

FORTY-SIXTH DAY

Monday, March 31, 1986

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:20 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Ms. Nancy Lewis, Representative, First Church of Christ Scientist, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Forty-Fifth Day.

Senator Matsuura introduced to the members of the Senate Don and Genni Davis of Long Beach, California.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 283 to 293) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 283, transmitting the Final Report (February 1986) and Minority Report of the Governor's Advisory Committee on Insurance Capacity, was referred to the Committee on Judiciary.

Gov. Msg. No. 284, submitting for consideration and confirmation to the Board of Medical Examiners, the nominations of Erlinda M. Cachola, M.D., and Russell W.O. Lum, terms to expire June 30, 1990, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 285, submitting for consideration and confirmation to the Motor Vehicle Industry Licensing Board, the nomination of Leighton Wong, term to expire June 30, 1989, was referred to the Committee on Consumer Protection and Commerce.

Gov. Msg. No. 286, submitting for consideration and confirmation to the State Foundation on Culture and the Arts, the nominations of Gladys Y. Sonomura, Millicent Kim and Arthur A. Kohara, terms to expire June 30, 1990, was referred to the Committee on Education.

Gov. Msg. No. 287, submitting for consideration and confirmation to the Waianae Coast Subarea Health Planning Council, the nominations of Christine S. Jackson, Walter C.K. Aona, Joyce Margaret O'Brien and Daniel B. Smith, terms to expire June 30, 1990, was referred to the Committee on Health.

Gov. Msg. No. 288, submitting for consideration and confirmation to the Maui

County Subarea Health Planning Council, the nomination of Shirley H. Kodani, term to expire June 30, 1987, was referred to the Committee on Health.

Gov. Msg. No. 289, submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nominations of Charlotte Smith Kauai and Pauline D. Ventura, terms to expire June 30, 1990, was referred to the Committee on Health.

Gov. Msg. No. 290, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nominations of Stanley G.H. Yim and Gerald A. Jensen, terms to expire June 30, 1990, was referred to the Committee on Health.

Gov. Msg. No. 291, submitting for consideration and confirmation to the Board of Regents, University of Hawaii, the nomination of Albert S. Nishimura, term to expire June 30, 1990, was referred to the Committee on Higher Education.

Gov. Msg. No. 292, submitting for consideration and confirmation to the Commission on Transportation, the nominations of Ah Leong Kam and Mark H. Hastert, terms to expire June 30, 1990, was referred to the Committee on Transportation.

Gov. Msg. No. 293, submitting for consideration and confirmation to the Medical Advisory Board, the nominations of the following:

David Y. Kimura, M.D., term to expire June 30, 1989; and
Michael M. Okihiro, M.D., and William M. Dang Jr., M.D., terms to expire June 30, 1990,

was referred to the Committee on Transportation.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 65 to 68) were read by the Clerk and were disposed of as follows:

S.C.R. No. 65, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE REASONABLENESS OF CHILD CARE LAWS AND RULES AS THEY RELATE TO DIFFERENT TYPES OF CHILD CARE PROGRAMS," was offered by Senators Hee and Abercrombie.

By unanimous consent, S.C.R. No. 65 was

referred to the Committee on Human Services.

S.C.R. No. 66, entitled: "SENATE CONCURRENT RESOLUTION HONORING PROFESSIONAL SECRETARIES ON THE OCCASION OF PROFESSIONAL SECRETARIES' DAY, APRIL 23, 1986, AND THE PROFESSIONAL SECRETARIES' WEEK, APRIL 20-26, 1986," was offered by Senators Henderson, Soares, Fernandes Salling, Hagino, McMurdo, B. Kobayashi, Yamasaki, Abercrombie, Hee, Machida, Mizuguchi, A. Kobayashi, Aki, Solomon, George and Kuroda.

On motion by Senator Henderson, seconded by Senator Soares and carried, S.C.R. No. 66 was adopted.

S.C.R. No. 67, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE REVENUE IMPACT OF INDEXING PERMANENT TOTAL DISABILITY BENEFITS TO THE INFLATION RATE," was offered by Senators Henderson, Soares, Fernandes Salling, Hagino, McMurdo, Yamasaki, B. Kobayashi, Abercrombie, Hee, Machida, A. Kobayashi, Aki, Solomon and George.

By unanimous consent, S.C.R. No. 67 was referred to the Committee on Labor and Employment.

S.C.R. No. 68, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND & NATURAL RESOURCES TO LEASE STATE LAND FOR A SHOOTING RANGE IN WEST HAWAII," was offered by Senators Henderson and Solomon.

By unanimous consent, S.C.R. No. 68 was referred to the Committee on Tourism and Recreation.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 90 to 93) were read by the Clerk and were disposed of as follows:

S.R. No. 90, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE REASONABLENESS OF CHILD CARE LAWS AND RULES AS THEY RELATE TO DIFFERENT TYPES OF CHILD CARE PROGRAMS," was offered by Senators Hee and Abercrombie.

By unanimous consent, S.R. No. 90 was referred to the Committee on Human Services.

S.R. No. 91, entitled: "SENATE RESOLUTION HONORING PROFESSIONAL SECRETARIES ON THE OCCASION OF PROFESSIONAL SECRETARIES' DAY, APRIL 23, 1986, AND THE PROFESSIONAL

SECRETARIES' WEEK, APRIL 20-26, 1986," was offered by Senators Henderson, Soares, Fernandes Salling, Hagino, McMurdo, Yamasaki, B. Kobayashi, Abercrombie, Hee, Machida, Mizuguchi, A. Kobayashi, Aki, Solomon, George and Kuroda.

On motion by Senator Henderson, seconded by Senator Soares and carried, S.R. No. 91 was adopted.

S.R. No. 92, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE REVENUE IMPACT OF INDEXING PERMANENT TOTAL DISABILITY BENEFITS TO THE INFLATION RATE," was offered by Senators Henderson, Soares, Fernandes Salling, Hagino, McMurdo, B. Kobayashi, Yamasaki, Abercrombie, Hee, Machida, A. Kobayashi, Aki, Solomon and George.

By unanimous consent, S.R. No. 92 was referred to the Committee on Labor and Employment, then to the Committee on Legislative Management.

S.R. No. 93, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND & NATURAL RESOURCES TO LEASE STATE LAND FOR A SHOOTING RANGE IN WEST HAWAII," was offered by Senators Henderson and Solomon.

By unanimous consent, S.R. No. 93 was referred to the Committee on Tourism and Recreation.

At 11:23 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:27 o'clock a.m.

STANDING COMMITTEE REPORTS

Senator Toguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 834-86) recommending that Senate Resolution No. 39, amended in S.D. 1, be adopted.

On motion by Senator Toguchi, seconded by Senator Solomon and carried, the report of the Committee was adopted and S.R. No. 39, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO STUDY THE FEASIBILITY OF ESTABLISHING MAGNET SCHOOLS," was adopted.

Senator Toguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 835-86) recommending that Senate Concurrent Resolution No. 17, as amended in S.D. 1, be adopted.

On motion by Senator Toguchi, seconded by Senator Solomon and carried, the report

of the Committee was adopted and S.C.R. No. 17, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO STUDY THE FEASIBILITY OF ESTABLISHING MAGNET SCHOOLS," was adopted.

At 11:29 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:30 o'clock a.m.

ORDER OF THE DAY

MATTERS DEFERRED FROM THURSDAY, MARCH 27, 1986

THIRD READING

House Bill No. 2596-86, S.D. 1:

By unanimous consent, action on H.B. No. 2596-86, S.D. 1, was deferred to the end of the calendar.

FINAL READING

Senate Bill No. 1527-86, H.D. 1 (Hse. Com. No. 371):

By unanimous consent, action on S.B. No. 1527-86, H.D. 1, was deferred to the end of the calendar.

THIRD READING

House Bill No. 2202-86, H.D. 1, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Aki and carried, H.B. No. 2202-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 1951-86, H.D. 1, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, H.B. No. 1951-86, H.D. 1, 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, 24. Noes, none. Excused, 1 (Chang).

House Bill No. 2285-86, H.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, H.B. No. 2285-86, H.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.

House Bill No. 2730-86, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, H.B. No. 2730-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1999-86, H.D. 1, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, H.B. No. 1999-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2348-86, H.D. 1, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, H.B. No. 2348-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1695-86, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 1695-86, 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.

House Bill No. 1906-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 1906-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIR INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2142-86, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2142-86, H.D. 1, S.D. 1, was deferred to the

end of the calendar.

Ayes, 25. Noes, none.

House Bill No. 2192-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2192-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2424-86, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2424-86, 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.

House Bill No. 2425-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2425-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES UNDER WARRANTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2586-86, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2586-86, 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.

House Bill No. 2756-86, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2756-86, 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.

House Bill No. 2844-86, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2844-86, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

House Bill No. 1316, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 1316, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REFUNDS AND EXCHANGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 719-86 (H.B. No. 2786-86, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 719-86 and H.B. No. 2786-86, S.D. 2, was deferred to the end of the calendar.

House Bill No. 2714-86, S.D. 1:

On motion by Senator Machida, seconded by Senator Abercrombie and carried, H.B. No. 2714-86, 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.

House Bill No. 2618-86, H.D. 2:

On motion by Senator Machida, seconded by Senator Abercrombie and carried, H.B. No. 2618-86, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN EXEMPT POSITION IN THE INTERNATIONAL SERVICES BRANCH OF THE BUSINESS AND INDUSTRY DEVELOPMENT DIVISION, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Cayetano, Henderson, Kawasaki and Soares).

House Bill No. 2008-86, H.D. 1:

On motion by Senator Machida, seconded by Senator Abercrombie and carried, H.B. No. 2008-86, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1672-86, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1672-86, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 2060-86, H.D. 1, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, H.B. No. 2060-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEAT BELTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1741-86, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 1741-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIUM JULY 1, 1985 TO JUNE 30, 1987," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 726-86 (H.B. No. 1961-86, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 726-86 was adopted and H.B. No. 1961-86, H.D. 2, S.D. 2, 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. 727-86 (H.B. No. 1764-86, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 727-86 was adopted and H.B. No. 1764-86, H.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 728-86 (H.B. No. 2549-86, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 728-86 and H.B. No. 2549-86, H.D. 2, S.D. 2, was deferred to the end of the calendar.

House Bill No. 1665-86, H.D. 2, S.D. 1:

Senator Yamasaki moved that H.B. No. 1665-86, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Abercrombie spoke in support of the measure as follows:

"Mr. President, I just want, for purposes of the record, to indicate that this is probably one of the most important bills with respect to the University of Hawaii that we will have before us this year or almost in any year. It will be the culmination of a good many years of effort, and I commend the chairman for his attention to this matter. I sincerely hope that this bill will find its way, regardless of whatever discussions take place about flexibility or independence with the university, into law. Without it the university will be severely restricted in its capacity to achieve the kinds of excellence that was envisioned in President Simone's inaugural speech. I certainly hope we will all support it very, very vigorously as we move to the end of the session."

The motion was put by the Chair and carried and H.B. No. 1665-86, H.D. 2, 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.

House Bill No. 2284-86, H.D. 2, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 2284-86, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2173-86, H.D. 1, S.D. 1:

On motion by Senator Kuroda, seconded by Senator McMurdo and carried, H.B. No. 2173-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMBLEMS AND SYMBOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 832, H.D. 1, S.D. 1:

On motion by Senator Kuroda, seconded by Senator McMurdo and carried, H.B. No. 832, H.D. 1, 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.

House Bill No. 1870-86, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Matsuura and carried, H.B. No. 1870-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 167, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Matsuura and carried, H.B. No. 167, H.D. 1, 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.

House Bill No. 2014-86, H.D. 1, S.D. 1:

Senator Aki moved that H.B. No. 2014-86, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Abercrombie inquired:

"Mr. President, will the chairman yield to a question?"

The President posed the question and Senator Aki having replied in the affirmative, Senator Abercrombie asked:

"Mr. President, would the chairman answer a question with respect to the destruction ... mentioned in the report ... destruction of crops by various species of wild birds, game birds, and game mammals. It says that the purpose 'is not to be construed as permission to indiscriminately destroy species that are considered rare, threatened, or endangered, even though some aquaculturists consider them pests.'

"What precisely will this bill do to make sure that that does not take place with respect to some of the exotic and rare breeds of animals, particularly birds that exist in Hawaii?"

Senator Aki answered:

"Mr. President, my understanding is that in cases where endangered species are concerned, the law is still applicable; therefore, this bill does not prevent a person to bring complaints and address these kinds of problems."

Senator Abercrombie continued:

"Mr. President, if the chairman would answer just one further question.

"On page 2 of the bill, it says,

'Authorizing without requiring permits or reports,' Is he referring to the permit system, and does that permit system require an examination as to whether or not there are rare or endangered species involved?"

At 11:40 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:42 o'clock a.m.

Senator Abercrombie then continued:

"Mr. President, I have the assurance of the chairman and several other members who inquired about the same thing that the laws with respect to endangered species still apply. The problem here is that the phrase is 'authorizing without requiring permits or reports,' and the chairman has indicated that he'll inquire further on the bill to make sure that that would not in effect eliminate any kind of inquiry in the first place as to whether or not there was an endangered specie or some other protected species involved. That satisfies me and I thank the chairman."

The motion was put by the Chair and carried and H.B. No. 2014-86, H.D. 1, 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.

House Bill No. 2015-86, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 2015-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION DISTRICTS," was recommitted to the Committee on Economic Development.

House Bill No. 2027-86, S.D. 1:

On motion by Senator Aki, seconded by Senator Matsuura and carried, H.B. No. 2027-86, 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.

House Bill No. 2105-86, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Matsuura and carried, H.B. No. 2105-86, H.D. 1, 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.

House Bill No. 2109-86, H.D. 1, S.D. 1:

Senator Aki moved that H.B. No. 2109-86, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Abercrombie rose to speak against the measure and remarked:

"Mr. President, I urge a 'no' vote.

"I have never seen so much labor go into so many things, so many pages and material, consume so many people in our state involved to little or no good end. I have yet to see in any committee hearing that I have attended any reference by any of the executive departments to the State Plan or any attempt to make the budget or any of the laws that are presented by the executive, let alone in the Legislature, attempt to tie up with the Hawaii State Plan.

"I recall making an effort when I was education chairman to do that which was met with looks of, if not derision, by members of the administration or others in the community, with bewilderment, inasmuch as nobody can remember what the State Plan was any longer. To the degree there is a plan for the state, it remains well hidden; to the degree that the State Plan exists on paper, that's all that it exists on, and it seems to me that to go on with this charade at this stage of the game is to simply perpetuate the myth that somehow we are engaged in any kind of systematic integrated planning, legislatively or at the executive level.

"I participated in this State Plan situation when I was a member of the House. Participated with some enthusiasm as a matter of fact, and did my very best over the years when I had various and sundry responsibilities with respect to the State Plan to try to implement it to work sincerely and with intensity with those people who were associated with it.

"My criticism is not meant to denigrate in any way all the work that was put in. On the contrary, many, many groups and citizens throughout the state exercised a great deal of effort on behalf of trying to implement a state plan and put it together, and it seems to me that all that work was essentially for show, for going through the motions and for all intents and purposes means little or nothing in terms of the state.

"The State Plan Policy Council ... I doubt that there are five people in the state, other than those who are around it who can tell you who that council is or what they do. I doubt there's anybody in the halls of the

Legislature even right now today that could even name them, let alone what they've been doing with respect to this bill that's before us.

"I think that we should vote 'no' on it as an indication that perhaps with the next administration we will have some kind of direction.

"To pass it at this time seems to me merely to add insult to the injury that's already taken place in that so many people spent so much time dealing with the State Plan only to see it go into a purgatory or a limbo with respect to any kind of action being taken legislatively or otherwise based on it."

The motion was put by the Chair and carried and H.B. No. 2109-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2129-86, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Matsuura and carried, H.B. No. 2129-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY ABANDONED OR SEIZED ON STATE LAND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2168-86, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Matsuura and carried, H.B. No. 2168-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2695-86, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Matsuura and carried, H.B. No. 2695-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN FOREIGN GOODS SOLD IN HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2700-86, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2700-86, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 744-86 (H.B. No. 1322, S.D. 1):

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 744-86 was adopted and H.B. No. 1322, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKER'S COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1941-86, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 1941-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BANKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2032-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2032-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF ELECTRICIANS AND PLUMBERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2039-86, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2039-86, S.D. 1, 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.

House Bill No. 2035-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2035-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACISTS AND PHARMACY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2047-86, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No.

2047-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2054-86, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2054-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2074-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2074-86, H.D. 1, 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.

House Bill No. 2191-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2191-86, H.D. 1, 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.

House Bill No. 2189-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2189-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAVINGS AND LOAN ASSOCIATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2194-86, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2194-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2216-86, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2216-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2217-86, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2217-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2722-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2722-86, H.D. 1, 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.

House Bill No. 2715-86, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2715-86, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 2599-86, H.D. 1, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, H.B. No. 2599-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR AND OTHER VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2444-86, S.D. 1:

By unanimous consent, action on H.B. No. 2444-86, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1998-86, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1998-86, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 2000-86, H.D. 1, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Yamasaki and carried, H.B. No. 2000-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

CHILD ABUSE AND NEGLECT PREVENTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2001-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2001-86, H.D. 1, S.D. 1, 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.

House Bill No. 2002-86, H.D. 1, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Yamasaki and carried, H.B. No. 2002-86, H.D. 1, S.D. 1, 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.

House Bill No. 2069-86, H.D. 1, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Yamasaki and carried, H.B. No. 2069-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY ABUSE OR NEGLECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2246-86, H.D. 2, S.D. 1:

On motion by Senator Abercrombie, seconded by Senator Yamasaki and carried, H.B. No. 2246-86, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2513-86, H.D. 2, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, H.B. No. 2513-86, H.D. 2, 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.

House Bill No. 172, S.D. 1:

On motion by Senator B. Kobayashi,

seconded by Senator Machida and carried, H.B. No. 172, 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, 25. Noes, none.

House Bill No. 2103-86, H.D. 1, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, H.B. No. 2103-86, H.D. 1, 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, 25. Noes, none.

House Bill No. 1996-86, H.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, H.B. No. 1996-86, H.D. 1, 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, 25. Noes, none.

House Bill No. 2007-86, H.D. 1, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, H.B. No. 2007-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES AND MENTAL RETARDATION RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2836-86, H.D. 2:

On motion by Senator B. Kobayashi, seconded by Senator Machida and carried, H.B. No. 2836-86, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1829-86, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, H.B. No. 1829-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1826-86, H.D. 1, S.D. 1:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, H.B. No. 1826-86, H.D. 1, S.D. 1, 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.

House Bill No. 1716-86:

On motion by Senator Kawasaki, seconded by Senator Fernandes Salling and carried, H.B. No. 1716-86, entitled: "A BILL FOR AN ACT RELATING TO BALL OR MARBLE MACHINES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1855-86, H.D. 1, S.D. 1:

On motion by Senator Solomon, seconded by Senator Hagino and carried, H.B. No. 1855-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BRANDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1970-86, H.D. 2, S.D. 1:

On motion by Senator Solomon, seconded by Senator Hagino and carried, H.B. No. 1970-86, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1971-86, H.D. 1, S.D. 1:

On motion by Senator Solomon, seconded by Senator Hagino and carried, H.B. No. 1971-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RIGHTS OF ENTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1974-86, S.D. 1:

On motion by Senator Solomon, seconded by Senator Hagino and carried, H.B. No. 1974-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ISSUANCE OF SUMMONS AND CITATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1976-86, S.D. 1:

On motion by Senator Solomon, seconded by Senator Hagino and carried, H.B. No. 1976-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CERTIFICATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1977-86:

On motion by Senator Solomon, seconded by Senator Hagino and carried, H.B. No. 1977-86, entitled: "A BILL FOR AN ACT RELATING TO RULES GOVERNING THE INSPECTION, QUARANTINE, DISINFECTION, OR DESTRUCTION OF ANIMALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1983-86, S.D. 1:

On motion by Senator Solomon, seconded by Senator Hagino and carried, H.B. No. 1983-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1984-86, S.D. 1:

On motion by Senator Solomon, seconded by Senator Hagino and carried, H.B. No. 1984-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DESTRUCTION OF ANIMAL FERAE NATURAE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2282-86, S.D. 1:

On motion by Senator Solomon, seconded by Senator Hagino and carried, H.B. No. 2282-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PESTICIDES ADVISORY COMMITTEE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 785-86 (H.B. No. 1767-86, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 785-86 and H.B. No. 1767-86, H.D. 2, S.D. 2, was deferred to the end of the calendar.

House Bill No. 1942-86, S.D. 1:

By unanimous consent, action on H.B. No. 1942-86, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1945-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 1945-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BARBERING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2033-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2033-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE AND COLLECTION SERVICING AGENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1946-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 1946-86, H.D. 1, 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.

House Bill No. 2062-86, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 2062-86, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 2117-86, S.D. 1:

Senator Cobb moved that H.B. No. 2117-86, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Cobb spoke on the measure as follows:

"Mr. President, some members had requested that I coordinate with the chairman of the House Consumer Protection and Commerce Committee on this particular measure. He is agreeable to a conference as he indicated that he will be disagreeing so that the matter will go to conference for further discussion. Thank you."

The motion was put by the Chair and

carried and H.B. No. 2117-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALE OF FINE PRINTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 792-86 (H.B. No. 2238-86, H.D. 2, S.D. 1):

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 792-86 was adopted and H.B. No. 2238-86, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE LIABILITY INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1959-86, H.D. 1, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 1959-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUVENILE JUSTICE INTERAGENCY BOARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1740-86, H.D. 2, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 1740-86, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2561-86, S.D. 1:

By unanimous consent, action on H.B. No. 2561-86, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1680-86, H.D. 1, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 1680-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2360-86, H.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2360-86, H.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.

House Bill No. 2465-86, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2465-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION TO VICTIMS OF CRIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2483-86, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2483-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT JURISDICTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2363-86, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2363-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING FAMILY COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2656-86, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2656-86, 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, 25. Noes, none.

House Bill No. 1993-86, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1993-86, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 2358-86, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2358-86, 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.

House Bill No. 2373-86, H.D. 1, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2373-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFENSE OF INTOXICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 805-86 (H.B. No. 2337-86, H.D. 2, S.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 805-86 was adopted and H.B. No. 2337-86, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2479-86, H.D. 1, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2479-86, H.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 807-86 (H.B. No. 2170-86, S.D. 2):

On motion by Senator Chang, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 807-86 was adopted and H.B. No. 2170-86, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BLOOD TEST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2362-86, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2362-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 326, H.D. 1, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 326, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," having been read throughout,

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

Ayes, 25. Noes, none.

House Bill No. 105, H.D. 1, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 105, H.D. 1, 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, 25. Noes, none.

House Bill No. 2845-86, H.D. 2, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2845-86, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 812-86 (H.B. No. 122, H.D. 1, S.D. 2):

On motion by Senator Chang, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 812-86 was adopted and H.B. No. 122, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE INVESTIGATIVE POWER OF THE ATTORNEY GENERAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1969-86, H.D. 1, S.D. 1:

On motion by Senator Solomon, seconded by Senator Hagino and carried, H.B. No. 1969-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSPECTION OF POULTRY AND POULTRY PRODUCTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1967-86, H.D. 1, S.D. 1:

On motion by Senator Solomon, seconded by Senator Hagino and carried, H.B. No. 1967-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSPECTION OF MEAT AND MEAT PRODUCTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1729-86, S.D. 1:

By unanimous consent, action on H.B. No. 1729-86, S.D. 1, be deferred to the end of the calendar.

Stand. Com. Rep. No. 816-86 (H.B. No. 1688-86, H.D. 1, S.D. 2):

On motion by Senator Chang, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 816-86 was adopted and H.B. No. 1688-86, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TREATMENT DECISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Soares).

House Bill No. 1488, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 1488, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1388, H.D. 1, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 1388, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 819-86 (H.B. No. 692, H.D. 1, S.D. 1):

On motion by Senator Chang, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 819-86 was adopted and H.B. No. 692, H.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 820-86 (H.B. No. 100, H.D. 1, S.D. 2):

On motion by Senator Chang, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 820-86 was adopted and H.B. No. 100, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2158-86, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2158-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1857-86, H.D. 2, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 1857-86, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN PUBLIC ACCOMMODATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 823-86 (H.B. No. 2725-86, H.D. 1, S.D. 2):

On motion by Senator Chang, seconded by Senator Cayetano and carried, Stand. Com. Rep. No. 823-86 was adopted and H.B. No. 2725-86, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2526-86, H.D. 1, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2526-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2760-86, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2760-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTACHMENT AND EXECUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2516-86:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2516-86, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 827-86 (H.B. No. 2468-86, H.D. 2, S.D. 2):

Senator Chang moved that Stand. Com. Rep. No. 827-86 be adopted and H.B. No. 2468-86, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Cayetano.

At this time, Senator Cayetano asked for a ruling of the Chair as follows:

"Mr. President, may I have a conflict ruling? My law firm represents the organizations which want to sue the state."

The Chair ruled that Senator Cayetano was not in conflict.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 827-86 was adopted and H.B. No. 2468-86, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RIGHT TO SUE BY NATIVE HAWAIIAN INDIVIDUALS AND ORGANIZATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 828-86 (H.B. No. 1694-86, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 828-86 and H.B. No. 1694-86, H.D. 1, S.D. 2, was deferred to the end of the calendar.

House Bill No. 1940-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 1940-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Fernandes Salling and Kawasaki).

House Bill No. 2312-86, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 2312-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY IN HARBORS," was recommitted jointly to the Committee on Health and the Committee on Transportation.

House Bill No. 2525-86, H. D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2525-86, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 832-86 (H.B. No.

1692-86, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 832-86 and H.B. No. 1692-86, H.D. 2, S.D. 2, was deferred to the end of the calendar.

House Bill No. 2569-86, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2569-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 'ALOHA SPIRIT,'" having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 12:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:30 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

THIRD READING

House Bill No. 2596-86, S.D. 1:

On motion by Senator Cayetano, seconded by Senator Toguchi and carried, H.B. No. 2596-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOPEDES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

FINAL READING

Senate Bill No. 1527-86, H.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, S.B. No. 1527-86, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

THIRD READING

House Bill No. 2142-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2142-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABELING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1

(McMurdo).

Stand. Com. Rep. No. 719-86 (H.B. No. 2786-86, S.D. 2):

On motion by Senator Holt, seconded by Senator Chang and carried, Stand. Com. Rep. No. 719-86 was adopted and H.B. No. 2786-86, 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, 24. Noes, none. Excused, 1 (McMurdo).

House Bill No. 1672-86, H.D. 1, S.D. 1:

On motion by Senator Machida, seconded by Senator Abercrombie and carried, H.B. No. 1672-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 728-86 (H.B. No. 2549-86, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 728-86 was adopted and H.B. No. 2549-86, H.D. 2, S.D. 2, 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, 22. Noes, 3 (George, Henderson and Soares).

House Bill No. 2700-86, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 2700-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," was recommitted to the Committee on Economic Development.

House Bill No. 2715-86, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 2715-86, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Abercrombie rose to ask:

"Mr. President, if the chairman would be kind enough just to yield to a question on this.

"Does this bill authorize professional testing services to examine the massage therapist, and if so what constitutes that testing?"

The Chair asked the chairman of Consumer Protection and Commerce Committee if he would yield to the question and Senator Cobb replied in the affirmative and said:

"Certainly, Mr. President.

"In answer to the Senator's question, 'yes.' What it does, however, is make clear that if there is to be separate testing for shiatsu massage that it is to be done at the party's expense through the licensing process.

"Throughout your Committee on Consumer Protection and Commerce's review of various boards and commissions, we have adopted a consistent policy of trying to encourage the development of either professional or standardized tests wherever possible, and the board would be given a similar direction in this particular case, as well."

Senator Cayetano spoke in support of the measure and said:

"Mr. President, I'm going to support this bill, but I have some reservations that I would like to state for the record.

"Throughout the years in this Legislature, we have seen the development by law of boards and commissions and tests for occupations such as massage and other kinds of activities. The concern that I have with respect to massage is that I would be very concerned about how the tests ... if tests are adopted ... are going to be rated because as we know there are many people who have been in, for example, shiatsu for some time or who have developed other kinds of techniques such as, for example, kiate which very few people practice. I'd be very concerned as to how the tests would be made to deal with these kinds of services.

"I would also be very concerned if the test required skills, for example, in terms of reading and writing which may not be appropriate when you are dealing with elderly folks who have developed expertise in the area of massage through cultural activities or just through the years, as time went by. I would hate very much to see, for example, this kind of prohibition or requirements be made or provided for a test on lomi-lomi or something like that where we know that quite a few kupunas and people in the Hawaiian community who are not maybe very well educated but have developed great expertise and skill in their respective areas.

"The bill, as I see it, leaves this area pretty wide open. And if there is anything that I have noticed in this Legislature it is that, whether it involves the psychologists, psychiatrists, social workers vs. marriage

counselors, there seem to be endless turf battles.

"I would hope that the Board of Massage would be somewhat cautious in at least taking into account the concerns that I have just related. I would hate to see old folks shut out from practicing skills and arts which they have learned throughout the years simply because they do not, for example, have the kind of education that some of the younger practitioners may have."

Senator Cobb also supported the measure and remarked:

"Mr. President, I share the concern of the chairman of the Transportation Committee in this area, and there is a separate area of the law dealing with the examinations that allows for a verbal taking of the examination when the individual either has a limited English speaking capacity or limited education or limited verbal ability.

"I also agree with the concern about turf battles and it's one of the primary reasons why myself and the other committee members have consistently tried to avoid taking sides, whenever possible, in a turf battle. And it's one of the reasons why this bill is largely structured on a pay-as-you-go basis, to require that those who are going to practice shiatsu, which could be dangerous in the hands of an individual who is not properly trained and qualified in that area, that if the board is going to be getting into other areas, they're going to have to look at it, one, in trying to avoid a turf battle; two, on a pay-as-you-go basis; and three, proceeding very carefully in the development of any other types of examinations."

The motion was put by the Chair and carried and H.B. No. 2715-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2444-86, S.D. 1:

Senator Cayetano moved that H.B. No. 2444-86, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Toguchi.

At this time, Senator George rose to inquire if the chairman of the Transportation Committee would yield to a question. The Chair posed the question to the chairman and the chair having answered in the affirmative, Senator George asked:

"Mr. President, I wonder if the chairman would respond to the question whether or

not this bill would place us in conformity with federal regulations in this regard?"

Senator Cayetano answered:

"Mr. President, I'm afraid I do not have the answer to that question at this particular time. I don't believe that this bill is not in conformance with the federal regulations."

Senator George further inquired:

"Mr. President, do I understand the chairman to say that this bill would not place us in conformity?"

Senator Cayetano replied:

"Mr. President, I think I said I believe this bill does conform to federal regulations."

Senator George continued:

"Thank you, Mr. President.

"Mr. President, if I may, the last time we had this matter under discussion I believe that we determined and voted, nevertheless, that the present 35 percent regulation was not in conformity. This, I believe, allows for more opacity. This would reduce the opacity percentage, in one case from 35 percent to 25 percent, in one from 35 percent to 15 percent. I hesitate to challenge the chairman's superior wisdom in this respect, but I believe we would be in further danger of running afoul of federal sanctions. We already are and I think this would worsen our position and I would vote against this measure."

Senator Cayetano responded:

"Mr. President, I boast of no expertise in this area, believe me."

Senator Cobb spoke in support of the measure and said:

"Mr. President, I'm going to vote for this measure, but I'd like to express my reservations that with sun screening devices or tinted windows, as you may call them, I've never had a satisfactory answer as to how you would enforce a seat belt law at night on any car with a tinted window.

"If it's going to be reduced in terms of the screening from 35 percent to 25 percent, that's going to make it even more difficult to enforce the seat belt requirement unless, of course, you get a head-on view through the front windshield, but most cars I've seen drive around at night with the windows rolled up and it's extremely difficult, if not impossible, to determine whether or not the individual is or is not wearing a seat belt at that point."

The motion was put by the Chair and carried and H.B. No. 2444-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUN SCREENING DEVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 1998-86, H.D. 1, S.D. 1:

Senator Cayetano moved that H.B. No. 1998-86, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Toguchi.

Senator Henderson rose to ask if the chairman of the Transportation Committee would yield to a question.

The Chair posed the question to the chairman and Senator Cayetano having answered in the affirmative, Senator Henderson asked:

"Mr. President, I notice on page 2 that lines 4 through 8 have been bracketed. I would ask the chairman whether that was intentional or is that in error?"

Senator Cayetano answered:

"Mr. President, it was never the intent of the committee or my intent, certainly, that vehicles carrying or involved in harvesting be required to conform to the requirements of this particular bill. Senator Henderson has pointed out a provision in the bill which I would like to address in conference.

"I will contact the chairman of the House Transportation Committee and raise that point with him."

Senator Henderson then continued:

"Mr. President, because if we don't get rid of that provision, I think we'll put the sugar industry out of business."

The Chair responded: "You're talking about the bracketing?"

Senator Henderson answered: "Yes, thank you."

The motion was put by the Chair and carried and H.B. No. 1998-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPILLING LOADS ON HIGHWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 785-86 (H.B. No. 1767-86, H.D. 2, S.D. 2):

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, Stand. Com. Rep. No. 785-86 was adopted and H.B. No. 1767-86, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1942-86, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 1942-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BANKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Henderson and Soares).

House Bill No. 2062-86, H.D. 2, S.D. 1:

Senator Cobb moved that H.B. No. 2062-86, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Kawasaki rose to speak against the measure and remarked:

"Mr. President, I rise to speak against this bill. I have some questions to direct to the chairman of the committee from which this bill emanated if the chairman is willing to answer my question."

The Chair asked if the chairman of the Consumer Protection and Commerce Committee would yield to a question and Senator Cobb having answered in the affirmative, Senator Kawasaki asked:

"How many physicians are specialists in this type of treatment for their patients? May I get that answer?"

Senator Cobb replied:

"Mr. President, the information that was presented to our committee indicates somewhere between five and fifteen at the present time in the State of Hawaii."

Senator Kawasaki then continued:

"I see.

"Notwithstanding the committee report which says in effect, on the second page, that passage of this legislation is not intended to mean that the Legislature is opening the door or setting a precedent for the future, a proposal to require or mandate health coverage by the insurers for procedures that are not absolutely necessary to maintain health.

"I feel that we're setting a bad precedent by allowing or mandating these insurance companies to provide coverage for this type of specialized treatment of people who need this kind of care, particularly, if it's not a voluntary request on the part of the patient and it's not absolutely necessary to maintain a person's health.

"I think we're setting a very bad trend in proposing this bill and I think that's something to think about, and for that reason I speak against passage of this bill."

Senator Hee also rose to inquire if the chairman of the Consumer Protection and Commerce Committee would yield to a question. The Chair posed the question and Senator Cobb answered in the affirmative.

Senator Hee asked:

"Was it the understanding of the caucus, Mr. President, that the chairman would seek to have this bill go to conference with the expressed intent on setting dialogue on a cap on what the insurance carrier can charge with respect to this particular bill?"

Senator Cobb answered:

"Mr. President, I don't recall a caucus decision on that particular matter. I know there had been some amendatory language proposed by HMSA several days after the hearing and decision-making had taken place, and the House may or may not choose to go to conference on that particular item. But I don't have any record of a caucus decision to take this matter to conference for a capping because we have capped it already with a one-time only provision. It says that in vitro will not take precedence over any other type of fertility treatment."

Senator Hee then responded:

"Mr. President, I don't understand. Perhaps you could ask the chairman to amplify on how a one-time only procedure on in vitro places a cap with respect to the insurance carrier. It's my understanding that the consumer will be assessed a charge irrespective of whether it's one time or multiple times by HMSA."

Senator Cobb answered:

"Mr. President, the testimony before the committee, as I detailed in the caucus, indicated there would be an additional charge of approximately 50 cents per consumer, per premium, for this type of coverage, and that if the charges exceeded that then HMSA would come under legislative scrutiny for what would be considered to be an unwarranted rate increase.

"The original bill, when it was heard

before your Committee on Consumer Protection and Commerce as a Senate bill, as well as the original bill in the House, provided for unlimited coverage in an unlimited number of attempts by in vitro fertilization. A normal success rate for that would be between five and six attempts to achieve a success rating of over 65 percent.

"By limiting it to one-time only, we are in fact capping the cost very severely because the success rate for the first time is somewhere between 15 and 20 percent. We've also made it very clear that this is to be considered as an ancillary form of fertilization along with other elements of surgery which are already covered under HMSA today."

Senator Hee continued:

"Mr. President, am I to understand the previous speaker by saying explicitly that the rate increase to consumers, as a result of passage of this bill, will be limited to not more than 50 cents?"

Senator Cobb responded:

"Mr. President, I would have grave reservations and questions for HMSA if any rate increase as a result of this bill exceeded 50 cents."

Senator Hee then continued:

"Mr. President, then I will speak in favor of this bill with the reservation that the bill does not at this time address a rate increase. I would hate to have a bill like this with its intentions to be misconstrued by the insurance industry as an opening of the door for excessive rate increases as a means of furthering their profit.

"Thank you, Mr. President."

Senator Kawasaki spoke against the measure and remarked:

"Mr. President, responding briefly to the dialogue that just took place.

"I'm just afraid that this is exactly what might happen, if my observation of the insurance industry in the past is any indication of what might happen. And while I am in opposition to this bill, I don't want it to be misconstrued that I've absolutely no sympathy with infertile males."

Senator George then asked:

"Mr. President, may I ask for a ruling of the Chair on conflict of interest? I am a member of the Board of Directors of HMSA."

The Chair ruled that Senator George was

not in conflict.

Senator Abercrombie then inquired:

"Mr. President, I thought I understood this bill pretty thoroughly but I have a question, based on the discussion, to the chairman.

"Would you ask the chairman whether I'm correct or I heard correctly that other forms of fertilization procedures are to be implemented or attempted before this bill comes into effect? Did I misunderstand?"

Senator Cobb answered:

"No, Mr. President. Other forms of fertilization techniques, such as surgery, are already covered today under HMSA payment policies.

"All this bill would authorize is not giving in vitro any type of priority in that it will allow it to be one of the types of fertilization to be considered. The determination of that of which to use would be between the doctor and the patient."

Senator Abercrombie continued:

"Does that include these various drugs that have resulted in multiple births ... utilization of ...?"

Senator Cobb responded:

"Most drugs, as I understand it, if they're not experimental, Mr. President, are covered by HMSA. However, if they are either considered experimental or dangerous and are not FDA approved, then they are not covered."

Senator Abercrombie continued:

"So the multiple birth situation that we've seen publicized in various parts of the country, when they've taken place and have received a great deal of publicity, that's already covered, is that correct?"

Senator Cobb answered:

"If the drug is FDA approved, that is correct, Mr. President."

Senator Abercrombie thanked the chairman.

Senator Kawasaki then asked:

"Mr. President, another question that just came to mind — what is the average cost to a patient who desires and chooses to have this method of fertilization done?"

Senator Cobb answered:

"Mr. President, the cost that was reported to our committee during the course of

public hearings is approximately \$5,000 per attempt in vitro fertilization.

"Under the terms of the UCR or usual and customary rates, HMSA would pay 80 percent of that and that's one of the compelling reasons why we decided to limit it to a one-time only attempt. Some of the types of surgery that are already covered today for the purpose of restoring or implanting fertilization can cost upwards of \$7,000 to \$15,000."

Senator Kawasaki further inquired:

"Was this bill sponsored particularly by the specialist physicians who are doing this type of work?"

Senator Cobb answered:

"I don't know the original sponsorship of the bill, Mr. President. They were there testifying for it. I think that question would be more aptly addressed to the members of the House who had introduced this measure."

Senator Kawasaki then said:

"Thank you. This appears to me to smack of special interest legislation and again it only fortifies my desire to vote against this bill."

The motion was put by the Chair and carried and H.B. No. 2062-86, H.D. 2, 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, 18. Noes, 6 (Chang, George, Kawasaki, A. Kobayashi, Henderson and Soares). Excused, 1 (Young).

House Bill No. 2561-86, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 2561-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (George, A. Kobayashi, Henderson and Soares). Excused, 1 (Young).

House Bill No. 1993-86, H.D. 1, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 1993-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONS TO THE STATE TORT LIABILITY ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1729-86, S.D. 1:

On motion by Senator Chang, seconded by Senator Cayetano and carried, H.B. No. 1729-86, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL REMEDIES AND DEFENSES AND SPECIAL PROCEEDINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 828-86 (H.B. No. 1694-86, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 828-86 was adopted and H.B. No. 1694-86, H.D. 1, S.D. 2, 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.

House Bill No. 2525-86, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2525-86, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Stand. Com. Rep. No. 832-86 (H.B. No. 1692-86, H.D. 2, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 832-86 be adopted and H.B. No. 1692-86, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded Senator Mizuguchi.

Senator Kawasaki, in support of the measure, asked:

"Mr. President, while I rise to speak in favor of this bill, I would like to direct a question to the chairman of the Senate Judiciary Committee."

The President asked the chairman if he would yield to a question and Senator Chang answered: "May I hear the question, Mr. President."

Senator Kawasaki asked:

"I'd like to know, this being a House bill with a Senate draft, I wonder what is the possibility of this bill being accepted in complete agreement and as a consequence there will be no amendments or an amended version of the committee report emanating from the conference committee?"

Senator Chang answered:

"Without serving as a personal guarantor, Mr. President, I would waive my right to be at the Vice President's congratulatory and celebratory lunch if the House should decline to go to conference on this measure."

Senator Kawasaki continued:

"Mr. President, while I'm in favor of this bill, I think the fact that the committee report neglected to have some grammar or some text to the effect that we expect some good consequences as a result of passage of this bill to accrue to the consumer or the patients for medical care ... this is absent in this report and this concerns me.

"You know, the reason why we're passing this bill is primarily because the physicians and the health care providers said that the cost of premiums for malpractice insurance have become so exorbitant in the last few years, in the last decade, that we need to do something in the Legislature to rectify this situation. First, to make malpractice insurance available in the case where it is not available, and certainly to cut down the cost of malpractice insurance.

"Of course, the health care providers, including the doctors, the hospitals, the nurses, the skilled nursing care facilities thought nothing about their great increases in their fees. The second page of the committee report very appropriately has a listing of the increases in fees charged by various categories of physicians — a great increase, I must say, since 1975 to 1985. And ostensibly, this increase in the cost of health care to patients, generally, is because malpractice insurance premiums went so high.

"If we pass this bill and if the results that we anticipate, which is to say that malpractice insurance premiums are going to be lower, thus saving physicians and health care providers a lot of savings, do we have any reasonable assurance that these savings would be passed on to the patients of these medical care providers?"

"I would wish that the committee reflected some sentiment from the Legislature to say that now that we're doing something about the high cost of malpractice insurance premiums and their availability of these types of insurance, we expect you people in the medical profession to lower your fees to the patients, which have gone up so dramatically in the case of hospitals, for example.

"To cite an example, intensive care per day costs at Queens Hospital is \$722 a day; Kuakini Hospital, \$612 a day; and those are

rates that I obtained about a year and a half ago ... today, it's even higher.

"We hope that with the passage of this bill and with the availability of malpractice insurance at a lower premium cost, that these savings will be indeed passed on to the patient. This is the only reason we're voting for this bill and I would hope that if we enter into a conference committee and a new conference committee draft is prepared that such a sentiment on the part of the Legislature is expressed so that this is a very clear message to the medical profession that we did something for you in the way of trying to get you cheaper insurance premiums, now we expect you people to come down on your fees, which today practically wipe out old people whose lifetime savings, after one or two months of confinement in hospitals and intensive care units, are just being wiped out. This is a social problem. We hope we get some results as a consequence of this bill passing."

Senator McMurdo spoke against the measure and remarked:

"Mr. President, I have a terrible feeling about this bill that we're playing Russian roulette with victim's rights. We're playing Russian roulette in the hope that when this goes to conference all the little kinks can be worked out of it.

"Also, I think that we have over-reacted this year to this insurance crisis. If there is any truth at all in what Mr. Ralph Nader said about this being a manufactured crisis, then we indeed are over-reacting.

"I'm opposing this bill because I do not agree that the victim's rights have been fully respected. I see the rights of victims being severely limited. I do not believe this is proper action by a body which is elected to guard the public's interest.

"In my own view this bill gives immunity to those who would knowingly harm the public the way they have with the asbestos victims and the way they have with many of the pesticide and chemical cases. And as you know, many of those affected are our island people.

"In short, this bill publicly announces that our job is not to protect the citizens of this state, but to give in to the pressure exerted by special interest groups. The final insult to the unconscionable exploitations of the citizens of this state is that section which will allow a court to require all or part of the judgment in excess of \$100,000 to be paid in periodic payments. In other words, after you have taken away most of the rights of the citizens we're going to penalize anyone who is successful in obtaining any award for damages by exerting control over the spending of those

awards.

"This bill is a miscarriage of justice. I can't support it, even on the chance that it might be changed in conference."

Senator Chang then responded:

"Mr. President, in response to the Vice President's initial question, the elements of the House and Senate proposals are so disparate as to virtually assure referral to a conference committee."

Senator Cayetano spoke in support of the measure as follows:

"Mr. President, I speak in favor of the bill but, again, I would like to state reservations that I have for the record.

"First, in response to the Vice President's inquiry as to whether passage of a bill like this would lower medical costs, I'm not very certain about the figures but the latest information that I had indicated to me that the cost of medical malpractice insurance, in terms of the overall cost of medicine, is something like 5 percent or less. In fact, Senator Chang tells me it may be one percent, so I don't see any dramatic change in terms of overall medical costs if the tort reforms sought by the insurance industry, as well as the medical profession, are passed in tow.

"Let me state my concerns about this bill.

"First, I recognize the difficult job that the chairman had in putting together the committee report; however, I just want to state that the information stated in the committee report is I think subject to argument. Some of the data cited in the committee report, I think, the credibility of that data will depend on who or which side, you talk to.

"Mr. President, the push for tort reform is in my view a very clever move by the insurance industry. We know, for example, that the insurance industry is probably the largest industry in the United States. It affects every aspect of our lives. I have here, and I'll be glad to show this to members of this body, a copy of Newsweek magazine, the latest issue, and in this copy of Newsweek are two full-page ads. Both have been paid for by the Insurance Information Institute.

"The headline on the first ad is: 'The Lawsuit Crisis Is Bad for Babies.' It talks about the high cost of medical malpractice.

"The second ad states, and I quote: 'Even the Clergy Can't Escape the Lawsuit Crisis.' And it talks about the fact that even clergy are being sued today.

"It's interesting that when you read these ads you find that the ad places or makes adversaries out of the victim — the person who has been injured in a medical malpractice situation or a tort situation — and either business or the doctors, the insurance companies, not surprisingly, seem to be standing on the sidelines and are giving up nothing except dishing out this propaganda.

"This bill proposes some drastic revisions to our tort law, and I am willing to swallow this bill, Mr. President, if there is a corresponding benefit accruing to the consumer.

"For example, one part of the bill which concerns me is the prohibition of the imposition of punitive damages. The information that we have available to us indicate that punitive damages are rarely awarded. But, punitive damages, as pointed out by Mr. Ralph Nader, are meant to deter wrongdoing on the part of industry, on the part of business, on the part of tortfeasors.

"Earlier, mention was made about the asbestos cases. We know for example from the news reports that the dozens, if not hundreds, of people who worked at Pearl Harbor and are now suffering from asbestos, including those who have lost loved ones because of asbestos poisoning or who have loved ones or relatives suffering because of asbestos poison, who know that the company in that particular case knew very well that asbestos was harmful to human beings. And despite such knowledge, and this is all substantiated and was substantiated during the trial, and that is the reason why the jury awarded such high damages in that case, indicate that the company, the asbestos manufacturer in that case, deliberately covered up the information that was available indicating that asbestos would be harmful to human beings.

"Let me cite another case in which punitive damages benefited public policy. This was the Chevron case. You folks may remember the Chevron fire in which two men were first burned and then later died as a result of their burns. The jury in that case assessed Chevron \$20 million in punitive damages, as well as \$7 million in regular damages. Well, Mr. President, the facts of that case indicate that those men were horribly burned, but also that Chevron knew, Chevron knew that there was a dangerous situation that existed. Chevron had reason to know for a very long time that this situation existed and did nothing about it. The jury in that case saw fit to assess Chevron \$20 million in punitive damages.

"Let me say that while that may sound like a lot to us sitting here, to a big company like Chevron it is not a lot of

money. However, you can bet your bottom dollar that Texaco, Union Oil and some of these other companies which took a look at that case became a bit more careful in the way they maintained their premises for workers and for the public.

"So, victims will be giving up a very important right by this bill's prohibition of punitive damages.

"Let's take another section of the bill which provides that in medical malpractice, after a health care provider and a victim or a person who has been injured goes before a medical conciliation claim panel and the panel makes a decision, the health care provider has the right unilaterally to seek arbitration. In other words, if he doesn't like what went on before the medical conciliation claims panel, he can then seek arbitration — one more hoop to take the victim through. Remember, the victim is usually a lay person, a man on the street who does not have the resources of an insurance defense lawyer which is available to the health care provider.

"Then the bill goes on to say that if the arbitration comes out with a certain decision and the victim then decides to take the matter to court, if the victim in court cannot get damages in excess of 15 percent of what the arbitration panel awarded, then that victim may be assessed or his attorney may be assessed up to \$25,000 in attorney's fees. These are the kinds of provisions in the bill which, standing by itself, I would not vote for.

"Let's take the payment of damages. The bill provides for a periodic payment of damages. This is being done now under the existing law, but usually it's by agreement. What this bill does is allow the defendant to move the court for a court-imposed structure payment of the damages. And, among other things, the court can provide, for example, that in the event the victim dies before the period of the structured payment is over ... in other words, if the victim dies before all of the damages are paid to him ... the damages can accrue back to the defendant. Thus, the court can order, in case the victim dies before everything is paid to him, the defendant gets the windfall. These are the kinds of provisions in this bill which, standing by themselves, I find very distasteful.

"What has happened in this whole issue of tort reform, Mr. President, is that time and time again the insurance companies have come in and called for tort reform, but whenever we pass a bill, for example, the seat belt law ... when we passed the seat belt law, the insurance companies were right in there stating that passage of the seat belt law would reduce traffic accidents, et cetera, et cetera. However,

when this Legislature tacked on to the seat belt law a mandatory 10 percent reduction in insurance premiums for bodily injury, the insurance companies screamed to high heaven and, in fact, the governor's blue ribbon panel on tort reform, which is loaded with representatives from the insurance industry, has called for a repeal of that particular section of the law.

"Recently, we passed a bill calling for the increase of the drinking age to 21. Again, we tried to do the same thing. Clearly, and it seems very logical to me, that if the information that we have is correct, and most of this information was provided by the insurance industry, that raising the drinking age to 21 would save lives, decrease accidents, et cetera, et cetera, some benefit should be accruing to the consumer in terms of savings in insurance payouts. Well, the bill is in the House at the present time and already the insurance industry has marshalled its considerable resources to lobby for the deletion of that particular provision of the law.

"I'm voting for this bill because it is tied in to House Bill 2525, and we are doing here what we have done with the seat belt law as well as the drinking age law; namely, we're asking the insurance industry to put its money where its mouth is. That if in fact passage of these tort reform measures will reduce costs, will make insurance more available, then we should see the results very quickly. The insurance companies should reduce premiums and the reduction of premiums should be guaranteed to business for liability insurance, for doctors for medical malpractice insurance. It is not just for us to take away some of the rights of the victims without getting something in return from the insurance industry."

Senator Yamasaki also spoke in support of the measure as follows:

"Mr. President, I'm speaking in favor of this bill.

"Mr. President, this tort reform bill before us makes sweeping series of changes to the Hawaii system of handling personal injury law suits that would radically transform the way the state's legal system operates.

"Mr. President, tort reform without corresponding reduction in premiums paid by businesses and to insure availability of liability insurance at reasonable costs will be meaningless, and it would only put more money into the pockets of the greedy insurance industry.

"Mr. President, in October of last year, the U. S. Attorney General established the Tort Policy Working Group consisting of ten agencies and the White House, and the

primary contributing agencies included the Department of Justice, the Department of Commerce and the Small Business Administration. A report was issued in February 1986. This report states that 'a review of the current financial condition of the insurance industry and the economic factors leading to this condition show that the property-casualty industry in the past two years has suffered significant underwriting losses, \$21 billion in 1984, \$25 billion in 1985, which have limited its ability to offer as much insurance as its customers desire and have made it reluctant to insure high risk activities which may expose it to further substantial underwriting losses. These underwriting losses appear to be largely a result of coverage written in the late 1970's and early 1980's which may have been underpriced due to the industry's desire to obtain premium income to invest at the then prevailing high interest rates.'

"The report further states: 'there is little to suggest that the recent massive increases in premiums to professionals and businesses are related solely to these losses, or that costs of liability insurance will decline significantly as the industry limits its underwriting losses and restores its desired level of overall profitability.'

"Mr. President, the insurance lobby of the United States is one of the most powerful lobby groups, along with the National Association of Manufacturers. They have done such a beautiful job in public relations that they are saying that insurance availability and affordability does not appear to be a crisis for the insurance industry, but, rather a crisis of victims of tortious conduct who may find that liable defendants cannot pay for them their damages.

"The insurance industry has placed the monkey on our backs and with this tort reform package we are throwing the monkey on their backs with a companion bill to mandate a reduction in premium to 1982 levels, no rate increase till July 1, 1987 and not more than 10 percent rate increases annually for the next four years. It is reported that we cannot reach these companies because they are not domestic companies, then, we must devise a means to get to them legally.

"Therefore, Mr. President, I hope with this reform measure we will be helping Hawaii's businesses as it is claimed that it will reduce premiums and make liability insurance available and affordable. The doctors of Molokai should be able to return back to their offices and make available their professional expertise in serving the people of the Friendly Isle.

"With these concerns, Mr. President, I urge a unanimous vote be cast on this

measure so that it can be continued to be reviewed in conference."

Senator Abercrombie spoke against the measure and remarked:

"Mr. President, I rise to speak against this bill.

"Mr. President, I appreciate all the effort that has gone into it. I appreciate the arguments, particularly of the previous speaker. I appreciate those who have reservations and will nonetheless vote for it and the arguments that have been made about that including some of the particular instances in the bill that were cited by Senator Cayetano. But, I'm afraid that . . . and may I say also that I understand the linkage to the insurance bill, 2525. But, Mr. President, I am of the opinion that it could have been dealt with and possibly should have been dealt with in another way and that it will be the victims who will in the end be the losers, no matter what comes out of the conference, if it goes along the lines of either 2525 or 1692, whatever the combination that takes place . . . because the phrase is used as tort reform, I don't see it as reform at all, any more than I see most of the campaign spending laws that have been put into effect over the past ten or fifteen years as being reform. Just as those laws with respect to campaign spending have had the result of making more impossible than it was before for a person of average means and those who are desirous of serving in public office from being able to do so unless they have enormous organizational or monetary resources not otherwise available.

"Just as that has taken place, I believe that here in the name of reform that the insurance companies will in the end win out.

"And I do not believe that there will be significant changes in medical malpractice insurance costs nor do I believe that in some of the other areas, particularly other areas of insurance covered in 2525, that we're being even remotely fair to the average person who never comes into the situation unless he or she is hurt; unless he or she is damaged; unless he or she comes into a situation that is always an abstraction until it happens to them.

"Under those circumstances, I believe that the individual that we should be protecting is inevitably going to be hurt in this process. If the problem really is in fact the insurance companies, then we should be dealing with it on that level. If we have to go with what we're talking about, state insurance where workers' compensation is concerned, perhaps we have to talk about reforming the insurance industry and how it works. I had a bill in that regard and I understand some language is coming back

from the House with respect to the calculation of investment income and so on which may help to relieve that or address that situation that I just mentioned.

"So, my problem with this is and I've read through both of these bills, the one that has just passed and the one that is before us now, very, very carefully and always with the idea of trying to say, 'look, something more needs to be done; let's try a "yes" vote to keep the thing going.' But the more I look at both of the bills, the more I believe that what comes out will be a diminution of the rights of individuals to protect themselves. And I see a massive effort all across this country, starting right at the highest levels of government in Washington, to see all in the name of getting government out of people's lives, even a more massive government presence and a greater and greater inability on the part of the average individual to withstand or to stand up to either corporate enterprise or government enterprise or large enterprises of all kinds of business and otherwise.

"The individual is losing out, and on that basis, Mr. President, I find it impossible to cast an 'aye' vote despite the good intentions of all those who have spoken to this point."

Senator Kawasaki then added:

"Mr. President, some of the comments made by three of the previous speakers are well taken, certainly very thought provoking. And for those of us who are voting for this bill, notwithstanding our reservations, perhaps it is completely relevant and in order that I make some suggestions to help with the plight of the patient for medical service.

"While the insurance companies certainly are at fault because of their greediness, if you will, I think the medical profession itself cannot completely be absolved of some of the responsibilities. Comments made by Ralph Nader gave me reason to think and I agree with him that there is no profession like the medical profession which covers up its negligence and its misdeeds. And we in the Legislature have helped them to cover up and I point specifically to a bill that we passed a number of years ago, over my objections incidentally, where we rendered impossible by a statutory change, an opportunity for our courts and judicial system, to avail themselves of discussions that had taken place in what is known as the Peer Review Committee of the medical institutions, the medical associations of doctors. Where, when a doctor is charged with malpractice, his peers — doctors, staff people of medical institutions — enter into a discussion, an investigatory kind of role, to find out indeed was the physician in a particular case at fault. Was there

instances of malpractice? In effect, we helped the medical profession to further enhance its ability to cover up ... cover up in cases of negligence, misdeeds, and negligence. And this has added to an increase in incidents of malpractice.

"The pure fact remains that there has been a great increase in malpractice on the part of physicians and medical practitioners. That's one of the reasons why malpractice insurance has gone up, but we are not addressing, at least in this session, to get to that problem of the increase in malpractice. Perhaps we should logically think about it and in succeeding sessions, because it's too late for this session, perhaps we better repeal the statute we passed years ago, as I said, prohibiting the courts access to information generated by peer review committees. Then perhaps the courts and the lawyers representing plaintiffs would avail themselves again to information that are, first of all, valid and perfectly relevant to their litigation.

"Let's do some of these things and then, indeed, we will do something to help the individual that we want to help, even passing this piece of legislation that we have doubts about in some of our cases, then we'll help the patient. We have to do all of these things in tangent, otherwise, one little piece of legislation like this is not going to help the patient. It's not going to reduce the cost of medical care for our citizens.

"With that reservation, that sermon, if you will, I urge a vote in the affirmative for this bill."

Senator Cobb also spoke in support of the measure and remarked:

"Mr. President, I rise to speak in favor of the measure with reservations.

"I would first direct the members' attention to Section 26, page 25 of the bill which I consider to be one of the most creative implementing dates I've seen so far in my career in the Legislature. It says, 'This Act shall take effect on July 1, 1995 only if H.B. No. 2525-86 in any form is passed by the legislature, Regular Session of 1986, becomes an Act and shall be repealed on June 30, 1991.' In effect, what this is saying is the bill will become effective four years after its repeal.

"If this bill doesn't go to conference, Mr. President, I will be willing to walk the plank and jump off the side of the Capitol to assuage the Vice President and, if he wants to help in getting rid of me, then by all means go over and lobby the House to approve it because with that kind of language it's virtually certain to go to conference.

"But there are more serious matters involved in here that I think should be brought to the members' attention.

"First of all, one of the primary recommendations of Mr. Ralph Nader in his hearing before your joint committees on Consumer Protection and Judiciary was to provide for the federal regulation of re-insurance, and this resolution that was introduced in response to his recommendation is coming out of your Committee on Consumer Protection and Commerce. We've already had a hearing on it. The committee has voted in favor, and the matter will be up for adoption rather shortly.

"Be that as it may, Mr. President, this bill provides a basis of further discussion for the so-called tort reform and it is my intention, if I'm one of the conferees, to insure that savings that are derived as a result of any changes in the tort law be passed on to the consumers, co-equal to the savings that have been found in other states. And, that's where the tie-in with the previous bill on insurance is concerned.

"I also agree with some of the comments of the chairman of the Transportation Committee that, for instance, in the area of punitive damages, perhaps they should be allowed and even provided that they are not insurable or could only be insured under a separate policy, thus, providing even a further incentive for any business, corporation or doctor to clean up their act and to be extremely careful. This is all tied in, of course, to the idea that we were attempting to address earlier on captive insurance companies — the so-called peer captives or even association captives — to allow for a sharing of the risk.

"The bottom line to the whole question of tort reform is that where there is a change in the law it benefits the consumer; it benefits any individual; it's savings; cost savings which should be passed on. I hope that the body would be looking at that very closely when the matter comes back, if it does. Thank you."

Senator A. Kobayashi, in support of the measure, said:

"Mr. President, very briefly I'd like to speak in favor of this bill; however, I have concerns about the final outcome of the legislation because of the lobbying tactics of Dr. Phil Hellreich of the Federation of Physicians and Dentists. That group's shoddy and distasteful lobbying tactics could have a negative effect on this bill. Thank you."

The motion was put by the Chair and carried, and Roll Call vote having been

requested, Stand. Com. Rep. No. 832-86 was adopted and H.B. No. 1692-86, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At this time, Senator Yamasaki, chairman of the Committee on Ways and Means, requested a waiver of the 48-hour Notice of

a Public Hearing for the subjects listed on the agenda of the Senate Ways and Means Committee's hearing notice for Wednesday, April 2, 1986, and the President granted the waiver.

ADJOURNMENT

At 2:37 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 1, 1986.