million or thereabouts in loans and also the assessments that they have to periodically make to the fund.

"If one were to look further at the act, one would find that the primary responsibility for investigating, for example, and I quote from Section 408A-6 which speaks to the powers of the board of directors, and I quote in part: '(1) Investigate and inquire into the financial condition and management of any of its members, and have access to examine at reasonable hours, the offices, books, accounts, papers, records, files, safes and vaults thereof.' That is part of the duty of the Thrift Guaranty Corporation and its board of directors.

"In 1971, the bank examiner conducted an examination of the Manoa Finance Company. I have here a copy of that examination dated August 31, 1977 and I want to quote in part from it: 'Apparent violations of laws are detailed in Schedule B of this report. Several apparent violations

involve Act 103, Session Laws of Hawaii, 1976, were also cited at the previous examination. No positive steps appear to have been taken to correct these violations.'

"Turning again to ... the report is quite lengthy ... turning again to an exhibit which is attached to the report, I'd like to share the following with members of this body. These are the findings of the bank examiner in the 1977 report. This exhibit groups loans in A, B, C, etc. Under group A, I quote: 'The following loans are apparent violations of Section 5, Act 103, Session Laws of Hawaii, 1976, which limits the aggregate amount of loans, advances, or extensions of credit to any single, primary obligor. Primary Obligor, Norman Inaba, \$240,000; Hirotooshi Yamamoto, \$13,000,000' ... this is in 1977. Group B, same thing. 'The following loans are apparent violations of Section 4, subsection 6 of Act 103,' Again, the debtor Hirotooshi Yamamoto, \$6.6 million.

"I could go on and on and on in each category. In Group C, the examiner states that there are apparent violations. This information, as I read the law, Mr. President, is shared with the Board of Directors of Thrift Guaranty.

"Later in 1981 the bank examiner conducts another examination and, if one reads the report, one finds that virtually little has changed and in fact the situation has probably grown worse and, again, there are allegations in the bank examiner's report of 'apparent violations of certain sections of the Industrial Loan Act.' Nothing was done.

"May 31, 1982, another report by the bank examiner, and that report basically says that the recommendations made in the two previous reports were not followed up; that the situation regarding insider loans and self-dealing still existed, and again quoting the exhibit: 'There were apparent violations of numerous sections of our state's Industrial Loan Act.'

"All of this information is known to the Board of Directors of the Thrift Guaranty Corporation.

"I raise this issue because I see us heading, I think maybe not objectively, to solutions which have been proposed by the administration, and my own feeling is that the administration in dealing with the problem has not really thought out the proposals which have been submitted.

"For example, members of the body may recall the meeting that we had with the bank examiner and Mr. Dodds and questions were raised as to whether the Dodds' proposal would include an indemnification executed by the depositors which would hold harmless the state against any future

litigation. They had not even thought of it. That was missing.

"So the question I have for the members is, have all of the alternatives been explored? Why should the state give up its priority lien position? We have not done that in this bill, but that is the question that we are going to have to answer when we go to conference with the House on this matter.

"Will it be to the state's advantage, for example, to step back from any of these proposals and hold the Thrift Guaranty Corporation and its members to pay the \$27 million loan and to continue the assessments because, after all, the assessments were set forth in law by us, the Legislature. These are conditions for the industrial loan companies to do business in the State of Hawaii and we can change those conditions, if we so decide.

"We should also remember that the members of the Thrift Guaranty ... there are several very deep pockets ... I hate to use that term but some of these organizations are very, very substantial. GECC is one of the biggest industrial loan companies in the United States. Finance Factors is no small potato. Hawaii Thrift and Loan is backed by First Hawaiian Bank and Bancorp by Bank of Hawaii. If we wanted to collect the \$27 million loan, Mr. President, we could.

"I just raise these issues because I think that we should think about these things as we go into conference with the House.

"There's one other thing that disturbs me, one other observation that I'd like to bring to this body. What we are faced with or one of the problems of consideration we must take into account is whether we place the burden of reimbursing the Manoa Finance depositors, whether we place that burden on the rest of this state. We are talking about a big amount of money.

"If we spend \$27 million or if we spend \$37.5 million as seems to be proposed then what we're talking about is mortgaging the futures of our children and grandchildren. That is something that concerns me very much. But, if we head into that direction at all, it seems to me that we owe them some answers — some answers as to the persons who were engaged in wrongdoing in this matter. I am flabbergasted when I read the bank examiner's report and nothing has happened. I am flabbergasted when I read the bank examiner's report and charges have not been considered or even brought under the Industrial Loan Act, and there is a section in there, incidentally, which provides that if a director or officer of an industrial loan company misapplies the resources of the company then he can be found guilty of a felony and sentenced to 20

years in jail and a \$10,000 fine. But we have not had answers on this.

"When I posed this question to the Director of the Department of Commerce and Consumer Affairs at the hearing, his answer was he did not know.

"The latest media report that I read regarding statements by our very young bank examiner about this matter ... her attitude was, let's not look to the past, let's look to the future.

"Well, the statute of limitations with respect to criminal enforcement of these laws against individuals involved may soon run and if it runs then we have a real problem. And I think that it would undermine confidence in the State Government and the administration, in our Attorney General's office and in this Legislature.

"As we proceed on this bill, and I will vote for this bill, I hope that everyone will keep these things in mind and I hope that the leadership of this Senate, anyway, will make a determined effort to find out those answers, to find out why measures have not been taken to get people to answer for what is obviously wrongdoing.

"Thank you very much."

Senator Abercrombie also spoke in support of the measure as follows:

"Mr. President, I want to thank the previous speaker for covering much of the territory that I feel is necessary. I would like to add just one or two points with respect to obligations.

"Mr. President, I was on this floor and commenting publicly the day that this took place, that is to say, the public collapse. Since that time, Mr. President, my suspicions that I voiced at that time have been proved to be true to my regret, only too true.

"Mr. President, I have been associated with many of the people involved in this from the very beginning because I was one of the people who had the opportunity to be involved with the previous fraud that took place with respect to an industrial loan company, the THC people, and saw what happened there.

"Mr. President, I speak in favor of this bill and for an approach that will come from whatever is ultimately decided in favor of the depositors because I saw what happened to them, and I know what took place. I know what funds were misapplied. I know what misleading statements were made. I know from first hand experience what trauma the people involved had gone through.

"I think the previous speaker is quite correct when he talks about putting the sense of moral obligation to the extent that we feel one in the right place. We do have a moral obligation to the taxpayers to see to it that they are not abused in terms of having to assist the people who were defrauded.

"The real victims of this whole affair have been the people who put their trust in the Inabas and the Yamamotos. Those people walk around free today. I said then, I say now, why hasn't anything been done.

"I can tell you that while there are questions about where the moral obligation might or might not be, there is no question about what the legal obligation of this state is. And I think it's about time that the politics come out of this situation and go where the legal obligation is, which is to say, fullfledged investigation and prosecution were appropriate of the individuals involved in this whole affair. That had not taken place. This whole thing has been hidden.

"There has been a pattern of cover-up, a pattern of deliberate ignoring of the evidence in the bank examiner's reports from the Department of Consumer Affairs, right on through the Attorney General's office.

"And for myself, I want to make it clear that support for this bill, in conjunction with what the previous speaker said, in no way, in no way puts me in the position of saying, 'let's put the past behind us and just look to the future.' On the contrary, we should handle this problem, see that these victims are made whole.

"And we should see to it that the most vigorous and rapid prosecution of those for whom it is appropriate take place, and that the legal system of this state which now remains under a cloud, as far as I am concerned, in terms of its willingness and its commitment to the law, that the legal system of this state be brought into play and into place soon.

"We've had enough of the civil side of this affair. We have to move to the criminal side and see that the people who now walk the streets without apparently the slightest sense of obligation for what they've done be brought to account, and in the criminal court, if that's what is proved to be the appropriate body to handle the situation."

Senator Kawasaki, against the measure, remarked:

"Mr. President, I very reluctantly vote against this bill, primarily because of the provision in this bill that absolves the members of the Thrift Guaranty

Corporation from the assessments that they are obligated to pay, according to the terms of the Thrift Guaranty contractual arrangement.

"As pointed out by Senator Cayetano, some of these entities are quite large and financially sound institutions that could be held accountable for no matter how long it takes to hold them accountable.

"The complete absolvment of them, their obligations, I think, is something that can't be justified. For that reason, I will reluctantly have to vote 'no' on this bill."

Senator McMurdo spoke in support of the measure as follows:

"Mr. President, I still feel that the overriding factor in this is the moral obligation of the state to make restitution to these people. They've waited long enough. Fifty of them have died since this started.

"I urge this body to vote for this and let's get things straightened out so we can start out with a clean slate. Thank you."

Senator Yamasaki also supported the measure and remarked as follows:

"Mr. President, I'd just like to say that the purpose of the bill, with the amendments that have been proposed by the Ways and Means Committee, is to keep this bill alive and, hopefully, in conference with the House, address the problems that we have.

"As you know, the bill provides that the first lien will be with the state. We have changed the effective date to one year hence and, also, the funds will be from the general fund or from general obligation bonds, or both.

"These are things that we have placed in the bill and, hopefully, we can come up with an answer to the whole situation so that everyone can be satisfied that we have done our best to solve this question of the guarantee that we provided through passed to the Thrift Guaranty Corporation.

"I believe this is the way that we ought to address it.

"I want to assure the people who are are involved, who are the depositors, that we are attempting to do our best to resolve this situation. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 654 was adopted and S.B. No. 1198, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE INDUSTRIAL LOAN COMPANY GUARANTY ACT," having been read

throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Kawasaki). Excused, 1 (Hee).

At 7:24 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:30 o'clock p.m.

Stand. Com. Rep. No. 656 (S.B. No. 564, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 656 be adopted and S.B. No. 564, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Matsuura spoke in support of the measure as follows:

"Mr. President, I rise to speak in favor of this bill.

"I really don't know how I'm going to explain the merits without my colors — my green zone, my yellow zone, red and black zones — but in Article XI of Section 7 of the State Constitution, which was adopted in 1978, it provides that the Legislature shall provide for a water resource agency, etc.

"Despite seven years that have passed, we have had two separate water study commission reports, the confirmation of an acute ground water shortage on Oahu and continued increased diversion of surface stream water and the mounting but unsatisfactory results to the judicial remedies to solve these problem, the state still does not have a water code. I think that it's time that we do adopt a state water code and hope that we don't get into the black zone on this island.

"I urge your support of this bill. Thank you."

Senator Fernandes Salling spoke against the measure and remarked:

"Mr. President, I sat on the subject matter committee that reviewed the water code and at the very outset when people came in to testify, it became clear that we did indeed have a problem with water but it appeared that the problem was mainly here on this island. However, we did work very hard to try and address the concerns of all of the people that would be affected, and some of those amendments are reflected in this version of the code.

"As time went on, however, I began to realize that we could be facing problems with the question of whether this code is constitutional because of that recent

Supreme Court decision that was handed down with regard to surface waters in Hanapepe. Because of that and because of the fact I believe that some of the provisions in the code, the permit process, would result in the taking of property without just compensation, my feeling in statements to the committee at that point was that we shouldn't rush into enacting this code, despite the fact that we would do it and have it take effect a year from now.

"I think people out there are looking for us to solve the problem of managing our water resources, especially here on Oahu, and I think that they would rely on this type of gesture made by us passing this code and perhaps we could be causing ourselves more problems in addressing legislation and passing legislation in this manner.

"For those reasons and because of the fact that we do have right now the DNLR's ground water control act which does allow the department to designate threatened ground water zones and to restrict development in the zones that even may threaten the ground water resources, I ask that all of the members here to consider the code seriously because of the constitutional issue and because of what we already have on the books and the fact that there could be some detrimental reliance by people who will be affected by the code, and to not support this measure at this time. Thank you."

Senator B. Kobayashi spoke in support of the measure as follows:

"Mr. President, I rise to speak in favor of the bill with reservations.

"The previous speaker spoke of passing the water code. I think that I would favor continuing discussions on the water code.

"We have come a long way since the constitutional mandate of 1978, but we have a long way to go. This is a completely new method of controlling water supply. It designates Oahu and only Oahu, on page 22 of the bill, as a water management area and, indeed, Oahu has major difficulties, much greater than that of the neighbor islands.

"Going on, the bill on page 25 requires that anyone using water within a designated water management area must obtain a permit, and this is a major change that we will see for every user on Oahu.

"I would expect that this process will not be easy because in obtaining a permit one will have to qualify under several criteria. The applicant seeking use of water would have to show reasonable, beneficial use.

"Secondly, would have to show that the

use will not interfere with any existing legal use of water.

And, three, be consistent with public interest.

"Those, as of this time, are vague comments and they deserve further discussion as they will indeed get because the water code proposal before us contains on its last page zero amount for appropriation and has an enactment date of June 30, 1986.

"So, I urge support of the bill with reservations, that in passing the bill we think of this as not a passage of the water code but as a continuing discussion of the water code which, hopefully, will eventually result in our meeting the requirements of our State Constitution. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 656 was adopted and S.B. No. 564, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 6 (Abercrombie, Fernandes Salling, George, Henderson, Kawasaki and Soares). Excused, 1 (Hee).

Senate Bill No. 471, S.D. 2:

Senator Yamasaki moved that S.B. No. 471, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Cayetano rose to speak against the measure as follows:

"Mr. President, this bill among other things proposes to increase the salaries of the governor, lieutenant governor, superintendent of education, department directors and the deputies, and down the line.

"Mr. President, I am not opposed to pay our public servants just compensation. I strongly believe that one gets what he pays for and in this context I supported the lifting of the ceiling on the president of the university's salary. However, this session has been somewhat confusing when one looks at what we're doing in terms of taxes, in terms of raising taxes, in terms of finances.

"We know and we've been told that the Governor cut \$60 million from the University's budget. We also know that millions of dollars have been cut from the Department of Education's budget. We know that the tuition, for example, at the university would be raised. We also know that the Governor did not ask for a pay raise.

"This bill originated in the Senate and I think the Governor, in terms of all of the factors involved, probably saw the light in not asking for a pay raise, not for himself, because he's never asked for a pay raise for himself, but certainly for his cabinet members.

"This evening and Friday, we passed possibly a dozen tax exemptions, eroding further our general excise tax base. I cannot vote for a bill which would give pay raises to elected officials and appointed officials while we are engaging in this scenario of confusion with respect to our finances. Perhaps when the picture becomes a bit more clear, when we are shown a financial plan that begins to crystallize and makes some sense, then, perhaps, I can consider voting for the Governor's pay raise.

"I might add that the ironic conclusion of this session would be, if we raise the Governor's salary, the salaries of the Lieutenant Governor, Superintendent of Education, and all of those officials, and issue a rebate of \$1.00, which as you know was embodied in one of the bills that we considered, I don't think the public would take that very kindly.

"Thank you."

Senator Abercrombie also spoke against the measure as follows:

"Mr. President, very briefly. I think you will remember the situation some years back, I think it was, virtually, ten years ago, a decade ago, in which those of us who did not oppose, as the previous speaker mentioned, adequate compensation for our department heads or for the governor, unfortunately, got into a situation where we felt that these pay raises for the executive were being tied to collective bargaining.

"And I think you may recall, Mr. President, that I had a firm position at that time, ten years ago. I have the same position today.

"Everything that I can judge indicates that the collective bargaining contracts are key to this pay raise for the executive and I do not think that that is fair either to the taxpayer nor to those who pay their union dues to bargain collectively in good faith. I think that that amounts in effect to piggybacking executive raises on to collective bargaining and the beneficiaries are the very people who are involved in the collective bargaining in the first place with the employees.

"I don't think that's ethical. I don't think that that is something that should be policy for the Legislature and I think we should find a formula, independent of collective

bargaining, independent of any kind of salary structure which may or may not exist, for employees in the state.

"When we're talking about department heads and the governor, I think we should arrive at a formula and conclusions which respect the officers and respect what we want to have involved in the caliber of the individuals in the office, and that we should not involve ourselves in what I consider taking an unfair advantage of the collective bargaining process."

The motion was put by the Chair and carried and S.B. No. 471, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND MAKING AN APPROPRIATION THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Abercrombie, Cayetano, Fernandes Salling, Kawasaki and McMurdo). Excused, 1 (Hee).

Stand. Com. Rep. No. 666 (S.B. No. 495, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 666 be adopted and S.B. No. 495, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

At this time, Senator Soares rose and stated:

"Mr. President, I rise to speak against this bill.

"Mr. President, I was able to hear the testimony in the Ways and Means Committee against this bill, both by the administration and the Police Department. I shudder to think of it, but the Police Department, in testifying against this bill, indicated to us that the Director of the Commission of the New York City Gaming Authority was found murdered by the gang interest in New York. The testimony was very strong in saying that we should not be so naive as to think that the numbers people who have followed lottery throughout the country in the various states that approved it, are now infiltrating those various states in their lottery organizations.

"Mr. President, I'm also against this bill because, as far as I can see, it's part of a program to raise taxes or raise money through a lottery when we already have a very fat and healthy surplus and we don't need to raise any funds. This mechanism, Mr. President, where the law enforcement officers pleaded with us in committee not to invite syndicate or organized crime that is now running throughout the country getting involved with other states that have

lotteries. I find it very, very difficult for us to ignore their pleas, and to ignore these law enforcement officers who protect our state from this invasion.

"I also feel very strongly that the makeup of the commission appointed by the governor should be so severely scrutinized by everyone to be absolutely sure that these people are not, and could not be involved in organized crime themselves or be threatened or bought out as in the case of New York.

"I do not feel that this is the time that we should consider this bill. I think it's a very dangerous one, inviting a lot of trouble. I urge everyone to vote against this bill."

Senator Kuroda then rose and replied:

"Mr. President, I rise to speak in support of this bill.

"Again, the Republican Floor Leader is waving the red flag and raising a red herring before us, sharing with us scare stories in regard to what might happen should we enact a law that would permit members of our community a little bit of enjoyment.

"Mr. President, this body passed the bingo; hopefully, this body will also pass the lottery.

"A while ago, this body voted on a bill that would have caused the banning of nudes at places where they serve liquor. Following this vote, at recess, I received one of the quickest reactions to a vote that pleased some individuals. These are the kinds of things I know I'm going to face when I go out on the street. If we pass the lottery, I know we are going to get a favorable reaction because we passed the bingo.

"To share with you this reaction, this quick reaction, I got when we voted down this bill that could ban the use of nudes at the liquor establishments, three young ladies (I think that they were staff workers) came up to me and said, 'Senator, thank you very much for stopping that bill. Now, I can go see Butch Williams.'

"Someday, I hope I can see Butch Williams because I don't believe what I hear that he is bigger than Senator Abercrombie.

"Mr. President, this bill before us, the lottery, is an issue which many, many people in the community wish to have become law, and I think it's about time that we take the bull by the horns and place this before the people who will find enjoyment in the recreation. Thank you."

Senator Soares then responded:

"Mr. President, I take exception to the comment made by the Majority Leader. I'm not trying to raise red herrings or provide scare tactics. This is a fact, and I think it is really ridiculous for someone to make a statement about red herrings and red flags when our Police Department Captain, who is involved in organized crime, whose everyday effort is in organized crime, comes to this Capitol building and tells us exactly what we are in for. It's not funny, not funny at all.

"If you want to raise taxes and raise funds to take care of the state's needs, that's your business, but you cannot ignore the efforts of the law enforcement branch of the state and have them come to us when we want them to and call a spade a spade. Call it what you want, Mr. President, the bill is going to cause problems. As far as I'm concerned, the need for the bill is not necessary. Why raise money when we have millions of dollars in surplus already and go this route?"

Senator Abercrombie then rose and stated:

"Mr. President, I signed the original bill with reservations. I want to explain that and I want to additionally illuminate for the members, if possible, what my reservations are with what the bill has come out with.

"Mr. President, it would be hypocritical of me to vote against the bill at this stage because I have, when I visited New York State, gone through this lottery process to see what it was like. I've been a supporter of it in the past, but partially, Mr. President, because of my support in the past, I guess, I have started to receive in the mail a magazine called Public Gaming, and I have read that magazine each time that I have received it; and Mr. President, it scares me more and more, every time I read it.

"I think the people of this state are under the impression that the lottery is going to be a very simple, rather unsophisticated past-time — something akin to what one of the previous speakers mentioned about bingo, something that will be conducted along the idea of a church fair or a casual informal group.

"Mr. President, I think we both know that the lottery business and it is a business in this country, has become far more sophisticated than that rather naive and somewhat tranquil picture that people might have in their minds. As a matter of fact, the manner in which lottery tickets are now sold in some areas amounts to what in my youth was known as the 'slot machine effect' and the sophisticated electronics are now a wonder that if the Pentagon could get a hold of it, I suppose we could virtually bring the rest of the world to its knees.

"This is the kind of sophisticated activity that the lottery business has become, so I fear that. I want to see, Mr. President, if this comes back from the House, a much simpler system, and I think that there should be written into the law, some kinds of protections on the size of the awards and the kind of lottery that it's going to be. That needs a lot more work. The second thing that I do not want to see, and I'm speaking now, as Chairman of your Human Services Committee, I do not want to see in the bill, if and when it comes back from the House, or if and when it comes back on this floor, that the benefit to be derived from the lottery would go to senior citizens, or for education, or for any of what I would consider 'bait' for the passage of the bill.

"Mr. President, we owe it not only to our senior citizens, but to our children, or anybody else, whatever is due them in terms of the services of this state and they should be voted on the merits. I do not want to get us into a situation where it is possible to view that funding for senior citizens becomes dependent upon the kind of revenue that comes out of the lottery, and that if the lottery is not as successful as one hopes, that programs for senior citizens might thereby be jeopardized or any other group of people.

"This is a revenue producing device and the revenue should go into the general fund to be distributed at the wisdom and the discretion of the Legislature, and I do not feel that it is appropriate for us to have any particular group become dependent upon it, or that we sold the lottery to the people on the basis that a particular group might benefit.

"So, with those reservations, Mr. President, I will support the bill and I hope that if and when we get to the final version, that the concerns of the Minority Leader and some of the concerns that I have raised will be addressed."

Senator Soares then queried:

"Mr. President, I'd like to ask the Ways and Means Chairman to yield to a question, please.

"Mr. President, could the chairman tell me what the anticipated revenues raised by the lottery will be?"

The question was posed by the Chair and Senator Yamasaki replied:

"Yes, I have it right here. The Tax Review Commission estimates that the first year earnings will be \$10 million; the second year \$20 million; and the third year, another \$20 million.

"The Department of Taxation is

conservative. They estimate \$3 million in each of the three years. In fact, it is very, very conservative."

Senator Soares then continued:

"My next question will be the, according to the bill, the revenues shall go to the senior citizens. Who decides how to appropriate this money amongst the various programs of senior citizens?"

Senator Yamasaki replied:

"That will be you. You, as a member of the Legislature will decide that."

Senator Soares further queried:

"The bill doesn't say that. Mr. President, may I ask this question then — do the revenues from the lottery go into the general fund or to a special fund called 'the senior citizens fund'?"

Senator Yamasaki responded:

"It could be either one."

Senator Soares then asserted:

"The bill doesn't say that, Mr. President. The bill says...."

Senator Yamasaki interjected:

"The state lottery fund."

Senator Soares continued:

"Yes, the state lottery fund. Is that a special fund, Mr. President?"

Senator Yamasaki replied:

"Yes, that's correct."

Senator Soares then stated:

"Mr. President, I think the intent under Section 1 of the bill is confusing in that the revenues shall go to the benefit of Hawaii's senior citizens. I'm told that the state lottery fund will then control these funds. I still would like to find out from the chairman exactly how the money will be appropriated within this group. I agree with my colleague that to use the senior citizens' use of these funds as a means of having this lottery bill passed, I think, is ludicrous. It's purely 'shibai.'"

"You want to raise \$10 million the first year, \$20 million the second year, and \$20 million the third year, primarily to be used for the general fund, primarily to be used to add to the already surplus funds that we have. According to this bill, all the funds will go to them, no one else. I'd like to ask the chairman again, are you saying that we here will decide how that money will be

spent, or will it be decided by the lottery commission or whatever?"

Senator Yamasaki replied:

"I believe that that would be decided by the statute."

Senator Soares then concluded:

"By statute. Thank you. I urge everyone to vote 'no.'"

Senator Yamasaki then rose and stated:

"Mr. President, speaking in favor of the bill, I would like to state that the revenues derived from the lottery will go to programs for senior citizens. As you know, we are spending millions of dollars to provide services to senior citizens. If we can't channel these lottery revenues to senior citizens programs, then we will have general fund dollars that we are now spending for senior citizens programs to be channeled to other programs. This is the way we hope that we will be able to provide the kind of quality of life that we have been looking for. I think that if we will have that additional new money for such purposes to help our senior citizens and provide better services than we are now."

Senator Abercrombie then rose and queried:

"Mr. President, this is not the time to debate this issue, but I assume that if this is in fact the intent, if and when the bill comes back that my committee will have a say in whether this lottery moves and will be referred to me?"

The President replied:

"We will make that determination if and when the bill returns to us."

Senator Chang then rose and queried:

"Mr. President, will the Minority Floor Leader yield to a question?"

Senator Soares having answered in the affirmative, Senator Chang continued:

"Just for my edification, Mr. President, pages 6 and 10 of the bill appear to discuss the apportionment of the total revenues, both to expenses of conducting the lottery and to the matter of dispensing the net revenues to the senior citizens. After having reviewed pages 6 and 10, does the Minority Floor Leader still believe that the bill does not address the matter of apportionment of revenues?"

Senator Soares replied:

"It does, Mr. President, to a degree, I think, Senator Chang. Again, going back to

page 10, it says that the director of budget and finance shall deposit as he may select himself. It says, 'deposited in such depositories as the director may select' — not the commission, not the director of the lottery, but the director of budget and finance. That's why I was confused as to exactly who makes the decision as to where the money would go."

Senator Cobb then rose and stated:

"Mr. President, I rise to speak in favor of the measure. I note that this bill, as in past lotteries, contains a 'drop dead' clause, terminating July 1, 1991. That six year period is the same period as a 'sunset' review, and I might add the 'sunset' law has worked quite well in most cases in terms of keeping boards and commissions on their toes and restructuring them or reforming them or 'sunsetting' them out of existence, if necessary.

"We are about to come to one now involving the demise of one board concerning our harbors. With a six year 'drop dead' clause, we have built in a legislative safeguard that will force (1) a complete review of how well the laws work, (2) a review of all the experience that we've had with this law, and (3) if the Legislature decides to continue the lottery system, it will have to enact another law affirmatively, passing both houses, because each state, I have found, has had different experiences with the lottery.

"During the last year when I had occasion to pass through Pennsylvania, on Wednesday night at 7:00 o'clock, all activity in the state came to a stop as they had the \$20 million Pennsylvania lottery, and everybody was glued to that television set watching to see who won. It's a tremendous success in the State of Pennsylvania, having raised over \$300 million in the last year.

"But, having a 'drop dead', I have always considered to be a very important and essential safeguard of the bill to give us in the Legislature a chance to look at it and see how it works, and more importantly to have the accountability of that automatic 'sunset'.

"With that provision, Mr. President, I would urge the members to vote 'aye'."

Senator Kuroda then rose and stated:

"Mr. President, I rise on a point of inquiry.

"Mr. President, there was some concern expressed by the chairman of the Human Services Committee with regards to the disposition of the revenues should this bill become law. I think that he suggested that distribution be made according to a body, rather than directed only to senior citizens.

I don't know whether he means that he does not want 'tainted' money. The Republican Floor Leader spoke against this measure and he is in the visitor industry and so am I with regards to my interest in the visitor industry, so should there be some monies left over, Senator Abercrombie, after you get your share, we'd like to have some of it for the promotion of tourism, and Mr. President, don't hold it against the Minority Floor Leader for receiving some of this 'tainted' money. Thank you."

Senator Abercrombie then rose and stated:

"Mr. President, I don't want to prolong this business. I thought I made a rational and reasonable presentation about some concerns that should be considered by anybody that's going to deal with this thing. I never said anything about 'tainted money'. I don't think that's fair. I don't want this to degenerate into that kind of discussion.

"I'm talking about some very serious problems in terms of the distribution and the way and manner in which this program is presented to the people of this state as to why it's in their interest. I'm perfectly capable of taking care of the budget in the DSSH with respect to the elderly or anyone else's. I'm sure the chairman of the Ways and Means Committee will attest. And, as a matter of fact, as a result of the prudent management of our committee has not only come in to Ways and Means Committee under our ceiling, but we have funded every single senior citizens' program for which there is a purchase of service or grant-in-aid at the full amount requested.

"We have done that because we have done a prudent job of reallocation of resources the way we should be doing our job. I don't propose to come before this body saying that we are unable to take care of our senior citizens or any other group unless and until we have a lottery. If that kind of thinking is going to start prevailing, we have built an excuse for inaction; we have built an excuse to try to pretend to people that we cannot take care of our funding necessities with respect to human services or any of the other services that we should be providing from this Legislature.

"I don't think that that is your intent, Mr. President. Every time that I have ever had discussions with you about any idea of a lottery, that kind of contingency, if you will, or idea with respect to expenditures of this state has never entered our conversation. And, I thought I made it clear that the designation of senior citizens as the recipients of the benefits of the lottery was done out of good faith and good intentions, not with respect of trying to deal with 'tainted money' or anything of that kind.

"I merely have made an observation for

the record as chairman of the committee that I do not think that's a good position to take from a policy viewpoint."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 666 was adopted and, Roll Call vote having been requested, S.B. No. 495, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STATE-OPERATED LOTTERY SYSTEM," having been requested, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 8 (George, Henderson, Holt, A. Kobayashi, Matsuura, Soares, Toguchi and Young). Excused, 1 (Hee).

Stand. Com. Rep. No. 667 (S.B. No. 1190, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 677 be adopted and S.B. No. 1190, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Kawasaki spoke in support of the measure as follows:

"Mr. President, I rise to speak in favor of this bill, and I've got to observe again that sometimes it takes a very long time for a basically good idea to be recognized and voted upon favorably.

"You and I have been introducing tourist tax bills for God knows how long. I think perhaps for a decade and a half. I am delighted that this bill, at least in this body, is going to pass. I'm particularly happy because this is our answer to our counterparts across the rotunda here who have been proposing to increase the sales tax by 2 percent and with a very complicated refunding procedure, exemption for certain categories of goods ... drugs and food and all that ... a very complex kind of arrangement in a bill that they propose.

"At least with the imposition of the tourist tax, we are going to impose a tax to those people who do enjoy the benefits of what we are trying to do here — improve our tourist climate, improve the beaches, the parks, try to contain crime that's prevalent in Waikiki. But most importantly, we do not impose an additional burden on the residents of this state by increasing the sales tax. I think that perhaps is the most important feature of this.

"For many years we've had the hotel industry oppose the tourist tax on the grounds that it would hurt tourism. However, they always criticize the Legislature in saying that we do not in this state, at least the Legislature, provide the funding necessary to promote tourism adequately.

"They always neglected to say that in those tourist destination areas that do spend more per capita for the promotion of tourism, without exception, everyone of those destinations has a tourist tax, and that is the reason they have enough revenue to promote tourism adequately.

"And realizing that the proceeds from this bill, if enacted into statute, a good portion of it will go directly to tourist related activities, I think now the peers of the tourist industry are going to be allayed.

"Of course, while we talk about the tourist tax harming the tourist industry, they thought nothing about raising their room rates, especially in one year when they raised it as much as 30 percent. They thought nothing about going into a room rate price fixing arrangement that incurred the wrath of the Justice Department as an anti-trust violation.

"To cut a story short, I think the tourist tax that is going to be imposed, if we enact this statute, is going to provide the kind of funds we need to very adequately promote tourism adequately, efficiently, certainly without imposing a burden on the local taxpayers.

"And I think the hotel industry in a matter of a few years is going to recognize that we did what was wise for the entire state, including the hotels and the tourist industry."

Senator Soares spoke against the measure as follows:

"Mr. President, it's a known fact that I've been against this tourist tax in my years here at the Capitol, more so this year because again I repeat, as I did earlier, that with a healthy surplus of over \$225 million by the end of the next year, I still cannot understand why we have to raise taxes.

"The excuse I've been hearing all along is that the tourist tax is very political — let the outsiders pay. Well, I've got news for you. When we travel interisland we pay. The basketball teams will pay; the senior citizens traveling to Kauai and Maui will pay a hotel room tax when they go to the Naniloa, King Kam or wherever.

"We forget that during the years of the great sugar industry, and thank God for them, they provided jobs for all in their plantations ... we never taxed them. They used our roads; they used our water; they used our air; but they provided jobs.

"When Kilauea on Kauai closed down, a hotel in Princeville picked up the slack as far as employment. Kohala closed down, Kohala Sugar Company, and Mauna Kea, Mauna Lani hotels sprung up and provided good employment for those people. The

same way with Puna in Hilo closing down. Hopefully, there would be some way for the industry to pick them up.

"In a just-released study by economists at the Bank of Hawaii, they have suggested that tourism may well be our only growth industry for the next five to 10 years. Annually, tourism generates \$150 million in excise tax receipts for the state, while the state appropriates less than \$4 million for tourism development and promotion.

"We have the opportunity to promote, develop and make sure the industry is keeping us alive. And we look at it as being someone else paying the tax, someone giving the money to us to be able to finance tourism promotion, parks and what have you.

"I feel very strongly that we should not do anything to hurt the industry.

"We do not have pineapple any longer. Sugar is a dying industry and yet, tonight, we passed a bill providing \$2 million to help them, and rightfully so.

"But I don't understand why, with the money we have ... a great January, February and March that's doing very very well, over \$200 million in surplus, that we have to raise any kind of tax.

"As far as I'm concerned, you've already adopted the Majority package containing the hotel room tax, the state lottery ... so the train is coming and off we're going to go.

"Mr. President, my main concern is that you do not have other industry in this city and state as you have elsewhere. I think it's wrong to say let the outsiders pay when they're carrying us and, fortunately for us, we have tourists coming into town providing all of these jobs.

"I don't know why we have to move as fast as we are to try to provide additional funds for pay raises and other needs that we have looking at us now when the money is already there.

"Mr. President, I do believe that we can take care of all of our needs, all of our services with the \$200 million plus surplus without raising a penny of tax from anyone.

"I urge that you vote against this bill."

Senator Yamasaki spoke in favor of the bill as follows:

"Mr. President, I believe that the previous speaker made reference to the surplus that we will have at the end of this fiscal year. I think that surplus resulted in the past through restrictions made by the administration.

"All of the figures that we have on revenues on the financial plan of the state, we have more expenditures over revenues. Revenues are smaller than our expenditure pattern and, through the restrictions, we have the so-called surplus, and by raising funds and allocating expenditures through this means, we are funding programs through non-recurring funds, and all of the expenditures are recurring expenditures. So we must find additional sources of income, especially for the hotel industry, because we have been bombarded by requests to improve the tourist industry ... to give more money to the industry. This is the only way that we bring more money to the tourist industry for their promotion.

"I think that this is the way we ought to go. As I remember back in 1973 when then Senator Yoshinaga chaired the Ways and Means Committee, he proposed the first tourist tax bill. In that bill that we had, that failed to pass that session, we had a 6 percent tourist tax, room tax, and I know that at that time the tourist industry, the hotel industry vigorously opposed such a measure to increase taxes on the tourists. We told them, twelve years ago or more, that sooner or later the day is going to come when the people are going to ask for a room tax. Today, we have that proposition before us, whether we are going to assess the people of this state through an excise tax or whether we are going to help the tourist industry by assessing room tax here in Hawaii. I think that time has come for us to seriously consider the room tax in this session of the Legislature because we are funding programs through monies that are not recurring.

"I think we ought to take a hard look at it because we are going to be looking at a deficit plan down the line in our six-year financial plan unless something is done during this session of the Legislature. Thank you."

Senator B. Kobayashi also spoke in support of the measure as follows:

"Mr. President, the tourist tax is not without its difficulties. It does single out one industry but that industry has been asking for support to increase tourist promotion to improve infrastructure, to help beautify resort areas, to help provide better police and security, all for the point of increasing the number and, hopefully, the quality of the tourist experience here in Hawaii.

"I think the State of Hawaii recognizes that the tourist industry is our bread and butter. We can't exist without it. We need to support this industry, and I think we need to support this industry by making it grow in a direction in which we can get more

tourists here but preferably of a better quality.

"If we had better infrastructure, if we had safer streets, if we had cleaner beaches, if we had less pollution, I think the overall tourist experience in Hawaii would be better and we can avoid what some people are predicting — the image of 8 million tourists in Hawaii in the year 2000.

"I would like to see the tourist industry continue, but frankly, I don't know what Hawaii would be like with 8 million tourists.

"If we could perhaps do with a slightly fewer tourists, but tourists of a better quality, I probably would be happier. If we can get better quality tourists by better quality facilities and attractions and if these cost money I would support this direction. I think that we can use this hotel room tax to move us in that direction.

"I would note that for the most part we have seen poll after poll over the years showing that the hotel room tax is a popular tax with the general citizenry. It is not popular in all sectors of the tourist industry but a popular tax is a very unusual thing, perhaps unique. Maybe I should not say unique because a lottery is probably a popular tax and also, by the way, voluntary, but a hotel room tax is a tax that people out in the streets accept and even like.

"If we can use this to improve the tourist industry and also, perhaps, to reduce taxes elsewhere in our system, I think this is the measure well worth supporting. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 667 was adopted and, Roll Call vote having been requested, S.B. No. 1190, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Henderson, A. Kobayashi, Machida and Soares. Excused, 1 (Hee).

Senate Bill No. 204, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 204, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Abercrombie). Excused, 1 (Hee).

At 8:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:25 o'clock p.m.

Senate Bill No. 556, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 556, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Hee and Kuroda).

Senate Bill No. 1144, S.D. 1:

Senator Cobb moved that S.B. No. 1144, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Matsuura rose to remark as follows:

"Mr. President, I rise to speak against this measure.

"Some of the concerns that I have, risen from the hearings, is that I've asked the optometrist if they needed these drugs to give me a good pair of glasses and the answer was to the negative.

"The reason for these drugs is primarily to diagnose pathology in the eyes. I realize the need of this prescription drug is really not necessary because many of the optometrists would verify that by taking the medical history of the patient, looking at the eyes without the drug, would be similar to a medical doctor whether he is a practicing general practitioner or a pediatrician or an internist, that they'd be able to pick up a pathology that they can refer to the ophthalmologist.

"My main concern here is that there is some risk in using these drugs in the eyes because it is like putting the fluid into the bloodstream because there is the risk of drug reaction.

"Putting this drug into the eyes puts all of the optometrists into a higher level of care which means that they will be subject to malpractice suits. I think that they don't realize that some day they will be faced with the same kind of conditions as the medical doctors, who failed to diagnose some diseases.

"The other reason that I have concern is that if the optometrists were intensively trained for the pathology, I think that I would have lesser reservations.

"Those are some of concerns that I have gathered from the hearing and wanted you to know about them. Thank you."

Senator Cobb spoke in support of the measure as follows:

"Mr. President, this measure perhaps represents a compromise in a democracy functioning and working quite well. Neither party is totally satisfied with it when we find ourselves in the middle in a situation and tells me we're probably doing the right thing.

"But I would like to address some of the concerns just raised, and that is, it's true drugs are not needed just for a simple set of glasses, but in the case of patients who are either very young or old there is a change in the refractory of the eye on a continuous basis, and some of the drugs that are sought can be used to freeze the changing refractory of the eye in order to get an accurate prescription reading. This came out during the course of the testimony.

"One of the witnesses present gave us an analogy. He said without drugs, looking into the eye is like looking into a room through a keyhole of a door. With the drugs, it's like looking into that room with the door open.

"We included in the bill a mandatory, medical referral when there is any diagnosis or even suspicion of a systemic disturbance or disease of the eye. That's not something the optometrists were totally happy with, but it's something we felt very strongly and I did as chairman since my position is that of a layman listening to expert medical opinion on one side and expert, highly educated opinion on the other side.

"We had quite a crowd. If you wanted to make an appointment with your eye doctor on the night of that hearing, you had to come to the Capitol. They were all here.

"But I think there has been some very important safeguards built into the bill. The ophthalmologists have since come in to see me and asked me, is it my position firmly that I'm not going to remove the mandatory medical referral. My answer is, yes. They seemed quite satisfied with that.

"Their major concern is that the House version of the bill does not have the mandatory referral. I said, as far as I am concerned, I would not feel comfortable with the bill that did not have mandatory medical referral to an ophthalmologist for any discovery or suspicion of a systemic condition or disease of the eye.

"With those kinds of safeguards, Mr. President, I feel comfortable with the bill even though neither party who's been an advocate on this issue is totally satisfied. I would urge the member's support. Thank you."

Senator Soares then remarked:

"Mr. President, I must rise to speak against this bill and I'm compelled to spend a few minutes giving this honorable body an experience that I want to share.

"About a year ago, my granddaughter was taken in to the Medical Group to have her eyes examined by the ophthalmologist. She was only about five or six months old. You may not realize how serious the drops in the eyes appear, talking about it here, but my granddaughter had eyedrops put into her eyes by the nurse in the doctor's office. Fortunately, my daughter realized that something was wrong with my granddaughter. She, immediately following the drops in her eyes, went into a coma; began to have 'fits,' if you will.

"My daughter picked her up and ran upstairs to the pediatrician, called the ambulance, rushed my granddaughter from the Medical Group to the Children's Hospital. She had gone into a coma that was almost death, resulting from the drops in her eyes. They were not aware of any history of my daughter having any problem because she did, at a very young age, have a need for glasses.

"My granddaughter, fortunately for us, was in the hands of a qualified group, recognized the need, took care of her immediately, rushed her by ambulance to the hospital and she's still with us today, a year later.

"I feel very strongly that had she not been in that atmosphere, in that climate, we would have lost her. I just had to share that with you, because it's not just putting drops in the baby's eyes. It's a very, very serious situation. And I tell you from my personal experience that I wouldn't want that to happen to anyone of us.

"I think this bill lends to the possibility of that happening, and I urge all to vote against this bill."

Senator Kawasaki spoke in support of the bill and remarked:

"Mr. President, I rise to speak in favor of the bill, and I want to remind Senators here that we are not the only legislature that had to suffer the prolonged discussions for and against ... the witnesses equally vehement about the wrong position of the opponents.

"As a matter of record, 43 states have experienced the same kind of soul searching that we are doing. They have been subjected to the kind of testimony we heard night after night and, in the judgment of 43 of the 50 states, with seven states not as yet enacting this statute, the judgment of 43 states after having gone through exhaustive discussion on this subject, saw fit

to enact legislation quite similar to ours.

"That perhaps to me is the most compelling argument in favor of this bill.

"As to rare incidents of unfortunate results occurring as a result of the application of drugs for dilation of the pupil, these are very rare instances. These kinds of occurrence, the unfortunate results of medicine being administered to a victim, happens in the offices of the most reputable physicians, graduating from the most highly recognized medical institutions of learning.

"So, for people to quote very rare instances of unfortunate circumstances happening, possibly as a result of the application of drugs, I think is not quite fair.

"We have read all the testimonies very studiously; we have listened to the arguments from both sides very seriously. Sometimes, I think, at least for some witnesses that appeared before the committee, it's a matter of protecting their turf. Human beings being what they are, this happens. I suppose some of this takes place in the dental bill we were talking about.

"But, I want the body to rest assured that proponents of the proposition incorporated in this bill have heard long testimony and we are of the judgment that we are doing right by the citizens of this state in following the pattern of 43 other states in the Union ... other states, possibly half a dozen could be wrong, but I can't bring myself to believe that 43 out of 50 states acted erroneously.

"I support this bill and I urge others to do so."

Senator Kuroda also spoke in support of the measure as follows:

"Mr. President, I have been a military pilot for 20 years and during those 20 years I've had an annual physical, and during that physical, the optometrist is the person who checks my eyes and fortunately for many, many years I've never worn any glasses. But the optometrists put the eye drops in my eyes for all those years that I've gone through military physicals.

"I've learned also in those years that the very same optometrists who place those eye drops in my eyes for the purpose of examination is barred from doing so when he goes into the civilian community, he practices the same optometrical medicine.

"When the previous speaker stood up to describe the very unfortunate situation that happened to his granddaughter ... I'm confident that if it happens and it may because of different people's reaction ...

and if it happens when an optometrist does it, that person also has medical training, not the type that is described by those who went to medical school, but I am convinced through my association with optometrists and listening to the testimonies given at the hearings that the optometrist is capable of following up in the same way that not the ophthalmologist followed up, but your wife did, Senator, so, again, it's either the optometrist or someone in whose care the patient is in would immediately take that person for a medical treatment. Thank you."

Senator Cayetano rose to speak against the measure as follows:

"Mr. President, first, let me say that this is one of the more difficult issues that I've had to grapple with in my career here in the Senate. I wish to commend the optometrists and the ophthalmologists for the manner in which they lobbied their respective causes.

"I sincerely believe that if all lobbying groups followed their example the Legislature would be a much more pleasant place to work.

"As a member of the Consumer Protection Committee, one of the things that I have noticed and been somewhat amazed at is the constant battle that we see among professional groups for, as mentioned by Senator Kawasaki, 'for turf.'

"We see the psychiatrists and the psychologists trying to outdo each other. The psychologists and the social workers having the same problem, and the social workers and the marriage counselors having like problems. When I looked at this issue ... incidentally, I have friends who I consider good friends who are optometrists ... the bottom line for me is what would the patient be getting out of this because I think there is a bit of a turf fight in almost every issue of this nature that comes to us. And what it boiled down to was what this new diagnostic tool would provide to the patient in terms of benefit against the risk that the patient would be exposed to as a result of this new diagnostic tool, and my conclusion, and I cannot say that it was a strong conclusion but it was one that I reached based on the facts that were available to me, was that the risks were not worth permitting the new diagnostic tool in the hands of the optometrists.

"The information that I received indicated that they would be able to do just as good a job as they would with the drops as they are at the present time. Weighed against that I felt at the hearing that the ophthalmologists made a convincing case that examples of tragic events, such as Senator Soares described with respect to his granddaughter, happen.

"One cardiologist who I believe works for Straub indicated two examples where a patient's heart stopped in one and the patient experienced cardiac arrest in the other. When those things happen, you need someone with medical experience. I disagree with Senator Kuroda.

"One of the things I questioned the optometrists about quite intensively during the hearings was what training did they have that would allow them to respond to an emergency situation like that which would assist the patient and the answer of course was, and this is the conclusion that I reached, was that they really would not be in any better position than I would, if I were a person trained in, for example, first aid, a person trained in CPR and that kind of thing, because the simple fact of the matter is that they are not physicians in the medical sense and for me that's the problem, that is the major problem. For that reason, I just can't go along with this bill.

"Senator Kuroda mentioned the military. Let me say that my experience as an attorney who has engaged in medical malpractice leads me to the conclusion that medical treatment in the military leaves much to be desired. Their standards are much different from the private sector, and the reason is they simply cannot get the trained personnel to make a career out of the military, and so I think those are some facts one has to consider.

"Thank you."

Senator McMurdo spoke in support of the measure as follows:

"Mr. President, I would like to support this bill. I will not address the subject of how good military medicine is at this time. That takes a little longer.

"But I would like to say that I've had a lifetime of having my eyes examined in military hospitals and I would say 95 percent of the time it has been the optometrist who has done it and has put in the drops. Optometrists have taken care of my four children and all of my friends, and I have never heard of any tragedies occurring as a result ... I am not saying that this does not happen; I am just saying that it is a rare situation and one that I don't think is completely relevant to what we're talking about in the sense that it doesn't happen that often.

"I will talk with my esteemed colleague about military medicine at some other time. I must tell him that I have three doctors who are in the service right now."

Senator Holt then added:

"Mr. President, as to not belabor the point, I rise to speak against the bill.

"I concur with the three previous speakers who spoke against the bill and would like to know if the remarks they made could be entered as my own in the Journal. Thank you."

The Chair responded: "So ordered."

The motion was put by the Chair and carried, and Roll Call vote having been requested, S.B. No. 1144, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 9 (Cayetano, Fernandes Salling, George, Henderson, Holt, A. Kobayashi, Matsuura, Soares and Solomon). Excused, 1 (Hee).

Senate Bill No. 854, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, S.B. No. 854, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTIONS OF MOTOR CARRIER VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hee).

Senate Bill No. 742, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, S.B. No. 742, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hee).

At 8:50 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:51 o'clock p.m.

MATTERS DEFERRED FROM FRIDAY, MARCH 8, 1985

By unanimous consent, action on S.C.R. Nos. 27 and 28, S.R. Nos. 31 and 32 was placed on the calendar for further consideration on Tuesday, March 12, 1985.

At this time, Senator Kawasaki rose on a point of personal privilege as follows:

"Mr. President, in observing the vote taken on the tourist tax bill. I notice the vote went almost strictly along party lines. This was quite interesting to me. I think perhaps some of us would have joined the

Republicans and not have voted for a tourist tax if what I anticipate will happen here would not happen. I concur with Senator Soares who several times mentioned the fact that we have a pretty healthy surplus of state funds estimated anywhere between \$160 million to \$200 million, and I would think this would be adequate under normal circumstances, but as the chairman of the Ways and Means Committee had explained there are calls on this so called surplus that already have been communicated to the Ways and Means chairman. But perhaps what we should not forget, and I remind the Republicans, the largest call on this so called surplus is going to be by the government workers' unions that are now negotiating their wage contracts. And if I know this Legislature, the wage negotiations that are agreed to by the state negotiators with the representatives of the unions, those negotiation figures which will literally amount to millions of dollars will consume a good portion of this so called surplus.

"Now, if I had confidence that this Legislature would hold firm and say to the unions we will not grant you what you are seeking; we can't afford it; we think you should get this amount of money and the balance to take care of other needs in this state. If I had the confidence that not only Democrats but the Republicans had the guts to tell the unions there are other concerns that we have involving non-government employees then I would have voted along with them against the tourist tax, but the practice has been, and my experience has been, that like ten pins, Democrats as well as Republicans fall in line and grant the government employees' unions exactly what they want. So this is the reason we won't have any surplus.

"That compels us to vote for a tourist tax to take care of tourist industry needs."

Senator Soares responded on a point of personal privilege as follows:

"Mr. President, I'm aggrieved that I don't have any guts.

"Mr. President, I'd like to respond just for a second by answering my vice president that his memory is a little short and, also, Senator Yamasaki could tell you that the bill he referred to, in 1973, the Republicans in the House helped to kill that bill. That was when our good friend Senator Yoshinaga had a committee report circulated and asked everybody to sign it free and clear; he asked 'I do not concur,' as chairman.

"I'll say this, Mr. President, for the record, the Republicans will stand tall on any vote we make, whether it's the tourist tax or anything else, and I can assure you when the time comes, now to the end of the session, we'll see who has the guts when that time comes."

The Chair then remarked as follows:

"Members of the Senate, the Chair would like to take this opportunity, first of all, to thank all the Senators.

"We've had a record breaking day today with around 400 pieces of legislation being passed in a single day, probably the highest total of bills ever passed in the Senate in the last ten years, at least as far as I can remember.

"That could not have happened, finishing at this early hour on third reading bills, if we did not have the cooperation and understanding of all the members of the Senate.

"Secondly, I would really like to thank the backroom staff who so efficiently got all the work done and got everything prepared for us.

"Also, at this time, I would like to acknowledge the Minority for their help in preparing the digest. We appreciate it very much. It did help in our deliberations.

"To all the members of the Senate, please go home and have a good evening. We'll see you tomorrow."

Senator Kawasaki then remarked:

"Mr. President, perhaps it is appropriate that we give you, the presiding officer of the Senate, some credit for the smooth manner in which the business of the Legislature, at least in the Senate, has been conducted. I think we have to commend you in the manner in which you organized the Senate at the beginning, in the opening days of the session, and the manner in which you have assigned allocations of bills, referred bills, in the manner in which you handled complaints of 25, if you will, very temperamental players in the scene. I think much credit goes to you in the fair manner in which you handled the business before hand.

"And if there are any doubts in the public's mind as to how the so called dissidents were going to conduct themselves, I think this session proved that things can be worked out among reasonable, sensible people."

Senator Cayetano added:

"Mr. President, I think what Senator Kawasaki is saying is that it's easier to make love than war."

ADJOURNMENT

At 8:55 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:00 o'clock a.m., Tuesday, March 12, 1985.