

SIXTY-THIRD DAY

Wednesday, April 23, 1986

The Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 12:48 o'clock p.m., with the President in the Chair.

The Divine Blessing was invoked by Chaplain Terry Cook, Captain, United States Army, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Sixty-Second Day.

The following introductions were then made to the members of the Senate:

Senator Matsuura introduced Ms. Pattie Spangler of the Western Legislative Conference and said:

"Mr. President, next year the annual Western Legislative Conference is going to be held in Honolulu and one of the major topics that's going to be discussed at this conference in Honolulu is on ocean and marine resources. Pattie is here to help us with the conference with meetings that are going to start tomorrow in Kona to get the white papers and material gathered before that annual conference. Thank you."

Senator Hee then introduced "the two driving forces behind Senator Ben Cayetano," his wife, Mrs. Lorraine Cayetano, and Ms. Joyce Kami, his secretary, who were sitting in the gallery.

Senator Abercrombie introduced his administrative aide, Tony Rogers, and said:

"Mr. President, having served in the Legislature for twelve years and in this body for eight years, some of you I've had the pleasure of knowing for all of that time, and most of you who have known me have also known my great friend and compatriot who's been with me virtually all of this time through thick and very thin times on occasion, and I want to ask that the members of this body give him the recognition as a sign of the friendship that I know all of you feel for him. I'd like to introduce Tony Rogers. I think that is probably the first and only time that I've been able to slightly embarrass him. He puts up with mostly everything else from me. Thank you."

Senator Cayetano then made the following introduction and said:

"Mr. President, I would like to introduce to this body today, sitting in the gallery, a former well-known boxer. He has been leading the governor's cabinet in prayer in

anticipation of our vote on the executive pay bill — Jimmie Takushi."

The President, in honor of Secretaries Week, introduced the secretaries of the Senators, all of whom rose to be recognized.

At 12:54 o'clock p.m. the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:56 o'clock p.m.

MESSAGES OF THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 359 to 361) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 359, returning Senate Bill No. 431, without his approval, together with his statement of objections relating to the measure, was deferred to the end of the calendar.

Gov. Msg. No. 360, returning Senate Bill No. 774, without his approval, together with his statement of objections relating to the measure, was deferred to the end of the calendar.

Gov. Msg. No. 361, returning Senate Bill No. 2173-86, without his approval, together with his statement of objections relating to the measure, was deferred to the end of the calendar.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 718 to 724) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 718, informing the Senate that the reports of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to the following House bills were adopted by the House and said bills passed Final Reading in the House of Representatives on April 21, 1986:

H.B. No. 1663-86, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 2282-86, S.D. 1, C.D. 1;
 H.B. No. 2468-86, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 2117-86, S.D. 1, C.D. 1;
 H.B. No. 2608-86, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 2246-86, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1665-86, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 2373-86, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 326, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 1691-86, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 26, H.D. 1, S.D. 1, C.D. 1;

H.B. No. 1388, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 2495-86, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1740-86, H.D. 2, S.D. 1, C.D. 1;
 H.B. No. 1666-86, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 1998-86, H.D. 1, S.D. 1, C.D. 2;
 H.B. No. 122, H.D. 1, S.D. 2, C.D. 1; and
 H.B. No. 100, H.D. 1, S.D. 2, C.D. 1,

was placed on file.

Hse. Com. No. 719, informing the Senate that the reports of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to the following Senate bills were adopted by the House and said bills passed Final Reading in the House of Representatives on April 21, 1986:

S.B. No. 592, S.D. 1, H.D. 2, C.D. 1;
 S.B. No. 303, S.D. 1, H.D. 1, C.D. 1; and
 S.B. No. 2290-86, S.D. 1, H.D. 1, C.D. 1,

was placed on file.

Hse. Com. No. 720, informing the Senate that the reports of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to the following House bills were adopted by the House and said bills passed Final Reading in the House of Representatives on April 22, 1986:

H.B. No. 1694-86, H.D. 1, S.D. 2;
 H.B. No. 2561-86, S.D. 1, C.D. 1;
 H.B. No. 2122-86, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 2595-86, H.D. 1, S.D. 1, C.D. 1;
 H.B. No. 2580-86, H.D. 1, S.D. 2, C.D. 1;
 H.B. No. 1680-86, H.D. 1, S.D. 1, C.D. 2;
 H.B. No. 1764-86, H.D. 2, S.D. 2, C.D. 1;
 H.B. No. 2348-86, H.D. 1, S.D. 1, C.D. 1;
 and
 H.B. No. 1857-86, H.D. 2, S.D. 1, C.D. 2;
 H.B. No. 2513-86, H.D. 2, S.D. 1,

was placed on file.

Hse. Com. No. 721, informing the Senate that the House reconsidered its action taken on April 18, 1986, on House Bill No. 2221-86, H.D. 2, S.D. 2, C.D. 1, and will consider said measure after the State Budget has been transmitted to the Governor, was placed on file.

Hse. Com. No. 722, informing the Senate that the House reconsidered its action taken on April 3, 1986, in disagreeing to the amendments made by the Senate to House Bill No. 989 (S.D. 1), and intends to agree to the amendments, was placed on file.

Hse. Com. No. 723, informing the Senate that the House reconsidered its action taken on April 3, 1986, in disagreeing to the amendments made by the Senate to House Bill No. 2219-86, H.D. 2 (S.D. 2), and intends to agree to the amendments, was placed on file.

Hse. Com. No. 724, informing the Senate that the reports of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to the following Senate bills were adopted by the House and said bills passed Final Reading in the House of Representatives on April 22, 1986:

S.B. No. 909, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1831-86, S.D. 2, H.D. 1, C.D. 1;
 and
 S.B. No. 2266-86, S.D. 2, H.D. 1, C.D. 1,

was placed on file.

FINAL READING

Conf. Com. Rep. No. 60-86 (H.B. No. 1741-86, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Conf. Com. Rep. No. 60-86 was adopted and H.B. No. 1741-86, H.D. 1, S.D. 1, C.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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

STANDING COMMITTEE REPORTS

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1163-86) recommending that House Concurrent Resolution No. 46 be adopted.

On motion by Senator Young, seconded by Senator Hagino and carried, the report of the Committee was adopted and H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PROGRAM AND MANAGEMENT AUDIT OF STATE ENVIRONMENTAL PROTECTION PROGRAMS," was adopted.

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1164-86) recommending that Senate Resolution No. 25, S.D. 1, be adopted.

Senator Young moved that Stand. Com. Rep. No. 1164-86 be adopted and S.R. No. 25, S.D. 1, be adopted, seconded by Senator Hagino.

Senator Abercrombie rose to speak in support of the resolution and stated:

"Mr. President, I would just like to say, in speaking in favor of this resolution, that this is what might be termed the implementing resolution with respect to the residential condominium and cooperative housing

corporation land ownership pattern study that Senator Young's committee is going to be dealing with. I want to state, again, for the record, that I think this is a major step forward in being able to deal with this very difficult issue and that I wish Senator Young and her committee well in being able to resolve it. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1164-86 was adopted and S.R. No. 25, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE LAND OWNERSHIP PATTERNS OF HAWAII'S RESIDENTIAL CONDOMINIUMS AND COOPERATIVE HOUSING CORPORATIONS," was adopted.

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1165-86) recommending that Senate Resolution No. 145, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Young, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.R. No. 145, S.D. 2, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO DEVELOP A UNIFORM DEFINITION OF 'INDEPENDENT CONTRACTOR' TO BE APPLICABLE TO TITLE 21, HAWAII REVISED STATUTES," was adopted.

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1166-86) recommending that Senate Resolution No. 53, S.D. 1, be adopted.

On motion by Senator Young, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.R. No. 53, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO PREDICT CAPACITY NEEDS FOR HAWAII'S CORRECTIONAL FACILITIES," was adopted.

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1167-86) recommending that Senate Resolution No. 113 be adopted.

On motion by Senator Young, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.R. No. 113, entitled: "SENATE RESOLUTION REQUESTING AN ASSESSMENT AND EVALUATION OF THE UNIVERSITY OF HAWAII'S ROLE IN THE STATE'S EFFORTS TO FULLY AND ACTIVELY PARTICIPATE IN THE AFFAIRS OF THE PACIFIC RIM," was adopted.

At 1:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:02 o'clock p.m.

ORDER OF THE DAY

MATTERS DEFERRED FROM
TUESDAY, APRIL 22, 1986

FINAL READING

Conf. Com. Rep. No. 19-86 (H.B. No. 2221-86, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 19-86 and H.B. No. 2221-86, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 20-86 (S.B. No. 1550-86, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 20-86 was adopted and S.B. No. 1550-86, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY OF OFFICERS OR DIRECTORS OF NONPROFIT CORPORATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 23-86 (H.B. No. 2117-86, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 23-86 was adopted and H.B. No. 2117-86, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF FINE PRINTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 24-86 (H.B. No. 2468-86, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 24-86 was adopted and H.B. No. 2468-86, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RIGHT TO SUE BY NATIVE HAWAIIAN INDIVIDUALS AND ORGANIZATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 25-86 (H.B. No. 2282-86, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by

Senator Soares and carried, Conf. Com. Rep. No. 25-86 was adopted and H.B. No. 2282-86, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PESTICIDES ADVISORY COMMITTEE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 26-86 (H.B. No. 2246-86, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 26-86 was adopted and H.B. No. 2246-86, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 27-86 (H.B. No. 326, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 27-86 was adopted and H.B. No. 326, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 28-86 (H.B. No. 381, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 28-86 and H.B. No. 381, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 29-86 (H.B. No. 1691-86, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 29-86 was adopted and H.B. No. 1691-86, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIM-WITNESS ASSISTANCE PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 30-86 (H.B. No. 2373-86, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by

Senator Soares and carried, Conf. Com. Rep. No. 30-86 was adopted and H.B. No. 2373-86, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFENSE OF INTOXICATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 31-86 (H.B. No. 1740-86, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 31-86 was adopted and H.B. No. 1740-86, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 32-86 (H.B. No. 26, H.D. 1, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 32-86 be adopted and H.B. No. 26, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak against the measure and remarked:

"Mr. President, I believe the only way that I can be consistent with my views with respect to this bill is by voting 'no.'

"I understand the motivations of those members of the conference committee which have brought it forward. I disagree with the reason that its proponents in the public have put forward. I do not think the evidence bears them out. My judgment as a former teacher of sociology is such that I believe the facts will be the opposite of what is intended. I think that this will cause more serious problems with respect with drinking than it will solve. I think that many of the proponents of this issue while utilizing the good faith and sincere beliefs of others are in fact acting with cynical disregard for the evidence and what is likely to take place.

"I think that raising the drinking age to 21 is against the interest of this state. I do not believe that drinking is a constitutional issue, that is to say, I believe you do not have a constitutional right with respect to drinking anymore than you do with setting the age of driving. What I do believe is involved here, however, is coercion in order to satisfy the propagandistic goals of those who support the raising of the drinking age for reasons other than safety and welfare,

not only of those between the ages of 18, 19 and 20 but all others who may drink.

"I also want to indicate that this was put in only too clear perspective when the chairman of the Transportation Committee attempted to extend the logic of the argument which had been made up to this point to a conclusion which was warranted ostensibly by the evidence put forward and that was that there should be a lowering of the insurance rates. The fact that it was fought so vociferously and the fact that at least some proponents of this bill were quite willing to see that those insurance benefits go by the boards in order to get the age raised I think made very clear to me and I hope to the public-at-large as to what the true motivations of many of these people were.

"I think that the chairman has done as best he could, given the context and the circumstances, and has certainly made the point. However, my belief is so strong with respect to the detrimental elements associated with raising the drinking age, most of which I have stated in times past that I will not go further with it today but refer those who wish to dispute with me to those comments and those arguments made both on this floor and in other forums.

"On the basis that this will not accomplish what it is intended to do and may in fact have an opposite effect in terms of tragedy of death and injury, I ask that those who agree with that position vote 'no.' Thank you."

Senator Cayetano then rose to speak in support of the measure and stated:

"Mr. President, rising to speak in favor of the bill, first, let me state that I do not disagree with the arguments of the previous speaker but if there is anything that I've learned in the 12 years that I have been a member of the Legislature, it is that we sometimes have to deal with the reality of the situation rather than the ideal. This is one of those cases. The reality is, if we do not pass this bill the state stands to lose approximately \$19 million in federal highway money over the next several years.

"As far as I'm concerned, that is the only reason I am for this bill. I do not think raising the drinking age will in fact bring about the benefits that proponents of raising the drinking age believe will. However, I think I'm battle-scarred enough and experienced enough to know that on this we are on the short end and the Federal Government has the upper hand. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 32-86 was adopted and H.B. No. 26, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO LIQUOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 33-86 (H.B. No. 122, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 33-86 was adopted and H.B. No. 122, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIVE POWER OF THE ATTORNEY GENERAL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 34-86 (H.B. No. 1998-86, H.D. 1, S.D. 1, C.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 34-86 was adopted and H.B. No. 1998-86, H.D. 1, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPILLING LOADS ON HIGHWAYS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 35-86 (S.B. No. 303, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 35-86 was adopted and S.B. No. 303, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLITICAL PARTIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Conf. Com. Rep. No. 36-86 (S.B. No. 592, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 36-86 was adopted and S.B. No. 592, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITING COMMERCIAL EXPLOITATION OF CRIME," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 37-86 (S.B. No. 2290-86, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com.

Rep. No. 37-86 was adopted and S.B. No. 2290-86, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANS AND TRUSTEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 39-86 (H.B. No. 1388, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 39-86 was adopted and H.B. No. 1388, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 40-86 (S.B. No. 909, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 40-86 was adopted and S.B. No. 909, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS CONTRACTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 41-86 (H.B. No. 1665-86, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 41-86 was adopted and H.B. No. 1665-86, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 42-86 (H.B. No. 2608-86, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 42-86 was adopted and H.B. No. 2608-86, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS FOR VETERANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 43-86 (H.B. No. 2495-86, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by

Senator Soares and carried, Conf. Com. Rep. No. 43-86 was adopted and H.B. No. 2495-86, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIFELINE TELEPHONE SERVICE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 45-86 (H.B. No. 1663-86, H.D. 2, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 45-86 be adopted and H.B. No. 1663-86, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie spoke against the measure and stated:

"Mr. President, I think that I can say, within the bounds of safety with respect to rebuttal, that I have been interested or more interested in the establishment of child care activities at the University of Hawaii on each of its campuses as anyone on the floor. I have been working with people while still a student at the University of Hawaii when we had child care. It's not as if this is a new idea, on the contrary, we had child care at university campuses in the past and it was allowed to succumb to pressures of one kind or another.

"This particular bill, as it is emerged, violates my fundamental sense of what I believe is fair. Mr. President, the bill requires that the child care facilities at the university be self-supporting even to the point of the capital improvements and such interest as might be do on capital improvement expenditures be borne by those using the facilities. If we did this with the medical school; if we did this with the Institute of Geophysics; if we did this with the law school; if we did this with the administrative offices of the university; if we did this in connection with any of the other activities directly associated with the learning process, our tuitions would be so astronomical as to be beyond the capacity of the average individual to go to school. This is a public university, Mr. President. It is the only public university in the state. It is a system, given our unique situation in this state with the availability of which is virtually, especially in areas of major study fields, the only place that someone can go. There are other colleges, private colleges in the state, Mr. President, but they are not a university. They are not a university system and all that it implies. I don't intend to elaborate on that particular aspect other than to state it for the record.

"My point is that given the economic and social conditions which exist in this state today, and given the overt commitment that

this body has made and which has been made by all the political parties and various private sector elements including the chambers of commerce, unions and all kinds of groups associated with increasing business activity, to deny people the opportunity to advance themselves on a career ladder by educating themselves and this, by the way, Mr. President, includes people who are in the workforce other than as professionals in the white collar area. If you were an apprentice as you well know from your background, Mr. President, if you are an apprentice, you must attend school; you must utilize the services of the community colleges on weekends in order to complete your apprenticeship training in virtually every one of the professional trades.

"In the absence of child care facilities, day and night, we are actually cutting off our people from the opportunity to educate themselves, to advance themselves. It is virtually impossible for young couples today, given the economic conditions that exist much in it in terms of apartment living, the fact that many of the mothers and fathers of young couples themselves are working split shifts, night shifts, second shifts and third shifts that people who might in days past have been available to baby-sit even are now not available because they too are working in order to support their families given the cost of living.

"How is it possible, then, under those circumstances for us to say to somebody, not only will you pay increased tuition, not only will you pay increased fees at the university, not only will you pay the increased costs of books just to be able to attend your classes, but when you come and pay for the services of child care you in addition are going to have to pay for those facilities and the interests which have accrued in building them. In other words, we are throwing more obstacles in their way. We're penalizing people because they have children. We are forcing them to take those children to classes to the degree they're able to take them at all, and this is happening everyday. I can take you on the campus of any university right now as I speak and show you those conditions existing.

"Now the argument will be made that the University of Hawaii is going to do this anyway, at least on the Manoa campus, and it is underway in other places. Yes, that's as a result of tremendous pressure being put forward by the student body and others who support them, such as myself. But, if that is the case, and they're going ahead with it anyway, then we do not need this bill. This bill needs to be reworked and we could come back and make a commitment as a state to the young couples with children in our community, for those who are engaged in what has been called by the university, a

lifelong learning process.

"The average age of people attending the community colleges throughout this state on every island and on this island is 26-plus ... 26-plus at the community colleges. The average age of those attending the university in terms of upper division education and graduate education is almost that high.

"Now, under those circumstances, Mr. President, it only makes sense ... it makes educational sense, it makes economic sense, it makes social sense to enhance the capacity of those people to be able to utilize child care facilities in a manner and in a context that allows them to be secure and allows them to understand that they can afford it.

"Now, minus that, I think that this bill sets a precedence for saying, oh no, you can do that only if you survive this obstacle course. I don't think that's a good idea. If they're going to do it anyway, then let them do it and come back with a bill next year that will facilitate what is already underway then and make sure that the experiment, if you will, that is underway in the university system is able to be carried forward on a mass basis that it deserves. But to put this in law now, it says that we are establishing a policy that will be very difficult to overcome.

"Why the people who insisted on this, and I must say that it was not the Senate's point of view, this was in the House, why they are against children, why they are against young couples, why they want to put people who want to go to school through obstacles that we require of no one else, is beyond me. What the financial benefit is to this state in making it more difficult for people to get an education is absolutely beyond my capacity to understand.

"So on that basis, I request that this bill be voted down and that you come back next year and deal with this issue on a forthright basis that will benefit the people of this state."

Senator B. Kobayashi spoke in support of the measure and said:

"Mr. President, I rise to speak in favor of this bill with grave reservations.

"I would concur with the comments of the previous speaker that the word 'self-supporting' makes this operation of a child care center at the University of Hawaii very, very difficult.

"Last year I had the pleasure of working on a feasibility study for a child care project for employees of a company. In putting together the numbers, it just does

not seem possible at all to build a child care operation on expensive land in downtown Honolulu without some sort of subsidy. It is possible, perhaps, with a small subsidy.

"If we are concluding that this operation be self-supporting, then I would think it may be possible only under certain very favorable conditions. Some of those conditions have occurred next door to us and involve the operation of the City and County of Honolulu. If a similar situation could exist at the University of Hawaii, a self-supporting program might be possible. I would suggest that the conditions that would have to occur for a self-supporting child care operation at the University of Hawaii would include free land; would have to include state GO bond or some sort of very low interest rates. It might have to involve a co-op or contribution of people's time, that is the parents' time, to supplement staff time in this child care operation.

"Under the those circumstances, from my familiarity with putting together a feasibility study on child care programs, it might be possible to run a self-supporting child care operation at the University of Hawaii. But it would be quite difficult.

"Nonetheless, I think the bill deserves approval. It would at least start the process and it calls for an evaluation report on the pilot project addressing among other things, financial liability, number of students, extent of need, and those things we still do not have at the University of Hawaii.

"And for those reasons, I would suggest support of the bill, but I would concur with some of the sentiments of the previous speaker. Thank you."

Senator McMurdo also spoke on the measure and stated:

"Mr. President, I feel exactly the same way as the previous two speakers. I think that in passing this bill we have taken a step in the right direction. However, if we allow this bill to soothe our collective conscience and say that 'oh well, we've done what we can for those people that need child care up there,' then I think we'll be failing the students and the people and the economic benefits that the state could get from this.

"If we are very careful and monitor this program and pay particular attention to what the need is and how whether this is filling it or not, I think that we'll find we're going to have to help them eventually, and I hope that none of us loses sight of this.

"I think this is a very worthwhile program, but I agree I don't see how it's going operate, self-supporting. The very people who need this worst are already spending money on food and clothing for those

children in addition to child care. Thank you."

Senator Holt supported the measure and remarked:

"Mr. President, I rise to speak in support of this bill.

"With regard to the comments made by the previous speakers, I understand and agree with some of their concerns. For the body's information the Senate's position was, basically, when we went to conference, just to have the child care center revolving fund provision adopted. The House in conference was very insistent in inserting the self-supporting provision that you see in Section 3.

"However, in deciding to go ahead with the bill it was of such importance to a lot of people here in the Senate and the community that we go ahead and establish the child care center at the University of Hawaii, and without this revolving fund mechanism the university would not be able to go ahead this year, and they are ready to move ahead as soon as this legislation is signed into law.

"It is my understanding that the university is prepared to move ahead without general obligation bond authorization from the state. They will be able to use some private monies from the community to go ahead and construct this center that we're talking about at the university at Manoa.

"It is with this understanding that they feel confident that they will be able to finance the operations of the provision of child care services. As the committee report emphasizes, the instructional and research related activities to child care will not be self-supporting activities. It is with this in mind that the conference committee recommends that we move ahead, primarily because they need this revolving fund mechanism to go ahead and establish this pilot project.

"I urge all the Senators on this floor to vote in favor of this bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 45-86 was adopted and H.B. No. 1663-86, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A UNIVERSITY OF HAWAII CHILD CARE CENTER PILOT PROJECT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 46-86 (H.B. No. 1666-86, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 46-86 was adopted and H.B. No. 1666-86, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A TEACHER INCENTIVE PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 47-86 (S.B. No. 2190-86, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 47-86 and S.B. No. 2190-86, S.D. 1, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 48-86 (S.B. No. 425, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 48-86 was adopted and S.B. No. 425, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

Conf. Com. Rep. No. 49-86 (S.B. No. 1762-86, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 49-86 was adopted and S.B. No. 1762-86, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REMOVAL OF CONSTRAINTS INHIBITING THE ESTABLISHMENT AND EXPANSION OF CORRECTIONAL INDUSTRIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 51-86 (H.B. No. 100, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 51-86 was adopted and H.B. No. 100, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 52-86 (H.B. No. 2561-86, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 52-86 and H.B. No. 2561-86, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 54-86 (S.B. No. 2266-86, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 54-86 was adopted and S.B. No. 2266-86, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 55-86 (H.B. No. 1680-86, H.D. 1, S.D. 1, C.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 55-86 was adopted and H.B. No. 1680-86, H.D. 1, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 56-86 (H.B. No. 2348-86, H.D. 1, S.D. 1, C.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 56-86 was adopted and H.B. No. 2348-86, H.D. 1, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 57-86 (H.B. No. 2549-86, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 57-86 and H.B. No. 2549-86, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 58-86 (H.B. No. 1857-86, H.D. 2, S.D. 1, C.D. 2):

Senator Cobb moved that Conf. Com. Rep. No. 58-86 be adopted and H.B. No. 1857-86, H.D. 2, S.D. 1, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie spoke in support of the measure and said:

"Mr. President, speaking in favor of this bill, I would like to thank Senator Chang, in particular, and Representative Elosie Tungpalan in the House for seeing this very important bill through. There was a lot of misunderstanding associated with it, a lot of difficulty in seeing that all the contending parties were accommodated in the way that

it stayed consistent with the purpose and intent of the bill. And I think that that's been accomplished. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 58-86 was adopted and H.B. No. 1857-86, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN PUBLIC ACCOMMODATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 59-86 (S.B. No. 1843-86, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 59-86 and S.B. No. 1843-86, S.D. 2, H.D. 2, C.D. 1, was deferred to the end of the calendar.

MATTERS DEFERRED FROM
MONDAY, APRIL 21, 1986

FINAL READING

Conf. Com. Rep. No. 61-86 (S.B. No. 2048-86, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 61-86 and S.B. No. 2048-86, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 62-86 (H.B. No. 1856-86, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 62-86 and H.B. No. 1856-86, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 63-86 (H.B. No. 1961-86, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 63-86 and H.B. No. 1961-86, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 64-86 (H.B. No. 2122-86, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 64-86 was adopted and H.B. No. 2122-86, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 1:33 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:43 o'clock p.m.

Conf. Com. Rep. No. 65-86 (H.B. No. 2595-86, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 65-86 was adopted and H.B. No. 2595-86, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Holt).

Conf. Com. Rep. No. 66-86 (H.B. No. 2805-86, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 66-86 and H.B. No. 2805-86, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 67-86 (H.B. No. 1990-86, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 67-86 and H.B. No. 1990-86, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 68-86 (H.B. No. 1764-86, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 68-86 was adopted and H.B. No. 1764-86, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 69-86 (H.B. No. 1697-86, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 69-86 and H.B. No. 1697-86, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 70-86 (S.B. No. 2308-86, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 70-86 was adopted and S.B. No. 2308-86, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 71-86 (H.B. No. 2580-86, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by

Senator Soares and carried, Conf. Com. Rep. No. 71-86 was adopted and H.B. No. 2580-86, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 72-86 (S.B. No. 1496-86, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 72-86 was adopted and S.B. No. 1496-86, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Conf. Com. Rep. No. 73-86 (S.B. No. 1933-86, S.D. 1, H.D. 2, C.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 73-86 was adopted and S.B. No. 1933-86, S.D. 1, H.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AWARDS OF ATTORNEY'S FEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 74-86 (S.B. No. 2258-86, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 74-86 and S.B. No. 2258-86, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

FINAL READING

Conf. Com. Rep. No. 75-86 (S.B. No. 471, S.D. 2, H.D. 1, C.D. 2):

By unanimous consent, action on Conf. Com. Rep. No. 75-86 and S.B. No. 471, S.D. 2, H.D. 1, C.D. 2, was deferred to the end of the calendar.

Conf. Com. Rep. No. 76-86 (S.B. No. 1831-86, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 76-86 and S.B. No. 1831-86, S.D. 2, H.D. 1, C.D. 1, was deferred to the end of the calendar.

MATTERS DEFERRED FROM
TUESDAY, APRIL 22, 1986

FINAL READING

Senate Bills:

By unanimous consent, action on the following Senate Bills was deferred to the end of the calendar:

S.B. No. 934, S.D. 2, H.D. 2;
S.B. No. 1718-86, H.D. 1;
S.B. No. 1960-86, H.D. 1;
S.B. No. 1961-86, S.D. 1, H.D. 2;
S.B. No. 2166-86, S.D. 2, H.D. 2;
S.B. No. 2303-86, S.D. 2, H.D. 2;
S.B. No. 2359-86, S.D. 1, H.D. 1;
S.B. No. 2474-86, S.D. 2, H.D. 2; and
S.B. No. 2478-86, S.D. 2, H.D. 2.

THIRD READING

House Bills:

By unanimous consent, action on the following Standing Committee Reports and House Bills was deferred to the end of the calendar:

Stand. Com. Rep. No. 1090-86 and H.B. No. 2204-86;
Stand. Com. Rep. No. 1091-86 and H.B. No. 2574-86, H.D. 1;
Stand. Com. Rep. No. 1092-86 and H.B. No. 2446-86, H.D. 1;
Stand. Com. Rep. No. 1094-86 and H.B. No. 2199-86, H.D. 2;
Stand. Com. Rep. No. 1095-86 and H.B. No. 1927-86, H.D. 2;
Stand. Com. Rep. No. 1096-86 and H.B. No. 2430-86, H.D. 1;
Stand. Com. Rep. No. 1097-86 and H.B. No. 2429-86, H.D. 1;
Stand. Com. Rep. No. 1098-86 and H.B. No. 2428-86, H.D. 1;
Stand. Com. Rep. No. 1100-86 and H.B. No. 2209-86, H.D. 2;
Stand. Com. Rep. No. 1101-86 and H.B. No. 1891-86, H.D. 1;
Stand. Com. Rep. No. 1102-86 and H.B. No. 2536-86, H.D. 1;
H.B. No. 1708-86, H.D. 2; and
Stand. Com. Rep. No. 1105-86 and H.B. No. 2506-86, H.D. 2.

MATTERS DEFERRED FROM
TUESDAY, APRIL 22, 1986

HOUSE CONCURRENT RESOLUTIONS

H.C.R. No. 113 (Hse. Com. No. 693):

By unanimous consent, H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE BY WAY OF A LEASE, CERTAIN GOVERNMENT SUBMERGED LANDS FOR THE PURPOSE OF A MARINA FACILITY," was referred to the Committee on Transportation.

H.C.R. No. 114 (Hse. Com. No. 694):

By unanimous consent, H.C.R. No. 114, entitled: "HOUSE CONCURRENT

RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE BY WAY OF A LEASE, CERTAIN GOVERNMENT SUBMERGED LANDS FOR THE PURPOSE OF A MARINA FACILITY," was referred to the Committee on Transportation.

H.C.R. No. 117 (Hse. Com. No. 695):

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE BY WAY OF A LEASE, CERTAIN GOVERNMENT SUBMERGED LANDS FOR THE PURPOSE OF A MARINA FACILITY," was adopted.

H.C.R. No. 206 (Hse. Com. No. 706):

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 206, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO CONDUCT A USE AUDIT OF THE ALA WAI CANAL AND TO STUDY THE IMPACT OF ANY FUTURE MIX OF COMMERCIAL AND RECREATIONAL ACTIVITIES," was adopted.

H.C.R. No. 129, H.D. 1 (Hse. Com. No. 710):

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 129, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING IMPROVED UNITED STATES IMMIGRATION AND CUSTOMS SUPPORT AT THE HONOLULU INTERNATIONAL AIRPORT," was adopted.

H.C.R. No. 164 (Hse. Com. No. 712):

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE STATE DEPARTMENT OF TRANSPORTATION ACCELERATE THE DESIGN AND CONSTRUCTION OF THE WAIPIO INTERCHANGE AT MILILANI CEMETERY ROAD TO ALLEVIATE TRAFFIC CONGESTION ON KAMEHAMEHA HIGHWAY," was adopted.

H.C.R. No. 208, H.D. 1 (Hse. Com. No. 717):

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 208, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A SPECIAL INTERIM COMMITTEE TO SELECT A SITE FOR A CONVENTION CENTER," was adopted on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

At 1:48 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:42 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

MESSAGES FROM THE GOVERNOR

Gov. Msg. No. 359 (S.B. No. 431):

Gov. Msg. No. 359, returning Senate Bill No. 431, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 22, 1986

STATEMENT OF OBJECTIONS TO
SENATE BILL NO. 431

Honorable Members
Thirteenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 431, entitled 'A Bill for an Act Relating to Pensioners Bonus and Post Retirement Allowance.'

The purpose of Senate Bill No. 431 is to allow certain beneficiaries of contributory plan members who selected Option 2 or Option 3 retirement allowance mode to receive the stated percentage of the total benefit including a post retirement allowance, if applicable.

I have several concerns with the amendments proposed under this bill. First, the inclusion of post retirement allowances as part of survivor benefits has essentially the same effect as increasing the value of the retirement allowance under Options 2 and 3 relative to the other modes. Under existing law, a retiree's maximum retirement allowance is calculated on the basis of the specified formula for the particular type of retirement. Survivor benefits are limited to the remaining balance between the member's accumulated contributions at the time of retirement and the retirement allowance paid to the member prior to death. Payments under each of the five options for retirement are calculated so that the total benefits paid are actuarially equivalent to the maximum retirement allowance. That is, the value of the stream of benefit payments over the life of the member (and beneficiary in the case of survivor options) are equal given actuarial factors (such as age, mortality

rate, etc.). The inclusion of post retirement allowances as part of survivor benefits under Options 2 and 3 increases benefit payments over the life of the beneficiary which consequently increases the value of Options 2 and 3 relative to the other modes. The Employees' Retirement System actuary estimates that this bill would increase the public employers' annual contribution requirements by \$380,000 (\$250,000 for the State and \$130,000 for the counties).

Second, the amendments could set a precedent for similar treatment of the joint survivor options under the noncontributory plan. There are no estimates of this potential cost available at this time; however, it is quite feasible that the cost could be much higher than in the contributory plan since the number of optional modes available under the noncontributory plan are less and since the plan is 100% funded by the public employers.

Third, there are unanswered questions with regard to justification for the amendments and appropriateness of this approach in providing survivor benefit cost of living adjustments. Although legislative committee reports claimed that this bill would put Option 2 and 3 beneficiaries in parity with those in other modes, this is subject to debate because post retirement allowances are limited to the member's benefits in all of the other modes. Furthermore, comparison of the modes in this manner is not really meaningful since the benefit structure under the various modes reflect trade-offs to address differing circumstances and expectations. The other argument in the legislative committee reports is that the amendments will minimize the impact of inflation. While the impact of inflation is recognized, it is not clear that inclusion of post retirement allowances as part of survivor benefits is the most appropriate means to address this issue. From the standpoint of fairness, the amendments appear to be inequitable because as noted above the value of Options 2 and 3 are increased relative to the other modes. From the standpoint of cost effectiveness, no evaluation can be made because there has been no studies to identify alternatives and their costs.

For the foregoing reasons, I am returning Senate Bill No. 431 without my approval.

Respectfully,

/s/ George R. Ariyoshi
GEORGE R. ARIYOSHI
Governor of Hawaii,"

was placed on file.

RECONSIDERATION OF
ACTION TAKEN TO
OVERRIDE GOVERNOR'S VETO

Senator Machida moved to reconsider the action taken by the Senate on S.B. No. 431, seconded by Senator Abercrombie and carried.

Senator Machida then moved that the Senate override the veto of S.B. No. 431, as contained in Gov. Msg. No. 359, seconded by Senator Abercrombie.

Senator Cobb rose to speak in favor of the motion as follows:

"Mr. President, I rise to speak in favor of the motion in the strongest possible terms.

"The last time that a governor's override or veto was successfully overridden occurred before Hawaii became a state. In fact, it was during the 1957 Session of the Territorial Legislature that a veto of a tax bill by then Governor King was successfully overridden. Since that time, no veto has ever been overridden by a legislature in Hawaii.

"Today is a historic event if it takes place in both houses. I hope that it will. I hope that the members vote in favor of this, not only on the merits but on the principle of restoring or helping to restore the balance of power that has been so sorely lacking between the executive and legislative branches of our State Government.

"I urge every member to vote 'aye.' Thank you."

The motion was put by the Chair and S.B. No. 431, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS BONUS AND POST RETIREMENT ALLOWANCE," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Gov. Msg. No. 360 (S. B. No. 774):

Gov. Msg. No. 360, returning S.B. No. 774, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 22, 1986

STATEMENT OF OBJECTIONS TO
SENATE BILL NO. 774

Honorable Members
Thirteenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I

am returning herewith, without my approval, Senate Bill No. 774, entitled 'A Bill for an Act Relating to Public Officers and Employees.'

The purpose of Senate Bill No. 774 is to allow employees who are employed in shortage category positions to be compensated for overtime, standby, temporary hazard, or negotiated pay increases at a pay rate based on the sum of the employee's basic rate of pay plus the shortage differential.

However, Senate Bill No. 774 is inconsistent with the concept of basic job value on which the compensation system for public officials and employees is built. The basic job value of a position is reflected by the first step of the salary range. Where recruitment is difficult, initial salaries can be raised above the minimum to attract available qualified candidates to particular positions. On the other hand, additional compensation such as overtime pay, standby pay, and temporary hazard pay are considered premium pay items. They are not considered part of the basic job value of a position.

In classes of work where the basic value of a position remains the same but where demand temporarily exceeds supply for such workers the payment of a temporary shortage differential allows the State to be competitive in the labor market.

Thus, recruitment above the minimum recognizes a problem in the basic value of the job while shortage differentials address a problem in the labor market. Therefore, an employee recruited into a shortage category position should not get both a shortage differential and premium pay. Premium pay should still be based on basic job value.

Finally, overtime pay, temporary hazard pay, standby pay, and other premium pay items are more appropriately a matter for collective bargaining negotiations.

For the foregoing reasons, I am returning Senate Bill No. 774 without my approval.

Respectfully,

/s/ George R. Ariyoshi
GEORGE R. ARIYOSHI
Governor of Hawaii,"

was placed on file.

RECONSIDERATION OF
ACTION TAKEN TO
OVERRIDE GOVERNOR'S VETO

Senator Machida moved to reconsider the action taken by the Senate on S.B. No. 774,

seconded by Senator Abercrombie and carried.

Senator Machida then moved that the Senate override the veto of S.B. No. 774, as contained in Gov. Msg. No. 360, seconded by Senator Abercrombie.

The motion was put by the Chair and S.B. No. 774, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Gov. Msg. No. 361 (S.B. No. 2173-86):

Gov. Msg. No. 361, returning S.B. No. 2173-86, without his approval, together with his statement of objections relating to the measure which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 22, 1986

STATEMENT OF OBJECTIONS TO
SENATE BILL NO. 2173-86

Honorable Members
Thirteenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2173-86, entitled 'A Bill for an Act Relating to Psychology.'

The purpose of Senate Bill No. 2173-86 is to amend Chapter 346, Hawaii Revised Statutes, to (1) specify that referral, direction, or prescription of services by another health care practitioner not be required for psychologists who treat welfare patients; (2) include psychologists in the definition of medical care for Medicaid reimbursement purposes; and (3) permit psychologists to determine disability for the purposes of enabling individuals to qualify for general assistance benefits.

Last year a bill similar to this bill was vetoed. In my Statement of Objections to senate Bill No. 1443, I stated that, because '[e]xpenditure data reveal that average payments per [Medicaid] case have been greater for psychologists than for psychiatrists . . . I may be willing to consider a limited pilot program to test the cost-effectiveness of the use of services of psychologists.' I understand that such a pilot program has been undertaken by the Department of Social Services and Housing and representatives from the psychology and psychiatry professions. Because this pilot

program is not complete and no analyses of the issues have yet revealed the cost-effectiveness of the use of services of psychologists, I believe that enactment of this bill is premature.

For the foregoing reason, I am returning Senate Bill No. 2173-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi
GEORGE R. ARIYOSHI
Governor of Hawaii,"

was placed on file.

RECONSIDERATION OF
ACTION TAKEN TO
OVERRIDE GOVERNOR'S VETO

Senator Abercrombie moved to reconsider the action taken by the Senate on S.B. No. 2173-86, seconded by Senator Yamasaki.

Senator Abercrombie then moved that the Senate override the veto of S.B. No. 2173-86, as contained in Gov. Msg. No. 361, seconded by Senator Yamasaki.

The motion was put by the Chair and S.B. No. 2173-86, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGY," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Abercrombie then requested that the actions taken by the Senate on Senate Bill Nos. 431, 774 and 2173-86 be transmitted to the House of Representatives for its action, and the President so ordered the Clerk.

MATTERS DEFERRED FROM
EARLIER ON THE CALENDAR

FINAL READING

Conf. Com. Rep. No. 19-86 (H.B. No. 2221-86, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 19-86 was adopted and H.B. No. 2221-86, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 28-86 (H.B. No. 381, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 28-86 was adopted and H.B. No. 381, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JURORS' COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 47-86 (S.B. No. 2190-86, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 47-86 was adopted and S.B. No. 2190-86, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HOUSING AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 52-86 (H.B. No. 2561-86, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 52-86 was adopted and H.B. No. 2561-86, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (George, Henderson, A. Kobayashi and Soares).

Conf. Com. Rep. No. 57-86 (H.B. No. 2549-86, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 57-86 was adopted and H.B. No. 2549-86, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 59-86 (S.B. No. 1843-86, S.D. 2, H.D. 2, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 59-86 be adopted and S.B. No. 1843-86, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie rose to speak in support of the measure and said:

"Mr. President, I rise to speak in favor of this bill.

"Mr. President, I've been associated with

this bill for the better part of 18 months, I guess now, interested in the subject matter for sometime longer than that. This is a historic day for the State of Hawaii. The effect of this bill will be to insure that those who are now forced to go on welfare, as a result of the failure of child support payments to be made, will now have an adequate redress that will enable the taxpayers to receive some relief from this bill and will enable women and children, in particular, in our state who are suffering as the result of the failure of child support to be made to be relieved of that burden, and it institutionalizes in a single agency not only the collection, but the rationalization of the process with respect to child support.

"I think that the passage of this bill will take us a major step, not only a major step forward, but probably alter for the foreseeable future the inequities that have taken place in this area up to this time. I'm particularly grateful for all the effort that has been put in with respect to this bill by members of the Judiciary Committee and its chairman. This has not been something easy to get through. The placement of the agency was a long and difficult task, and I am very hopeful that the present leadership in the Child Support Enforcement Agency will transfer to the Office of the Attorney General to help it through the transition stage.

"Mr. President, I want to state for the record that Mr. Jim O'Brien's work with the DSS to this point has been exemplary. If every public employee in this state was able to exert the same kind of leadership in their position as has been exhibited by Mr. O'Brien and his cohorts in the DSS, I think not only would the state be much the better for it, but that criticism directed towards the inevitable problems associated with bureaucracy would soon disappear. They've done an excellent job. I think that with the background they have, under this new setup as provided for in this bill, we're going to see first-class results in a very, very short period of time. Thank you."

Senator B. Kobayashi also spoke in support of the measure and said:

"Mr. President, I rise to speak in favor of the bill.

"I should like to add for the record that there was some difficulty in arriving at the agency to handle this unified child support enforcement task, and it was not until sometime around 11:30 Friday night that language was finally developed and into the word processor that gave the Department of Social Services and Housing the responsibility for child support enforcement until June 30, 1987. After that, the responsibility would shift to a new agency, the Department of the Attorney General.

"I would like to state for the record that it was the intent of those of us who worked on this language that flexibility should be granted to the governor for allocations of monies to these two agencies as these two agencies develop their own implementation efforts and that we understand that the Department of the Attorney General will not be able to do any considerable advance work unless it has funds and so it was the feeling of the people involved in the conference committee that flexibility should be allowed to the Attorney General for at least some support or advance monies, if such monies are necessary.

"Thank you very much."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 59-86 was adopted and S.B. No. 1843-86, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 61-86 (S.B. No. 2048-86, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 61-86 was adopted and S.B. No. 2048-86, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 62-86 (H.B. No. 1856-86, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 62-86 was adopted and H.B. No. 1856-86, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 63-86 (H.B. No. 1961-86, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 63-86 was adopted and H.B. No. 1961-86, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 66-86 (H.B. No. 2805-86, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 66-86 and H.B. No. 2805-86, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 67-86 (H.B. No. 1990-86, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 67-86 was adopted and H.B. No. 1990-86, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 69-86 (H.B. No. 1697-86, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 69-86 was adopted and H.B. No. 1697-86, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 74-86 (S.B. No. 2258-86, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 74-86 and S.B. No. 2258-86, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 75-86 (S.B. No. 471, S.D. 2, H.D. 1, C.D. 2):

By unanimous consent, action on Conf. Com. Rep. No. 75-86 and S.B. No. 471, S.D. 2, H.D. 1, C.D. 2, was deferred to the end of the calendar.

Conf. Com. Rep. No. 76-86 (S.B. No. 1831-86, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 76-86 and S.B. No. 1831-86, S.D. 2, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Senate Bill No. 934, S.D. 2, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 934, S.D. 2, and S.B. No. 934, S.D. 2, H.D. 2, entitled: "A BILL FOR

AN ACT RELATING TO LAND COURT REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1718-86, H.D. 1:

Senator Cobb moved that the Senate S.B. No. 1718-86, H.D. 1, having been read throughout, pass Final Reading, seconded by Soares.

Senator Henderson spoke on the measure as follows:

"Mr. President, I'm going to vote for this bill this year but next year I hope we take a good look at the inclusion of awards for pain and suffering in this particular type of legislation. I think we have a lot of abuse of this particular law. I really feel that the Legislature, next year, should look at eliminating pain and suffering from these awards."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the Senate to S.B. No. 1718-86, and S.B. No. 1718-86, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1960-86, H.D. 1:

On motion by Senator Cobb, seconded by Senator Soares and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1960-86, and S.B. No. 1960-86, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REDEVELOPMENT OF THE ALOHA TOWER COMPLEX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1961-86, S.D. 1, H.D. 2:

Senator Cobb moved that S.B. No. 1961-86, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie rose on a point of inquiry as follows:

"Mr. President, just a point of inquiry on this bill.

"It expressly permits the financing of harbor improvements to manage facilities ancillary to maritime facilities such as hotels, office space and parking structures. Am I correct that this bill would also authorize under those provisions, facilities such as conference centers and/or trade complexes?"

By unanimous consent, action on S.B. No. 1961-86, S.D. 1, H.D. 2, was deferred to the end of the calendar.

Senate Bill No. 2166-86, S.D. 2, H.D. 2):

Senator Cobb moved that S.B. No. 2166-86, S.D. 2, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Young spoke in favor of the measure and stated:

"Mr. President, I rise to speak in favor of this bill.

"This bill, as stated, authorizes the hiring of a consultant to conduct a study to determine whether or not pay inequity exists among specific public employee job classes that are dominated by one sex and to determine what factors or conditions contribute to such inequity, if such inequity exists.

"Mr. President, pay equity is the concept that includes equal pay for equal work, equal pay for similar work, and equal work for comparable value. Pay equity effects all families and it effects all working women.

"I urge a 'yes' vote on this measure."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2166-86, S.D. 2, and S.B. No. 2166-86, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A JOB EVALUATION STUDY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2303-86, S.D. 2, H.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2303-86, S.D. 2, and S.B. No. 2303-86, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM IMPACT MANAGEMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (George, Henderson and

Soares).

Senate Bill No. 2359-86, S.D. 1, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2359-86, S.D. 1, and S.B. No. 2359-86, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL DEVELOPMENT BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2474-86, S.D. 2, H.D. 2):

Senator Cobb moved that S.B. No. 2474-86, S.D. 2, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie spoke in support of the measure and said:

"Mr. President, in rising to speak in favor of this bill, I want to thank you and all the members of this body for all the assistance and aloha with respect to passing this program.

"This children's advocacy program, Mr. President, may not take its place in the newspapers and in the media, perhaps is the most exciting element of this session. It may not receive all the attention that some of the other bills that we have yet to deal with may receive but I can assure you that all the members of this body can be proud of the passage of this bill and that with its passage you are helping to insure the children who have been sexually abused, who have been violated, families that have been torn to pieces by family violence, particularly in the area of sexual abuse, will be the beneficiaries.

"I can assure you that Judge Town in particular and the family court will make good use of the provisions of this bill and that we will be taking a giant stride forward in seeing to it that we do not revictimize children who have been subject to sexual abuse and attack.

"When the full implications of the advocacy program are made and when all of the terms and conditions that we've set forth here are put into effect with the family court, we will look back on this day and members who are here today will be able to look back and feel that their time here was well spent and worthwhile.

"Thank you very much."

The motion was put by the Chair and carried, the Senate agreed to the

amendments proposed by the House to S.B. No. 2474-86, S.D. 2, and S.B. No. 2474-86, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CHILDREN'S ADVOCACY PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 2478-86, S.D. 2, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2478-86, S.D. 2, and S.B. No. 2478-86, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY ASSISTANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

Stand. Com. Rep. No. 1090-86 (H.B. No. 2204-86):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 1090-86 was adopted and H.B. No. 2204-86, entitled: "A BILL FOR AN ACT RELATING TO HAWAII CRIMINAL JUSTICE DATA CENTER CIVIL IDENTIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1091-86 (H.B. No. 2574-86, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soars and carried, Stand. Com. Rep. No. 1091-86 was adopted and H.B. No. 2574-86, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF JUDGMENT AGAINST THE DEPARTMENT OF EDUCATION, STATE OF HAWAII, AND IN FAVOR OF THE UNITED STATES DEPARTMENT OF EDUCATION THROUGH ITS SECRETARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1092-86 (H.B. No. 2446-86, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 1092-86 was adopted and H.B. No. 2446-86, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PRELIMINARY PLANNING AND DESIGN OF A STATEWIDE COMPUTERIZED JUVENILE JUSTICE

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1094-86 (H.B. No. 2199-86, H.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 1094-86 was adopted and H.B. No. 2199-86, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RELOCATION AND EXPANSION OF SAINT FRANCIS HOSPITAL'S RENAL DIALYSIS FACILITY AT MAUI MEMORIAL HOSPITAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1095-86 (H.B. No. 1927-86, H.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 1095-86 was adopted and H.B. No. 1927-86, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF A MASTER PLAN TO PROMOTE HAWAII AS A SPORTS CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1096-86 (H.B. No. 2430-86, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 1096-86 was adopted and H.B. No. 2430-86, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONDUCT A STUDY ON THE FEASIBILITY OF CREATING HIGH OCCUPANCY VEHICLE (HOV) LANES IN CENTRAL AND LEEWARD OAHU," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kuroda).

Stand. Com. Rep. No. 1097-86 (H.B. No. 2429-86, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 1097-86 was adopted and H.B. No. 2429-86, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONDUCT A STUDY TO INVESTIGATE THE CREATION OF A RIDESHARING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Abercrombie).

Stand. Com. Rep. No. 1098-86 (H.B. No. 2428-86, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 1098-86 was adopted and H.B. No. 2428-86, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONDUCT A STUDY TO INVESTIGATE THE CREATION OF A TRANSPORTATION IMPROVEMENT DISTRICT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1100-86 (H.B. No. 2209-86, H.D. 2):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 1100-86 was adopted and H.B. No. 2209-86, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT MAIN STREET TASK FORCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1101-86 (H.B. No. 1891-86, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 1101-86 was adopted and H.B. No. 1891-86, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO FINANCE THE WAILUA RIVER HYDRO PROJECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1102-86 (H.B. No. 2536-86, H.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Stand. Com. Rep. No. 1102-86 was adopted and H.B. No. 2536-86, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kawasaki).

House Bill No. 1708-86, H.D. 2:

On motion by Senator Cobb, seconded by Senator Soares and carried, H.B. No. 1708-86, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A STATEWIDE KAPU SYSTEM," having been read throughout,

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1105-86 (H.B. No. 2506-86, H.D. 2):

On motion by Senator Cobb, seconded by Senator Soars and carried, Stand. Com. Rep. No. 1105-86 was adopted and H.B. No. 2506-86, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTALLY DISABLED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 3:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:13 o'clock p.m.

At 3:17 o'clock p.m., on motion by Senator Cobb, seconded by Senator Soares and carried, the Senate stood in recess until 5:00 o'clock p.m.

AFTERNOON SESSION

The Senate reconvened at 5:25 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 362 and 363) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 362, informing the Senate of the withdrawal of the nomination of Fred B. Smales to the Board of Trustees, Employees' Retirement System, under Gov. Msg. No. 328, dated April 8, 1986, was placed on file.

In compliance with Gov. Msg. No. 362, the nomination listed under Gov. Msg. No. 328 was returned.

Gov. Msg. No. 363, informing the Senate that he signed the following bills into law on the dates indicated:

April 21, 1986:

Senate Bill No. 1561-86 as Act 59, entitled: "RELATING TO COUNTY LICENSES";

Senate Bill No. 1624-86 as Act 60, entitled: "RELATING TO EXPENDITURE OF PUBLIC CONTRACTS";

Senate Bill No. 1625-86 as Act 61, entitled: "RELATING TO THE MILK CONTROL PROGRAM";

Senate Bill No. 1629-86 as Act 62, entitled: "RELATING TO LIVESTOCK OWNERSHIP AND MOVEMENT CERTIFICATION";

Senate Bill No. 1643-86 as Act 63, entitled: "RELATING TO THE REPORTING OF ANIMAL DISEASES";

Senate Bill No. 1646-86 as Act 64, entitled: "RELATING TO LIABILITY OF DOG OWNER";

Senate Bill No. 1652-86 as Act 65, entitled: "RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL";

Senate Bill No. 2002-86 as Act 66, entitled: "RELATING TO TAXATION";

Senate Bill No. 2296-86 as Act 67, entitled: "RELATING TO LIQUOR LICENSES"; and

Senate Bill No. 2314-86 as Act 68, entitled: "RELATING TO STATE GOVERNMENT MOTOR VEHICLES."

April 22, 1986:

Senate Bill No. 1023 as Act 69, entitled: "RELATING TO THE COURTS";

Senate Bill No. 2471-86 as Act 70, entitled: "RELATING TO ICE STORAGE SYSTEMS";

Senate Bill No. 52 as Act 71, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 159 as Act 72, entitled: "RELATING TO THIRD-PARTY FINANCING ARRANGEMENTS FOR PUBLIC FACILITIES";

Senate Bill No. 427 as Act 73, entitled: "RELATING TO A JOB-SHARING PILOT PROJECT IN THE DEPARTMENT OF HEALTH";

Senate Bill No. 1572-86 as Act 74, entitled: "RELATING TO REGULATION OF MOTOR VEHICLE REPAIRS";

Senate Bill No. 1655-86 as Act 75, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

Senate Bill No. 1695-86 as Act 76, entitled: "RELATING TO NATUROPATHY";

Senate Bill No. 1998-86 as Act 77, entitled: "RELATING TO INVESTMENTS";

Senate Bill No. 2095-86 as Act 78, entitled: "RELATING TO ENTERPRISE

ZONES";

Senate Bill No. 2126-86 as Act 79, entitled: "RELATING TO EDUCATION";

Senate Bill No. 2268-86 as Act 80, entitled: "RELATING TO ATTORNEYS' FEES";

Senate Bill No. 2277-86 as Act 81, entitled: "RELATING TO THE PROTECTION OF ADULT WARDS";

Senate Bill No. 2295-86 as Act 82, entitled: "RELATING TO TORT ACTIONS";

Senate Bill No. 2315-86 as Act 83, entitled: "RELATING TO SETTLEMENT OF CLAIMS";

Senate Bill No. 2319-86 as Act 84, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

Senate Bill No. 2320-86 as Act 85, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

Senate Bill No. 2322-86 as Act 86, entitled: "RELATING TO TAXATION";

Senate Bill No. 2332-86 as Act 87, entitled: "RELATING TO HIGHER EDUCATION";

Senate Bill No. 2468-86 as Act 88, entitled: "RELATING TO LIBRARIES";

Senate Bill No. 2481-86 as Act 89, entitled: "RELATING TO INSURANCE";

Senate Bill No. 2512-86 as Act 90, entitled: "ESTABLISHING A STATE POLICY ENCOURAGING RIDESHARING";

Senate Bill No. 718 as Act 91, entitled: "RELATING TO THE LEASING OF OCEAN AND MARINE RESOURCES";

Senate Bill No. 970 as Act 92, entitled: "RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS";

Senate Bill No. 2091-86 as Act 93, entitled: "RELATING TO HAWAIIAN HOUSING AUTHORITY"; and

House Bill No. 107 as Act 94, entitled: "RELATING TO STATE WARRANTS,"

was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 725 to 745) were read by the Clerk and were disposed of as

follows:

Hse. Com. No. 725, returning Senate Concurrent Resolution No. 16, S.D. 1, which was adopted by the House of Representatives on April 22, 1986, in an amended form, was placed on file.

On motion by Senator Aki, seconded by Senator Matsuura and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 16, S.D. 1, and S.C.R. No. 16, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DISPOSE BY WAY OF AN EASEMENT, CERTAIN GOVERNMENT SUBMERGED LANDS FOR PURPOSES OF ESTABLISHING A MOORING ANCHOR FOR AN OFFSHORE FISHING PLATFORM," was finally adopted.

Hse. Com. No. 726, returning Senate Concurrent Resolution No. 36, S.D. 1, which was adopted by the House of Representatives on April 22, 1986, in an amended form, was placed on file.

On motion by Senator Aki, seconded by Senator Matsuura and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 36, S.D. 1, and S.C.R. No. 36, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON POSSIBLE STATE AND FEDERAL GOVERNMENTAL ACTIONS TO ACHIEVE AN EFFECTIVE MANAGEMENT ROLE FOR THE STATE OF HAWAII IN THE EXCLUSIVE ECONOMIC ZONE," was finally adopted.

Hse. Com. No. 727, returning Senate Concurrent Resolution No. 41, which was adopted by the House of Representatives on April 22, 1986, in an amended form, was placed on file.

On motion by Senator Kuroda, seconded by Senator McMurdo and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 41 and S.C.R. No. 41, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A BLUE RIBBON COMMITTEE TO DETERMINE THE MOST APPROPRIATE SITE FOR THE KING KALAKAUA STATUE," was deferred until Thursday, April 24, 1986.

Hse. Com. No. 728, transmitting House Concurrent Resolution No. 139, H.D. 1, which was adopted by the House of Representatives on April 22, 1986, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 139, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE

GOVERNOR OF THE STATE OF HAWAII TO PROCLAIM THE MONTH OF JULY 1986 AS HAWAII MERCHANT MARINE MONTH," was adopted.

Hse. Com. No. 729, transmitting House Concurrent Resolution No. 168, H.D. 1, which was adopted by the House of Representatives on April 22, 1986, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 168, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE INSTITUTE OF ASTRONOMY IN ITS BID FOR BASING THE NATIONAL NEW TECHNOLOGY TELESCOPE IN HAWAII," was adopted.

Hse. Com. No. 730, transmitting House Concurrent Resolution No. 190 which was adopted by the House of Representatives on April 22, 1986, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FRIENDS OF 'IOLANI PALACE, WITH THE SUPPORT OF THE OFFICE OF HAWAIIAN AFFAIRS, TO COORDINATE WITH THE VARIOUS HAWAIIAN SERVICES, INSTITUTIONS, AGENCIES AND OTHER ORGANIZATIONS, THE NUMEROUS ACTIVITIES PLANNED IN COMMEMORATION OF THE 150TH ANNIVERSARY OF KING KALAKAUA'S BIRTH DURING THE WEEK OF NOVEMBER 16, 1986 AND ALSO COMMENDING THE FRIENDS OF 'IOLANI PALACE FOR THEIR WORK IN PLANNING A WEEK OF FESTIVITIES AT 'IOLANI PALACE FOR THIS ANNIVERSARY," was adopted.

Hse. Com. No. 731, transmitting House Concurrent Resolution No. 194 which was adopted by the House of Representatives on April 22, 1986, was placed on file.

By unanimous consent, H.C.R. No. 194, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF ACQUIRING HAWAIIAN ELECTRIC COMPANY'S HONOLULU POWER PLANT," was referred to the Committee on Economic Development.

Hse. Com. No. 732, transmitting House Concurrent Resolution No. 199 which was adopted by the House of Representatives on April 22, 1986, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONTINUATION OF THE SMALL BUSINESS ADMINISTRATION AND ITS PROGRAMS

TO ASSIST SMALL BUSINESSES," was adopted.

Hse. Com. No. 733, transmitting House Concurrent Resolution No. 202 which was adopted by the House of Representatives on April 22, 1986, was placed on file.

On motion by Senator Cobb, seconded by Senator Soares and carried, H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE FOUR COUNTY GOVERNMENTS OF THE STATE OF HAWAII TO CONTINUE TO WORK CLOSELY WITH THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PROVIDE BUILDING PERMITS AND WATER METERS TO HOMESTEAD LESSEES," was adopted.

Hse. Com. No. 734, transmitting House Concurrent Resolution No. 203 which was adopted by the House of Representatives on April 22, 1986, was placed on file.

By unanimous consent, H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION PROVIDING THE LEGISLATIVE SUPPORT OF THE IMPLEMENTATION OF AN AGGRESSIVE LAND EXCHANGE PROGRAM TO FACILITATE THE ACQUISITION OF PUBLIC LANDS TO FURTHER THE GOALS AND OBJECTIVES OF THE HAWAIIAN HOMES COMMISSION," was referred to the Committee on Economic Development.

Hse. Com. Nos. 735 to 744, returning the following Senate Concurrent Resolutions, unamended, which were adopted by the House of Representatives on April 22, 1986:

Hse. Com. No. 735 - S.C.R. No. 22;
Hse. Com. No. 736 - S.C.R. No. 23;
Hse. Com. No. 737 - S.C.R. No. 32;
Hse. Com. No. 738 - S.C.R. No. 37;
Hse. Com. No. 739 - S.C.R. No. 53;
Hse. Com. No. 740 - S.C.R. No. 55, S.D. 1;
Hse. Com. No. 741 - S.C.R. No. 63;
Hse. Com. No. 742 - S.C.R. No. 82;
Hse. Com. No. 743 - S.C.R. No. 113, S.D. 1; and
Hse. Com. No. 744 - S.C.R. No. 148,

were placed on file.

Hse. Com. No. 745, returning Senate Bill No. 291, which passed Third Reading in the House of Representatives on April 22, 1986, was placed on file.

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

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

At 5:29 o'clock p.m., the Senate stood in

recess subject to the call of the Chair.

The Senate reconvened at 5:37 o'clock p.m.

At this time, Senator Soares introduced to the members of the Senate Mrs. Vera Abercrombie, mother of Senator Neil Abercrombie.

STANDING COMMITTEE REPORT

Senator Young, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1168-86) recommending that Senate Resolution No. 98, S.D. 1, be adopted.

On motion by Senator Young, seconded by Senator Hagino and carried, the report of the Committee was adopted and S.R. No. 98, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A MANAGEMENT STUDY OF THE MOLOKAI IRRIGATION SYSTEM AND THE ESTABLISHMENT OF AN IRRIGATION DISTRICT ON MOLOKAI," was adopted.

HOUSE CONCURRENT RESOLUTION

H.C.R. No. 116, H.D. 1:

Senator Cayetano requested that the referral of H.C.R. No. 116, H.D. 1, to the Committee on Transportation be waived, and the President, noting that there were no objections, so ordered.

Senator Cayetano then moved that H.C.R. No. 116, H.D. 1, be adopted, seconded by Senator Toguchi.

Senator Hee then rose to inquire:

"Mr. President, where is this submerged land located?"

The Chair answered: "Pier 41, is my understanding."

The motion was put by the chair and carried and H.C.R. No. 116, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE, BY WAY OF A LEASE, OF CERTAIN GOVERNMENT SUBMERGED LANDS FOR THE PURPOSE OF A SHIPYARD FACILITY," was adopted.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

FINAL READING

Conf. Com. Rep. No. 66-86 (H.B. No. 2805-86, H.D. 1, S.D. 1, C.D. 1):

Senator Cobb moved that Conf. Com. Rep. No. 66-86 be adopted and H.B. No.

2805-86, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Soares rose to speak against the measure and stated:

"Mr. President, not hearing a thunderous roar from the affirmative side of the aisle on the hotel room tax bill, I rise to speak against this bill.

"Mr. President, 20 years ago you and I were elected to office. You and I had the honor of serving on the House Finance Committee with our erstwhile Ways and Means chairman, and you and I heard the plea by the Hawaii Visitors Bureau at that time for more funding to generate assistance in finance to promote Hawaii more effectively, and for the last 18 years, from that time, I have strongly opposed the imposition of a room tax on our hotel industry. However, this year for the first time, I agreed to support a bill calling for a hotel room tax on the condition that the revenues from this tax would be earmarked, and I repeat, earmarked, for permanent funding for the HVB and for the design and construction of a convention center in Hawaii.

"Mr. President, I supported the earmarking for two reasons. First, the Hawaii Visitors Bureau would receive permanent funding in order to increase its promotional efforts of the Islands. This is critical, especially now when troubled world conditions are keeping tourists away from popular vacation spots in Europe and drawing them to Hawaii. Second, I sincerely believe, Mr. President, we need a convention center. It would be a magnificent asset for this state, enhancing our tourism market, furnishing the state with increased revenues, and providing for a greater diversification of our economic base are all potential benefits which would result from sufficiently funding the HVB and developing a convention center complex.

"Mr. President, after months of debate and discussion, proponents of financing the convention center through a room tax reached agreement with members of the tourism and hotel industry because the stance that was taken that the revenues generated from this tax would be earmarked for the HVB, a convention center, and to the counties for tourism related activities.

"Earmarking and a room tax went hand in hand. Remember, the Senate's original position for this legislation was a package of three Senate bills which proposed the selection of a site for the center, the creation of an authority, and the method of financing and earmarking the room tax. As this session ran its course, each bill diverged farther and farther away from its original

intent, to the final form before us today. This bill is what remains of the convention center package and this bill, in my view, has very little to do with tourism or a convention center.

"Mr. President, what has happened is that Senate members of the conference committee somehow used the Senate's position on earmarking the tax as a bargaining chip and conceded to the House position of a five percent room tax, where all the income generated would go into the state's general fund. Mr. President, this amounts to an increase of \$55 million a year in general fund revenues.

"Mr. President, I maintain that our general fund tax revenues are not so depleted that we need this extra \$55 million. In fact, current estimates from the Council of Revenues show that tax revenues for this year are \$50 million above previous estimates. In addition, we just passed a bill revamping the liquor tax. That means another \$100 million currently in escrow will be freed for state spending.

"Mr. President, if tax revenue estimates are so generally optimistic then why, why did our conferees agree to the House position? Everyone knew where they were coming from. Everyone knew the House Finance Committee chairman said five percent, period. No convention center. No commission. No funding.

"The bill in front of us this evening represents a total about face from the position that this body took when the idea of a hotel room tax emerged as a piece of legislation. After months of discussion, the industry gave us support to our original proposition, assuming of course that we would support the industry's position in conference. Instead, Mr. President, we leave the bargaining on the table unable to secure any of this body's proposals.

"Mr. President, singling out a specific activity for a differential general excise tax is an unfair method of using taxes for producing increased revenues for the state. If we are going to impose this tax only on the tourism industry then all of the money or mostly all of the money should go back to benefit the industry.

"Mr. President, after months of discussion as to how this Legislature was going to approach the issue of a convention center, we have successfully managed to avoid coming up with any meaningful legislation.

"I can accept that you were unable to provide for a consensus naming the site. And I must say at this time that I admire very much the efforts of my colleague Senator McMurdo. I admire her diligence. I admire her forthright fight for Fort

DeRussy. I admire her concern for her people. We knew where she stood. She was always candid and honest and sincere about what she was fighting for.

"Mr. President, this does not mean that any of us here, however, have given up on the concept of a convention center site or that a method of financing is still not required. What we should have done is keep the earmarking position stance intact so that the state could begin to accumulate funds for its design and construction and provide HVB with badly needed funds with a permanent funding source. Mr. President, not only would this have strengthened our commitment to the tourism industry but it also would have shown that we are serious about developing a convention center and have moved one step closer to making it a reality.

"Mr. President, to pass this piece of legislation, as it is before us, is ludicrous. It shows this body's inability to take a position and fight for it. We must stand up and be counted and take on the House Finance Committee with a Senate stance and fight for it.

"I feel very strongly it is a slap in the face to the tourism and hotel industry and a very unfair method of taxation. Mr. President, all of you know I've spent all my career in tourism, in the airline business, travel industry, destination area promotion and I see a lack of understanding. A lack of understanding because here before us this evening we pass a bill appropriating \$2 million in one fell swoop for the sugar industry ... no questions asked, no problems, give them \$2 million. Yet, we have an industry in the area of, let's say on the Big Island, Kohala, when the Kohala Sugar Company closed the plantation, where did the employees go ... Mauna Kea Hotel. Fortunately for us we had an opportunity to take care of those employees. When Kilauea on Kauai closed down another group of people were out of work. We were fortunate to have Princeville, Hanalei Plantation. When Hurricane Iwa hit the state and Kauai was devastated, I heard Tony Kunimura say he couldn't believe no one was on the streets. How fortunate we were to fund that Island to get back on its feet and tourism, again, came to the support of our state.

"I know all of my colleagues here on this Senate floor have felt long, long ago a tax was necessary, I don't argue that. I respect that and I believe that we are now at the point where some tax was fair.

"I believe very strongly when our committee chairman on tourism reported to us that the fall back stance was two this year and two next year. When one of our members recommended instead of five, let's

go with two, two, and one, we still had hopes of having some earmarking somewhere this session providing the bureau with funding, providing some funds for a convention center.

"I'm very disappointed, Mr. President, that we didn't see fit to hang together, hang tough for earmarking this year. We need it. We could have used it and I know the industry would have welcomed it.

"Thank you, Mr. President."

Senator Kuroda spoke in support of the measure and remarked:

"Mr. President, I am the chairman of the Tourism Committee of whom he is referring with regards to a fall back position support of two percent this year, two percent next year and, maybe, one percent the following. This I offered to the Senate conferees because I could see that the House position was very fast and hard on five percent.

"Mr. President, I will and did defend the position of the Senate, which is my personal position from the very beginning, which is a two percent tax earmarked for a convention center and for county and tourism promotion. As the bill proceeded on through the Senate Tourism Committee, the Ways and Means Committee responsible for dealing with fiscal matters looked at the entire proposal and suggested an increase to four percent. At that time, this particular bill still had the elements of which I spoke earlier, two percent for tourism purpose, one percent for the counties, one percent for the general fund. I think it was a very good proposal and we all supported it. But, when we faced the House and went into negotiations, after the House took action on it, the question before us was, 'How do we salvage the bill?' Yes, we did fall back from this Senate position. We had to because it was either responding to the desires of the visitor industry with which we have sympathy or with the desires of the constituents whom we serve. I believe it is our responsibility to respond to the good of the whole community rather than a segment.

"I understand what the previous speaker is speaking of when he says that it is like a slap in the face to industry. I don't feel good about the way this particular bill ended up. However, let me make reference to the appropriations made through the general fund totalling \$19.3 million for tourism purposes because in the budget, starting from page 54, you will find appropriations totalling up to \$19.3 million which includes \$1.9 million new monies for the Hawaii Visitors Bureau.

"Let me be specific — \$421,325 for Pacific and Asian market ads; \$212,200 for nonpersonnel promotion in the same area;

\$449,000 Western market; \$85,825 for nonpersonnel promotion; this totals up to \$1,168,350. Going on, to relocate the Tokyo Office, HVB - \$220,400; Aloha Week - \$150,000; Molokai promotion - \$100,000; new Hilo promotion - \$100,000; a budget entry to support sporting events, again, tourism - \$60,000. And I just mentioned earlier, \$1.9 million new ad monies for Asian, Pacific, Western and other markets; \$12 million for the counties for tourism purposes; totalling \$19.3 million dollars. Let me also mention the Tourism Impact Management System which is also related to tourism - \$100,000; a master plan for a sports complex - \$60,000; Main Street Task Force - \$25,000; all from the general fund.

"There is no one who can say that this Legislature is not providing monies to tourism while taking away \$55 million. Now take the \$19.3 million appropriation this year. It's going to be same again next year, and should a convention center site be determined next year, bet you any money that this Legislature will appropriate \$15 million requested to begin retiring the bond as it has been requested as far as a convention center is concerned.

"So, \$19.3 million or rounding it off to \$20 million plus \$15 million, that's more than half of \$55 million.

"Mr. President, there is every justification that all of us should be voting for this bill. Thank you."

Senator Henderson spoke against the measure and said:

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

"The previous speaker just said that there is \$19 million appropriated; however, there is \$55 million that is going to be extracted from the hotel and tourist industry ... the hotel industry in this transient accommodations tax.

"The cruel part of this whole issue is, this was a bad trade. It was an anti-business trade. It was a direct slap in the face of the hotel industry and it was a slap in the face, on the hand, on the workers' compensation fund which was the other part of the bargain. They were two bad bargains. A bad bargain for the hotel industry and a bad bargain for business and all of you people who vote for this bill have got to realize that come this fall, you're going to face the voters and I hope you good luck because you're going to need a lot of it.

"This is a bad deal; it's not the way our Senate position was. Our position was earmarking; we started out with two percent. The chairman of Tourism said two percent was his fall back position - two percent. We end up with five percent going

into the general fund and this year of all years we've raised taxes unbelievably. We got \$55 million in this transient accommodations tax. We got about \$15 million in this telecommunications tax. We are picking up about \$10 million on the liquor tax. We're going to pick up another \$100 million on the escrow monies coming out of the liquor tax litigation. So, of all the years to raise taxes, an election year, to raise taxes \$80 million when our revenues are running about \$70 million, ahead of where the estimates were. This is not the year to do what you did and I just the hope the voters will respond in the fall.

"Thank you."

Senator Yamasaki spoke in favor of the measure as follows:

"Mr. President, I speak in favor of the bill.

"Mr. President, as you know, the Federal Government, Congress of the United States passed the Gramm-Rudman bill which requires the Congress to reduce the deficit for five years and the estimates that we have right now for the State of Hawaii is, come October 1986 we may be faced with about \$50 million to \$60 million in reduction of federal funds coming to Hawaii. All of the revenue measures that we have considered in this session is nothing but to cushion ourselves for the reductions that are coming for Hawaii for the next five years, starting from 1986. The budget reduction bill, the Gramm-Rudman bill requires reduction for five years until 1991 so you can see what kind of reduction Hawaii is going to face the next five years.

"This measure that we are considering, Mr. President, has been one of the subjects that we have considered for many years. Since 1959 when Hawaii became a state of our union we have had the people of the State of Hawaii carry the burden in making improvements for the infrastructure of all the counties through real property taxes, state income taxes, other revenue measures that tax the people of the State of Hawaii and the people of this state have carried the burden of improving the State of Hawaii in every area so that we can allow our visitors who come to Hawaii to enjoy the amenities that we now have at the present time. And we pledge to continue to improve our infrastructure our amenities so that more people can come to Hawaii.

"A recent article from the travel industry which was received from a Myrtle Lee of Island Holidays indicates the kind of taxes that are levied in rooms. From the top of 13 percent - El Paso - 13 percent; Seattle - 12.9 percent; Memphis, Tennessee - 12.75 percent; Cleveland - 12.5 percent; Atlantic City, New Jersey - 12 percent; Nashville, Tennessee - 11.75 percent; Baltimore - 11

percent; Detroit - 11 percent; Houston - 11 percent; Los Angeles - 11 percent; New Orleans - 11 percent; Chicago - 10.1 percent; Washington - 10 percent; Cincinnati - 10 percent; San Antonio, Texas - 10 percent; San Francisco - 9.75 percent; Kansas City - 9.72 percent; Boston - 9.7 percent; Dallas - 9 percent; Philadelphia - 9 percent; New York - 8.25 percent; Atlanta - 8 percent; Las Vegas, Nevada - 7 percent; Orlando, Florida - 7 percent; San Diego - 10 percent; and Hawaii, at the bottom of the list, 4 percent.

"So you can see, Mr. President, that we are increasing the transient accommodations tax by 5 percent which brings us to 9 percent which include the present 4 percent in general excise taxes. The 5 percent is the additional tax we are considering for the rooms. I believe that this is a fair burden of taxes that must be shouldered by our visitors who visit the State of Hawaii.

"Since 1973, Mr. President, this Legislature has been considering a room tax. Back in 1973 I recall that the Senate Ways and Means Committee recommended a 2 percent increase in the room tax making it a 6 percent tax for transient accommodations. At that time there were dozens and dozens of telegrams that came from the Mainland to defeat the room tax and, as a result, that session of the Legislature failed to pass a room tax. And, at that time, I told the gentleman who represented the hotel industry, Mr. Don Bremner, and also another gentleman who is now working for the tourist industry in Japan that sooner or later the hotel industry must face a room tax of some kind.

"Since 1973, thirteen years have gone by without the State of Hawaii levying any kind of room tax in addition to the 4 percent general excise tax. I think it is fair for the visitors to help shoulder the burden with the rest of the people of the state. The people of the state have given us a message that now is the time to levy a room tax of some kind and, as you know, Mr. President, the House position was a 5 percent tax and the Senate position was a 4 percent earmarking of those revenues; however, in any kind of a conference, if you are going to come out with anything decent from a conference there ought to be some kind of compromise and the compromise was that we would be for a 5 percent room tax, if only we can have some indication as to where those revenues are going to.

"So your committee report, Mr. President, indicates that it is the intent of your committee that a portion of such revenues be appropriated for the promotion, stimulation and development of visitor assistance programs which will include, but are not limited to, the development of a

convention center, the Hawaii Visitors Bureau for increased promotion of the visitor industry, and grants to the counties for the construction of recreational and other infrastructure to enhance visitor satisfaction.

"So, therefore, Mr. President, we have a commitment from the House that the revenues are going to be for programs to assist the visitor industry and also to the counties.

"The bill that we are considering, Mr. President, the room tax becomes effective in January 1987. We are allowing the industry more than six months lead time because as we understand it the hotel industry has already pre-sold many of their rooms in advance. By making the room tax effective in January of 1987, we will be able to collect revenues as of January 1987. After we have the bundle of revenues, \$65 million or so at the end of the year, then, at that time, we will be able to consider what kind of percentage we must allocate to the visitor industry, the Hawaii Visitors Bureau and also to the counties.

"I believe it is a fair bill, a compromise, for us to consider and to let the people of the State of Hawaii know that the visitors from January 1987 will also share the burden of improving Hawaii to make Hawaii a better Hawaii so that we all can enjoy ... the residents as well as the visitors that come to the State of Hawaii.

"I urge that everyone of the members of the Senate vote for this bill. Thank you very much."

Senator Kawasaki spoke in support of the measure and said:

"Mr. President, I rise to speak in favor of the bill and this vote on this particular bill is particularly significant to me because fully 18 years ago, I was one of the early proponents of passing a tourist tax. The argument at that time was no different from what it is today by the tourist industry. In essence, that the passage of a tourist tax is going to hurt the tourist industry. I pointed out to them and they always pointed out to us the fact that Hawaii spends the least per capita for tourist promotion.

"A decade and a half ago I pointed out to the hotel and the tourist industry the reason why every other leading tourist destination spends more for tourist promotion simply is because they got the revenues that is derived from a tourist tax that was existing in that particular city and this was no exception. Of course, I reminded them, what about the increase in your room rates? For example, in one year they raised the room rates by 30 percent. Now, did that

not hurt the tourist industry? They couldn't explain that.

"In any case, I think we finally convinced the tourist industry, particularly the hotels, that the imposition of a reasonable tourist tax will not hurt the industry at all. Every tourist destination has a tourist tax.

"I go to Japan, my favorite country, and the tourist tax there and the total imposition on me is quite expensive, 20 percent of what I spend there. But I go to that country because I love the country. I love what it has to offer and so it is with the average tourist. They go to a destination simply because they like the area and the fact of a 2 to 5 percent tourist tax will not inhibit their wanting to go to that particular destination.

"I am a little disappointed, as pointed out by the Minority Leader, that a more specific amount was not clearly earmarked to finance the cost of a convention center. This I believe was a proposition we advanced to the industry and, in effect, we committed ourselves to say that, very clearly, this 'x' number of dollars is very clearly going to financing the erection of a convention center.

"The references made by the chairman of the Ways and Means Committee in that the language says that in effect we are going to provide some funding perhaps should have been a little more specific and I don't blame the tourist industry, specifically the hotel proprietors, for being a little disappointed.

"Be that as it may, I believe the time is right that we pass a tourist tax and the posture taken by the House is quite understandable to me, personally. I had the occasion to discuss the tourist tax with members of the Finance Committee, people in a position to make decisions, across the hall here. One of their concerns was the fact that after we gave the HVB a few million dollars more than they have ever gotten in the past, what do they do? Very promptly on their own volition, they raised the salary of the director of HVB from \$80,000 to \$90,000, a \$10,000 increase, just like that, the first year that they got an increase. They raised the salary of the second man on the totem pole to almost a comparable degree. No one else on the staff got an increase. Ever since that has happened, best as I can determine, the director of HVB has been doing nothing but travelling around the world. I could hardly get hold of him.

"I was sent, as you were sent, a copy of a calendar of events by the HVB. Ostensibly these are the events the HVB is presuming to represent Hawaii at. I requested in writing of the director a list, when he can send it, as to the number of these events

(some 94 I believe are listed) he expects someone from that office to attend. To let me know what the cost is going to be or at least an approximate cost of what's going to be entailed and what they hope to accomplish. To this day, the last day of the session, I have not received a communication. If this is the kind of attitude the HVB people are going to take, I don't blame the people in the House of Representatives thinking perhaps that a certain amount of control is still necessary; that we allocate and appropriate, particularly to the HVB, only that amount that is clearly determined by them in their budget presentations to us. Perhaps, as I said, the House version of the bill is understandable.

"Be that as it may, I think the bill, under the circumstances, is of necessity for compromises on the part of the two houses, a reasonable bill. I think this is one we can live with. Let's try it for a year or two. If it doesn't work out we can always amend the bill.

"For that reason I speak in favor of the bill and I trust everyone else sees the logic of finally passing a tourist tax."

Senator Cobb also rose to support the measure and said:

"Mr. President, I rise to speak in favor of this measure and I'd like to express a reservation that has already been expressed by other members of the Senate and, that is, the lack of specific earmarking that is in the bill because I concurred I think with most of the members here who felt quite strongly that there should be some specific earmarking.

"But this is not a new proposition. For years I have spoken with friends of mine who are members of the industry, constituents, and advocates as well as opponents of a tourist tax. I have pleaded with them and warned them that if they didn't accept a 2 percent earmark tax early on; that sooner or later something would be likely to come down the pike that would be general fund. That is precisely what happened. I don't mean to get up here and take a posture of saying I told you so, but history has come to pass with this measure.

"I think also members have addressed the question of the rise in the rate of hotel rooms. I received a study that was done by a constituent who pointed out rather graphically that the cost of hotel rooms had increased over 100 percent in a ten-year period with no adverse result in the number of tourists coming to Hawaii. The period of time indicated was from 1973 to 1983, and during that time period the room rates in Hawaii more than doubled. At the same period of time, the number of tourists

coming to Hawaii increased dramatically, virtually every year.

"My personal feeling on this measure is that a tourist tax is an issue whose time has long since come. If there are problems with the general fund approach, that can be addressed specifically in future legislation dealing with the convention center; dealing with earmarking money to tourism; dealing with earmarking the money to the counties. But, I cannot in good conscience say that the members of the industry, both friends, proponents and opponents, have not been warned of this for a long period of time.

"Thank you, Mr. President."

Senator Abercrombie also supported the measure and remarked:

"Mr. President, I feel I would like to say at this juncture, having supported a hotel room tax, a tourist tax, since statehood when I arrived. That's 26 years now that I've supported it, and I've supported it for 12 years in the Legislature and to come to this last day of the Legislature and be able to vote for this tax leaves me to no end to satisfaction.

"I recall my first year in the state House of Representatives when the tax was defeated and I remember saying to the same Mr. Bremner that Senator Kawasaki referred to, I said that the night that this tax passes it will be at night because no doubt it will go to the end of the calendar. Someone like Buddy Soares will be there to make sure that it goes to the end of the calendar. I said the night that it passes you folks will be in the gallery and the very next day, the very next day, after all the hue and cry about its passage, you will be prepared with a list of projects for funding out of that hotel room tax. I remember very clearly the words Mr. Bremner said to me at that time, he said, 'Oh, you've got it all right except for one thing.' I asked, 'What's that?' He said, 'We'll have the projects ready the same night.'

"I'm going to take a look around. Mr. Bremner is probably up there. Is he up there? He's probably skulking about outside the chamber there but if Clem Judd or someone's up there he can tell him about it too. I'm sure that right at this moment as they're getting ready to count the votes, that's precisely what they will be doing ... is coming up with the suggestions for the projects and that's as it should be. So, I don't say that in a sarcastic way, no more than usual (laughter). I say it with the point of view and the argument that I have had or that I've tried to make to the many people who called me, and I'm sure called most of the members here on the floor, last night in particular, from the industry, working people in the industry who genuinely were

concerned about it.

"This money is going to be invested in Hawaii and that's an argument against earmarking. I have always opposed the earmarking because it makes people lazy. If you know that so much is going to come in every year or generally know that all the time makes them lazy, and I know everybody is against that, but that is the case. So what's going to happen is that as this money comes in the people who are in the Legislature are going to have to consider on a year-by-year basis or on a biennium basis what projects are deemed most worthy and that can include all kinds of things, educational and otherwise.

"So, I think the 5 percent tax as proposed will be beneficial. I think this is going to be one of those measures that comes through where five years after its passage nobody can remember what the argument was all about. Nobody can remember why there was such a controversy about it. In fact the real controversy that will take place will not be about the tax itself but rather the projects to which the funds will be put towards.

"On that basis, I am happy to be able to not only urge a vote but have the privilege of casting the vote. I can just see, Mr. President, you can't wait for that vote, you've waited so long and we're all so happy for you. Thank you."

Senator Soares then added:

"Mr. President, a few more comments that I would like to make.

"The chairman of the Ways and Means Committee read off a list of cities that have higher hotel room taxes. I'd like to ask the members, if they want to go to a romantic area like Cincinnati or Memphis, Nashville, Detroit, Cleveland, Kansas City, San Antonio, Dallas, these are resort areas you understand. These people survive on the plastic. They survive on business travel where the companies pay for the travel and hotel bills. These are areas that are always with business conferences and conventions.

"Hawaii's travellers are those people who are on their vacation. You may have heard many times that by supporting a convention center, we can find a way to extend their stay, get higher paid tourists to be able to come to Hawaii than the tourists we have now. I think that we should compare resorts with resort areas and I respect the chairman for bringing it up.

"A few years ago, there was a Boumol study that was paid for by this Legislature calling for a cost benefit ratio of tourist dollars versus expenses and you will find that the study says that they were paying their way five to one.

"I want to repeat again, I know that we have had all of our constituents surveyed one way or the other and the survey indicate, let the outsiders pay the tax. They should pay something.

"I do agree we've come down this evening with the tourist tax, 2 percent or 4 percent, and I want to repeat, the earmarking was going to be for the counties, giving them permanent funding; HVB permanent funding, and that's my biggest concern. I do hope, Mr. President, that the intent as expressed by the chairman in the committee report ...

"I do hope that the governor and whoever else has the opportunity to allow these funds when the time comes; that we see fit to properly support a center; properly support the need for more funding for the Hawaii Visitors Bureau. Take advantage again of the European problem to get tourists to come here because, don't forget, over 50,000 people today work in the travel industry. Thanks for that we don't have too many people on the welfare rolls; no more crimes that would be twice as bad with no employment.

"So I say that my stand is very simple. I feel the earmarking was what we wanted and I'm very disappointed that we didn't get it. Thank you."

Senator Yamasaki then said:

"Mr. President, I have one line to insert into the record.

"I forgot to mention that today is a very historic day. We have provided funds for lower and higher education. We supported programs for our children in the State of Hawaii. We also have some programs for our senior citizens. And now, House Bill 2805 — this is what I call a pay day for the people of this state now that the visitors are also going to shoulder the burden that the people of this state have been carrying for years and years and years and have become tired of paying all the bills and now, when we go on record in voting on this bill, the visitors will also join hands with the people of this state in paying for the cost of the amenities that we have here in Hawaii. Thank you."

Senator Cobb then said:

"Mr. President, just a brief observation.

"Anytime we can override a governor's veto, pass a tourist tax and get out of here without a personal liability law suit, we're truly making history."

The motion was put by the Chair and carried, and Roll Call vote having been requested, Conf. Com. Rep. No. 66-86 was

adopted and H.B. No. 2805-86, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (George, Henderson, A. Kobayashi and Soares).

Conf. Com. Rep. No. 74-86 (S.B. No. 2258-86, S.D. 1, H.D. 1, C.D. 1):

Senator Chang moved that Conf. Com. Rep. No. 74-86 be adopted and S.B. No. 2258-86, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Cayetano.

At this time, Senator Cobb rose on a point of parliamentary privilege and stated:

"Mr. President, this bill is improperly before the body because no companion measure is before the House or was addressed by the House at any time."

At 6:25 o'clock p.m., the Senate stood in recess subject to the calls of the Chair.

The Senate reconvened at 6:37 o'clock p.m.

The Chair, in response to the point of parliamentary privilege, stated:

"Members of the Senate, regarding the inquiry by the Majority Floor Leader on S.B. 2258, the Chair wants to make it very clear that the action taken on this particular measure dealing with the tort issue was agreed to by the Senate and House in conference.

"Contrary to newspaper reports concerning this particular measure, we have not to this day been notified by the House that the conference agreement is no longer in existence. Therefore, this bill has been on the floor and has been printed into our Journal as being an official conference agreement. In deference to time and in deference to avoiding further unnecessary discussion on the measure, the Chair will defer this matter one day."

By unanimous consent, Conf. Com. Rep. No. 74-86 and S.B. No. 2258-86, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," was deferred until Thursday, April 24, 1986.

Conf. Com. Rep. No. 75-86 (S.B. No. 471, S.D. 2, H.D. 1, C.D. 2):

Senator Cobb moved that Conf. Com. Rep. No. 75-86 be adopted and S.B. No. 471, S.D. 2, H.D. 1, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Kawasaki rose to speak against the measure and remarked:

"Mr. President, I rise to speak against passage of this bill and if I did not rise to speak against the bill you'd be sorely disappointed.

"Mr. President, I am in opposition to this bill because it appears to me that this bill is going to cost, needlessly, the taxpayers, some \$3,551,000 this year and about \$2,425,000 in each succeeding year. Added to this will be the cost of providing increases that results from cost of fringe benefits and added cost of retirement benefits that result as a consequence of this bill passing. I'm fully aware that we have the votes on the floor to pass this bill.

"Be that as it may, I think it's important that I object to some features of this bill. One of the features of the bill is the provision for retroactivity. I thought that when we went into caucus that there was going to be some understanding that there would be a strong resistance on the part of the Senate to provide retroactivity. Now, the bill would have been much more acceptable if the wage increases would have taken effect on July 1st of this year or possibly January 1st of next year.

"One of the bad features of this bill is that, in effect, it is going to provide bonuses for those employees, for those department heads who are going to be out of jobs in seven-and-a-half months from today, and the bill would impose a burden, again, on the taxpayers, for providing the retirement benefits and all that which accrues as a consequence of this bill passing, to the taxpayers, for as long as these people live and their beneficiaries live.

"There are some good features of the bill and I am in agreement with some portions of it ... I believe the pay of the lieutenant governor should be much higher than what it is today. I don't say this because one of our members here, whom I regret to know is leaving us, is possibly the beneficiary of a pay increase. I think the lieutenant governor's position is certainly justified in receiving a higher salary.

"The governor's pay, however, I don't find myself in that list of people aggrieved because his pay seems too low. What is always forgotten by conferees is that while the governor's pay at this point is lower than the pay of the mayor of the City and County of Honolulu, (It should not be. I would go along with some reasonable increase in the governor's salary.) but we can't forget the fact the governor has some other fringe benefits, other emoluments, if you will; for example, a beautifully furnished mansion that his family lives in.

He's got a whole retinue of domestic servants, a chef, maids, bodyguards, chauffeurs, limousines, he's got a \$300,000-a-year contingency fund which he is able to use at his own discretion and there's an element of prestige connected with the position. Who else but the governor of this state is privileged to entertain the Emperor of Japan, Queen Elizabeth of England, dignitaries from all over the world, as a matter of fact, even greeting Mr. Marcos at the airport. There are these kinds of emoluments, Mr. President, that has to go into the consideration of providing for the governor's pay. That was bad enough.

"Now, I think, over the years we have come to realize that compensation for the circuit court judges should have been a little higher. I notice that this bill provides for that increase.

"There are, however, some other bad features but let me just provide some other redeeming features of this bill. For example, I think the increases provided for some deserving department heads — the director of the Department of Land and Natural Resources, his deputy, the director of the Department of Social Services and Housing, his deputy, the director of the Department of Commerce and Consumer Affairs — these positions are important positions and they deserve a pay increase.

"There are other increases here that, in my judgment, are totally unjustified. For many years I've been kidded about being the author of the ombudsman bill which was a good idea to begin with but which has grown into a bureaucracy that is a little too costly in my judgment. Many of you here on the floor have personally told me that perhaps the bureau is getting too large and certainly many of you very properly have objected to the fact that there is now provided by statute, a deputy ombudsman, which in my judgment is totally unneeded. Now, what do they do? On top of providing for the ombudsman a compensation increase amounting to \$68,000 a year, they have also provided in this bill, compensation for the deputy ombudsman, which position many of us here agree should be eliminated. We don't need that position. I should know. We provide for that position a compensation of \$61,650 a year.

"There are other positions that are totally undeserving of the kind of increase we are talking about here. Seems to me the conference committee could have spent a little more time and come out with a bill that is perhaps a little more specific in providing needed salary increases. This bill does not do that.

"It's not easy for me to vote against this bill because some of these people who are

beneficiaries of the statute are close personal friends of mine. I think we have a responsibility here on this floor to do what we think in our judgment is best for the general public. The bill as it is written is, in my judgment, not in the best interest of the public. We should have provided wages increases starting January 1st of next year; not provide for bonuses for cronies who have been appointed to their positions, some of whom are less than the most competent people we could find for those jobs.

"This bill has, as I said, as a redeeming feature provided some increases for some of these positions that I have just enumerated but overall I think it is not a good bill. I would hate to impose upon the taxpayers of this state the burden of having to provide the cost imposition that this position entails.

"For that reason, I regrettably hate to disappoint you because I think in your best judgment you think this bill is not one that I should be voting against. For one reason, there is an election coming up. But I have never worried about what the outcome for me personally is. I think I have the responsibility to speak out against some of the bad features of this bill. Hopefully, we can amend some of those bad features as I put it, in the following sessions, if I do get back here. I speak against this bill. I know you have the votes to pass this but I just want to go on record saying this bill was not designed as well as it could have been."

Senator Machida spoke in support of the measure and said:

"Mr. President, not in rebuttal to the previous speaker, I just want to justify the bill before us.

"Mr. President, members of the Senate, it is my fervent hope that Senate Bill 471, S.D. 2, H.D. 1, C.D. 2, receive unanimous, well almost unanimous, support from this body despite the fact that I neither would like to portray this measure as a controversial one by alluding to the notion that the Legislature doesn't pass a pay raise bill for the governor and his cabinet during an election year.

"Whether there is an election year or not, I firmly support the premise that a bill should be argued on its merits and not on its supposed political ramifications. Once we get caught in a web of indecision based on how we think our constituents will react, politically, we vote for a bill with an all objectivity of the merits that the bill allows.

"I would rather support the belief that we should vote on the measure based on the merit and if our constituents react they will be given an opportunity to explain our vote in a face-to-face dialogue with them.

"Senate Bill 471 is a valid case in point. If we measure the merits of this bill, I have no doubts that we should all agree that there is any justification for its passage. Since the county jurisdictions are the most logical basis of comparison, let me point out that the governor's salary is presently set at \$59,400 annually. The mayor of the City and County of Honolulu makes \$75,000; Hawaii County mayor makes \$49,992 with a proposed increase to \$57,740, effective July 1, 1986; the Maui County mayor presently makes \$62,000; and the Kauai County mayor \$49,920 with an increase to \$52,416 effective July 1, 1986. The governor's salary is currently only 79% of that of the mayor of the City and County of Honolulu. I don't think we can logically argue that the governor should not be the highest paid executive, elected executive in the state.

"Some of the comparisons of all this inequity can be found for department heads and their deputies. Another glaring inequity in the state system is the fact there are 858 subordinate employees making more than their department heads and their deputies.

"Senate Bill 471, Mr. President, also allows for salary increases for justices and judges in the judiciary department to again remedy the obvious inadequate salary levels for these decision-makers of our judicial system. Salary increases for these employees have been supported by the 1984 Commission on Judicial Salaries, editorials by the news media, petition signed by the 580 practicing attorneys and, in my opinion, a majority support of the people of this state.

"From a legislators perspective, I would like to propose there are three compelling reasons for supporting this measure. First, I believe that the current administration should be compensated for their effort in attempting to make our state a better community for all of us. I understand that there are three or more cabinet members who have served the administration for the 12 years of Governor Ariyoshi's tenure in spite of the grossly inadequate salary levels. Many of the top cabinet members over the years have left the administration and the overwhelming reason has been the low salaries. After all, they have sons and daughters they must send off to college like the rest of us and they must ultimately pursue careers that are going to be the most financially rewarding for their families. Therefore, to compensate the present administration to some degree, we have built in a retroactive feature to January 1, 1986.

"Second, to attract and retain quality cabinet members for the next administration, salaries are certainly an important consideration. Surely the most

important, as far as I'm concerned, is, if we can attract quality executives it makes our jobs as legislators a lot easier and unquestionably more effective. We depend on these administrative officers to provide initial input on the budget and the numerous bills that are proposed every year. Then, as the session adjourns, we expect these same executive to implement or supervise the fruition of the programs and objectives we adopt. If all works well, Mr. President, the ultimate winners are the people of the state.

"Mr. President, my fellow colleagues, if you share my feeling on this matter I would urge the unanimous support of this measure. Thank you."

Senator Kawasaki then added:

"Mr. President, I am compelled to respond to the statements just made by the chairman of the Labor Committee. He has alluded to the disparity in the salaries between the governor and the county mayors and, again, I point out the fact that the county mayors while in numbers appear to have a higher salary, and I suppose that shouldn't be, I would go along with a salary increase for the governor that makes his salary number a thousand dollars higher than the county mayors. But, don't forget, the fringe benefits and the emoluments that accrue to the governor in his position is entirely lacking in the case of each county mayor.

"The mayor of the City and County of Honolulu, for example, might at \$75,000 make more than the governor in numbers but he has no mansion, he has no retinue of servants, he has no paid chauffeurs, he has no bodyguards, he's got no contingency fund of \$300,000. These are actual benefits, which if you add in arithmetic, amounts to a compensation to the governor of this state, perhaps, amounting to about \$300,000 and not the \$59,000 we're talking about. It's quite different.

"There are some other positions that I considered in this particular bill and I'm glad for it. For example, I think the superintendent of the Department of Education should receive a good salary and so with the deputy. But there are also positions like the stadium manager whose salary is proposed to be \$61,560 in this bill; his deputy at \$55,000. There's a board known as the Hawaii Labor Relations Board ... there was a bill around here to make that bill, by statute, which is fulltime, a part-time board simply because the workload did not justify a fulltime board. What does this bill do? In that particular position they raise the pay of the chairman to \$61,560; they raise the salary of the members of that board to roughly \$11,000 a year.

"These are the kinds of inconsistencies that I think just vitiate the merits of the bill and so, again, as I said, while I realize that there are votes here to pass this bill, perhaps in the following session we should streamline or certainly make the grammar of this bill one that is more acceptable to people who would be willing to take the time out to analyze it carefully and provide the incentives for people who want to work for the government.

"Now, I've heard the recurring litany time and again that you've got to pay these kinds of salaries to attract good people. I say this is patently, hogwash. This is the most fatuous argument I've heard over the years. We have no dearth of candidates. We have no dearth of candidates for the governor's position at the present salary. Look how many people are running for governor, including you, Mr. President.

"We have no dearth of candidates running for the lieutenant governor's position. We seem to have an added candidate every week.

"We have no dearth of people wanting top jobs in cabinet level positions and we have no great exodus, the leaving of people who hold these positions. I challenge anyone here to name me a dozen people in cabinet positions who left their positions because the compensation was alleged to be too low. That's hogwash. The one person that I thought might leave government service because I considered that man to be very competent, he had the ability to get into private enterprise and command a good salary, he left and he very promptly came back because he found that government salary and the work demand, the workload, the fringe benefits, the other emoluments, made it worthwhile for him to come back. Today, he happens to be the chairman of the Public Utilities Commission. My point is, have you seen others leaving their offices?

"When these people accept appointments to government positions as directors of departments, they know exactly what their salary is, as we do here. When we run for office we know exactly what our salary is and for the term of our office we live with what our salaries are.

"Now, they talk about salaries not having been raised for this category of people since 1982, four years. Well, as I have pointed out time and again on this floor, the Senate of the State of Hawaii did not have a pay increase for thirteen years, from 1968 until a few years ago when we finally had some very modest increases. The point here is when people get appointed to serving the public in responsible positions and they know what the salary is, they are committed to by contract to serve the term of those

positions and not expect that the Legislature will constantly increase their compensation.

"So, again, as I said, the argument that we're having people leave government service because of lack of adequate compensation, that we are failing to attract good, qualified people to government I don't think stands up. The argument I think is inane.

"For those reasons, again, I speak against the bill and I'm sorry to have to disappoint you, Mr. President, but this is my sincere conviction and I will vote against this bill."

At 6:59 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:03 o'clock p.m.

Senator Abercrombie then remarked:

"Mr. President, I would just like to state for the record that the mayor of the City and County of Honolulu may not have a chauffeur-driven limousine, he may not have maids, he may not have bodyguards, he may not have a mansion, but he has Duke Kawasaki and that makes up for more than all the rest." (Laughter)

Senator B. Kobayashi spoke against the bill and said:

"Mr. President, I would like to speak against the bill and I will be voting 'no.'

"I have a peculiar situation in that last year after this bill did not pass I had several town meetings in the district. At that point, I had given the opinion in public that I believe the retroactive feature was not a good one and in keeping with those statements, I will be voting 'no' on the bill. The same time, I recognize that these individuals, many of who are underpaid, do deserve some salary increase and I would say that I do not suggest that a salary increase is not warranted. I only feel that the manner in which the retroactive feature kicks in is not a worthy one. Thank you."

Senator Soares spoke in support of the measure and said:

"Mr. President, I was not going to speak for the measure but I think I might as well for the four Republicans. We're not going to play politics with this. We can all vote 'no' and hope it passes by 13 to 12 or 14 to 11, 15 to 10.

"We have studied the pay scales; we've talked about it; the four of us have examined the ratio of the governor to everyone else. We are aware of what happened last year. Last year was a travesty of justice as I would call it. We do

believe very strongly, Mr. President, that we have got to take care of our top executives properly and fairly. We believe that we are doing it with this bill; therefore, the four of us are going to vote for this."

Senator Hee spoke on the measure and said:

"Mr. President, I will vote 'no' on this bill and my reservation with this bill has been the retroactive feature in the bill. It's been no secret. As far as I'm concerned I've let that be known to the caucus many times. I have no argument with some of the people presently in the department head positions and some of the deputies. In fact, remarking earlier to one of deputies in the Department of Education I had said to that person that I feel somewhat remiss that in the case of this deputy she is amply qualified and it is my view that if the salary was the difference that she certainly earned the salary and those are the kinds of people that I was interested in, in serving people through government service.

"I find great difficulty, Mr. President, to vote for a bill with retroactivity knowing full well that the amount of money in the retroactive feature of this bill can supply and support the child abuse coalition, the sex abuse coalition, the spouse abuse coalition and all the other coalitions in the human services area. With all due respect to the chairman of Human Services, we worked very hard only to have the guts cut out in the Ways and Means/House Finance Committees.

"I find the retroactive feature a reward system which is not justified. Not because the people are not justified in earning more but because I do not believe that's good policy and if we are here as policymakers we should be setting, as far as I am concerned, a pay raise which would not affect those people presently in office.

"I appreciate the efforts on the part of the members of this body to massage this bill to the best feature that they feel that it has come out with but, unfortunately, as I said, my conscience tells me that the retroactive feature is a most inappropriate way to deal with a pay raise in this fashion.

"Thank you."

Senator B. Kobayashi then added:

"Mr. President, I think that if we could guarantee that voting for this pay bill would elevate you from the basement to the fifth floor, I think many of us would gladly vote for this bill." (Laughter)

Senator Kawasaki also added:

"Mr. President, I have a point of inquiry

to direct to the Minority Leader, if he would respond?"

The Chair posed the question and Senator Henderson having answered in the affirmative, Senator Kawasaki asked:

"Mr. President, the question I have for the Minority is, are you people, four of you, voting for this bill because you have some sanguine hopes that you will be in charge of the administration come January 1st?"

Senator Henderson answered: "Senator Kawasaki, you're getting smarter everyday." (Laughter)

The motion was put by the Chair and carried, and Conf. Com. Rep. No. 75-86 was adopted and S.B. No. 471, S.D. 2, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND MAKING AN APPROPRIATION THEREFOR," having been read throughout, passed Final Reading on the following of Ayes and Noes:

Ayes, 22. Noes, 3 (Hee, Kawasaki and B. Kobayashi).

Conf. Com. Rep. No. 76-86 (S.B. No. 1831-86, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Soares and carried, Conf. Com. Rep. No. 76-86 was adopted and S.B. No. 1831-86, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1961-86, S.D. 1, H.D. 2:

Senator Cobb moved that S.B. No. 1961-86, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Soares.

Senator Abercrombie spoke on the measure and said:

"Mr. President, I had asked a question originally when this bill first came up and I think it's been answered satisfactorily. I urge passage of the bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1961-86, S.D. 1, and that S.B. No. 1961-86, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 205 to 213) were read by the Clerk and were disposed of as follows:

S.R. No. 205, entitled: "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE," was offered by Senators Kuroda and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 205 was adopted.

S.R. No. 206, entitled: "SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK'S DESK," was offered by Senators Kuroda and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 206 was adopted.

S.R. No. 207, entitled: "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTY-THIRD DAY," was offered by Senators Kuroda and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 207 was adopted.

S.R. No. 208, entitled: "SENATE RESOLUTION RELATING TO THE PRINTING OF THE JOURNAL OF THE SENATE," was offered by Senators Kuroda and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 208 was adopted.

S.R. No. 209, entitled: "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT," was offered by Senators Kuroda and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 209 was adopted.

S.R. No. 210, entitled: "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO EXPEND FUNDS AFTER ADJOURNMENT," was offered by Senators Kuroda and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 210 was adopted.

S.R. No. 211, entitled: "SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE THIRTEENTH LEGISLATURE, REGULAR SESSION OF 1986," was offered by Senators Kuroda and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 211 was adopted.

S.R. No. 212, entitled: "SENATE RESOLUTION RECOGNIZING WITH GRATITUDE EACH OF THE MINISTERS OF RELIGION WHO OPENED A DAY OF THE SENATE, THIRTEENTH LEGISLATURE, 1986, STATE OF HAWAII, WITH AN INSPIRATIONAL INVOCATION," was offered by Senators Kuroda and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 212 was adopted.

S.R. No. 213, entitled: "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE THIRTEENTH LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF," was offered by Senators Kuroda and Henderson.

On motion by Senator Cobb, seconded by Senator Soares and carried, S.R. No. 213 was adopted.

RECONSIDERATION OF ACTION TAKEN

Stand. Com. Rep. No. 1111-86 (Gov. Msg. No. 243):

Senator Chang moved that the Senate reconsider its action taken on Stand. Com. Rep. No. 1111-86 on Gov. Msg. No. 243, seconded by Senator Cayetano and carried.

The Chair explained: "Members of the Senate, Stand. Com. Rep. 1111-86 on Gov. Msg. No. 243 contains a typographical error. The name of the board in the committee report is shown as Criminal Justice Data Interagency Board and should be corrected to read: Juvenile Justice Data Interagency Board."

Senator Chang, pursuant to Senate Rule 33(1), then moved to further reconsider its action taken on Stand. Com. Rep. No. 1111-86 and Gov. Msg. No. 243, seconded by Senator Cayetano and carried.

By unanimous consent, Stand. Com. Rep. No. 1111-86 was filed.

Senator Chang then moved that the Senate advise and consent to the nominations to the Juvenile Justice Data Interagency Board of Tamara Loy Horcajo,

term to expire June 30, 1990, and Jon R. Ono, term to expire June 30, 1987, seconded by Senator Cayetano.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Kawasaki rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, I believe I am entirely in order to express a deep appreciation of the two gentlemen who are about to leave us. I don't think they are leaving us because of the lack of adequate compensation but I think that we are in order to pay some compliments to these two gentlemen who added such strength, such dignity to this body.

"In trying to find some words, if you will, to say something nice about these two gentlemen, I thought of a letter that I sent four years ago in a senatorial election involving Senator Abercrombie because it was predicted by the pundits in town, if you will, that he was going to be defeated badly by his opposition in the minority. Those of us who served with him, appreciating his contributions to this body, promptly put our heads together to see what we could do to help this gentleman. I believe that dedicated officials holding office have a responsibility to help put into office people who have proven themselves to be a credit to people who elect them. As a consequence, I sent out a letter to each constituent in the district from which Senator Abercrombie ran and I thought perhaps I'd like to enter into the record, inasmuch as he's going to leave us possibly for the Congress of the United States or elsewhere, the words of the letter, if I may.

"Mr. President, I said in that letter and I trust that that letter had some little effect in assuring that he wasn't going to be defeated by an overwhelming majority ... I said in the letter:

'During the past twenty years that I have been privileged to serve in the Hawaii Senate, I have come to know the abilities, the qualities and the characters of fifty-seven fellow Senators and the manner in which they have responded to the many problems confronting this state. Senator Neil Abercrombie stands out in the group as one of the outstandingly valuable members of the Senate. It was my good fortune and privilege to have served with this articulate, energetic, and intensely caring man who attempts to be nearly a

full-time public servant on his modest \$13,800-a-year salary when he could, with his Ph.D. degree and ability, enjoy the comforts and security of a noncontroversial career as perhaps a college faculty member, earning a salary perhaps three or four times greater.

'Neil's range of interest in public issues, his ability to recognize, understand and articulate the underlying issues of a public problem or controversy and then act intelligently, honestly, and decisively with courage in behalf of the public has impressed fair minded and informed observers in and out of the Senate.

'Not the least of Neil Abercrombie's appreciated qualities is his warmth, his ready wit and his sense of humor and ability to laugh at himself and his frailties. I have appreciated the contribution this man has made to the Senate and the people of Hawaii as a legislator and as a chairman of the then Senate Higher Education Committee.

'Because I believe that public officials like myself, unquestionably, have a responsibility and a duty to help reelect and keep outstanding individuals in office for the public good I earnestly seek your help in reelecting Senator Neil Abercrombie on November 2nd. I sincerely feel that his reelection is important because having this exceptionally qualified legislator in your government is of primary importance to you, your family and Hawaii.'

And I think this letter that I circulated to all of his constituents is entirely appropriate today as we bid Senator Abercrombie adieu.

"Now if I may, I want to, and I think I express the feeling of each one of us here, that we regret that Senator Ben Cayetano, a tower of strength and a credit to his constituents is also leaving us.

"The two gentlemen are, if I may use the appellation, the heavy weights in the Senate and I sincerely believe this. I think it's a great loss to us not to have the presence of these two gentlemen in the Senate with us next year.

"We bid them Godspeed. We know that they will reflect credit to the State of Hawaii in the positions that they seek and I wish them well."

The Chair, at this time, appointed Senators Cobb, Kuroda, Henderson and Soares as a Special Committee to inform the Governor and the House of Representatives that the Senate is prepared to adjourn Sine Die.

At 7:15 o'clock p.m., the Senate stood in

recess subject to the call of the Chair.

The Senate reconvened at 7:28 o'clock p.m.

Senator McMurdo then rose on a point of personal privilege and said:

"Mr. President, I'd like to rise on a point of personal privilege.

"I want to tell you all, and I guess you all know it, that as soon as that gavel goes down I'm no longer a freshman Senator. I want to thank so many of you for making my first tour of duty here so successful, so much fun, so frustrating ... you know, the whole nine yards. But, you've been very kind to me; you've been very helpful and I really appreciate it very much.

"There are a few people I'd like to especially mention. To our senior Senator here, Senator Yamasaki, it's been a real privilege to be on Ways and Means. I've learned an awful lot. The others who have been particularly helpful happen to be leaving — Senator Wong (Laughter) (I thought you were leaving to move upstairs. Well, if you're not that's good too.), Senator Cobb, Senator Cayetano and, also, I'd like to thank Senator Soares for his kind words this evening, I really appreciated it ... sometimes it's been tough sledding with no snow.

"The man I really want to pay my respects to this evening, of all the people in the Senate, is Senator Neil Abercrombie who has been a good friend of mine through many battles when I was on the neighborhood board and who has been a stalwart friend and father confessor sometimes and who has always managed to give me wise counsel even if I didn't accept it. Also, over this period of time, as I became a little more independent and able to stand on my own two feet, you know, there's never been any effort to twist my arm to go in his direction or anything like that for which I'm also very grateful, even if he knew he couldn't get away with it!

"But, Neil, who is with us for the last time today, has served the people of this state with tremendous distinction the past twelve years. He has been described as eloquent, witty, verbose, outspoken, honest, verbose, astute, persuasive, verbose, flamboyant, erudite, verbose, even adroit, articulate and verbose.

"Seriously, most of us would agree that his greatest contribution is that he brought the plight of the less fortunate members of the society center stage, and he has forced us on many occasions to confront important social issues, touching heart and conscience, and motivating us to action.

"I, for one, will miss his friendship and his wise counsel. Thank you very much."

Senator Young then rose to remark as follows:

"Mr. President, I too rise on a point of personal privilege.

"Mr. President, this is to all the Senators seeking election:

"With a sound of a sob and a feeling of relief we come to the end of new triumphs and grief;

"The Thirteenth Legislative Session is coming to end; our hearts are warm; none are full; all a friend;

"To you who seek reelection once again, you'll wonder at times if you're crazy or sane;

"We had our fights, squabbles and fun; our best wishes to each and everyone;

"The Chinese are a political dying breed, said former Senator Wadsworth Yee. Once there was Ching, Chong, Yim, Wong, Yee; in fact, there were two Wongs you see. And now the Chinese are down to three, for the precious to return are Tony Chang and Jimmy Aki;

"Talk about the Chinese being so few; Charley Toguchi take this cue, you're the other 'uchinanchu';

"To the two Gerald's sitting side-by-side, Hagino and Machida to whom they victoriously glide;

"Moanalua and Kalihi will support Duke Kawasaki;

"So will Kapahulu and Kaimuki for Bert Kobayashi;

"Senator Kuroda, you must come back; there will be no songs for us to sing, no pictures or photos for you to fling;

"Best wishes to the gals from the outer isles; Lehua and Malama with their winning smiles; like the Chinese, the female numbers are few so you must come back and no adieu;

"There will be no excitement without Steve Cobb; who will dent the wall with the flying doorknob; do not leave us oh, fearless Senate leader, you who have ruled us like the Creator."

"But on a more serious note, Mr. President, I would like to extend our best wishes also to Senator Abercrombie and Senator Cayetano. The sessions will never

be the same without them.

"To end this, lastly, I would like to quote: 'History is story; politics is the process of becoming history and it is a story of a handful of men and women reaching for the levers of power; it is a quest of men and women seeking to find themselves and their identify and, in so seeking, shape the lives of other people.'

"Best wishes to all of you!"

Senator Toguchi then rose on a point of personal privilege as follows:

"Mr. President, at this time I would like to discuss a rumor that we've been hearing around here that early last week Abercrombie and Cayetano came in and they were the ones that requested the one day recess. It was getting close to Friday and I heard that they wanted to stay around a little longer and the rumor is that you first said 'no,' but after they yelled at you and went on their knees you said, 'Let me think about it.' But you finally gave in, Mr. President, as usual, when they started to cry.

"Mr. President, the rumor too is that to be consistent with your past dealings with the the two Senators and so as not to agree with them a hundred percent, you gave in and you said okay, but not one day, three days extension. So, again, you gave in to them, Mr. President, and that's the rumor.

"Mr. President, as I stand here this evening, I feel a little emotional about talking about these two Senators, our two colleagues. I've served with them for ten years and we have a presentation we'd like to make to them, on behalf of all the Senators here. But, I'm not through yet, Mr. President.

"Many of you may have noticed that during the past two weeks Senator Clayton Hee has been standing up quite a bit and some of us think that maybe he's trying to fill the shoes of the two Senators that are leaving. I convinced Senators Abercrombie and Cayetano ... they have a letter here to you, Mr. President, its a memorandum and it's requesting that you give Senator Clayton Hee the two seats that Senator Abercrombie and Senator Cayetano are vacating because he's going to fill their shoes next year; also, the two rooms, the two parking spaces, and, Mr. President, if you are going to respond to the many, many memos that the two Senators have written to you in the past, if you decide to respond to them next year, send all your responses to Senator Clayton Hee.

"Many of us here have been impacted by these gentlemen and, also, the media always go to these two people and there's a rumor

going around town that the media people are very concerned that these two Senators are leaving us. For example, I heard rumors that Doug Woo's employer is suggesting that after the two Senators leave he go on four days unpaid vacation per week; Richard Borecca, is to take six hours of unpaid lunch per day because there will be nothing else to cover here; Lynn Waters is said to have only ten seconds, plus or minus one second, and that would be enough to cover the Senate; and she has an option, she may go on and retire on Molokai because there will be nothing for her to cover; the rumor on Gerald Kato is that he will be sent to Washington, D.C., to analyze the Washington scene.

"I'd like to, before we make the presentation, urge all of you to support Senator Cayetano and Senator Abercrombie in their endeavors because you're going to help me with a big problem. In fact, Senator Clayton Hee has the same problem and that is, Senator Cayetano has already sent me a resume for next year, just in case, and Senator Abercrombie has also sent in a resume. They are applying for jobs with our staff.

"You know that Senator Cayetano is known to be a very tough bargainer and you've seen him in some of the conference committees. The problem I have with Senator Cayetano is that in the job interview for next year, you know, he covers all his bases, he said in case I don't make it I want a job with you. I can't say 'yes' because the hard bargain he's driving is, he wants to sit on the floor everyday.

"In all seriousness, Mr. President, I have here a cartoon that's done by Corky. Since nobody laughed at all my jokes and I thought I had about twenty jokes in that presentation, maybe I'll do it with this cartoon here. By the way, there will be a presentation also by Senator Clayton Hee to Senator Abercrombie.

"When I first looked at this cartoon of Senator Cayetano I thought it was great but I notice a few mistakes on this. First of all, he's holding a knife or small sword and I told Senator Hee, who made the contact with Corky, that it should have been a machete. I think some of you remember Senator Cayetano raising the machete on the floor. The second thing I want to say is, I really don't know why the media used to make a big thing about his Prince Valiant hairdo. I didn't think it was a big thing, in fact, I like him better now with the new hairdo. You know, I used to have that hairdo when I was young. My father used to put a rice bowl on my head and cut around it.

"As we close the evening, it's my pleasure to present Senator Cayetano with this cartoon done by Corky.

"In the ten years I have served with Senators Abercrombie and Cayetano, first in the House and here, I have to admit that I learned a lot from them. In fact I learned more things not to do but it's been my pleasure serving with them. I know that they always tried to do the things that were right and it's going to be very, very difficult for us to fill their roles. In the caucuses and on the floor they have really looked at the bills and have brought to our attention some of the concerns some of us have not thought about. I think that's what we're going to miss next year.

"To you, Senator Abercrombie and Senator Cayetano, we'd like to wish you well. If you do come and visit us next year please don't stay too long. Thank you."

Senator Hee then rose to remark:

"Mr. President, I don't want Senator Cayetano's chair nor do I want Senator Abercrombie's chair. I don't want their offices either as they're both smaller than mine.

"Mr. President, I do have a presentation for Mr. Hawaii, Neil Abercrombie, also done by Corky Trinidad. While it's true, Mr. President, I would not be here without the help of Senator Abercrombie and Senator Cayetano and Senator Toguchi, the way I figure it, the only dissident next year will be Senator Toguchi, Mr. President. (Laughter)

"I too would like to make this presentation, on behalf of the members of the Senate, to my friend and my pal, one of the strongest influences in my life and a strong influence in all of the lives that he has touched. I feel very honored on this last day of the session to present this to Neil Abercrombie.

"I hope to see him and Senator Cayetano again and when I do I invite them to say, 'Hi, Senator Hee, are you in? Can we see you?'"

Senator Toguchi then added:

"Mr. President, there is a detail on that drawing that I'd like to mention. It says, 'Windmill - 0, Senator Abercrombie - 10.' For some reason, I didn't laugh at that joke. I think we made a big mistake in the Senate, we located all the windmills in Kahuku, it should have been in Moiliili." (Laughter.)

Senators Toguchi and Hee presented Senators Abercrombie and Cayetano with a koa framed cartoon of them done by Corky Trinidad of the Honolulu Star-Bulletin.

At 7:46 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:50 o'clock p.m.

Senator Kawasaki, on a point of information, remarked:

"Mr. President, when the budget bill came on the desk and was up for consideration, people here were quite astounded that I had nothing to say against the bill but I figured the Senate being the maudlin sentimentalists that we are, I needed to save some time for this display of sentiment. That is the reason I did not speak against the bill."

The Chair responded:

"The real truth is, I saw you looking in your desk drawer and we just zipped by you." (Laughter)

Senator Soares also rose on a point of personal privilege and said:

"Mr. President, I don't want to take too much. The frames have been delivered and the funny jokes of the two colleagues have been well received.

"On a more serious note, Mr. President, the four Republicans had the opportunity to work side-by-side with these two gentlemen and those two years gave us a chance to really get to know them.

"I think that I have never had an opportunity in my lifetime to enjoy a man like Neil Abercrombie, next to him on the floor the past two years. But before that, hours upon end in caucuses and hours upon end in meetings in our various rooms to put together what we thought was the best thing for the people of the state. I became very close to these two guys. Ben and I met every evening in his office. We spent hours upon hours trying to figure out to put together the caucuses down in the caucus room and trying to manage the day to day affairs of the Senate.

"You know, God gives us a time in our life to become heroes or goats, become famous or become bananas. He also gives us a time, a time like this to rub shoulders and spend time with one another is a gift that he gives us. We should never forget it. I consider it very lucky for us 25 to work together. Differences, that's part of the game. Debate, that's part of the game, like we had tonight.

"We all should be very, very thankful that these two people came into part of our lives. I don't know how you folks feel about these two guys, I know you've had a lot of discussion so far, but you always have to go to other things but the memory and the lasting opportunity we had to work together will always remain.

"Ben and Neil, the four of us want to thank you for making our time here

enjoyable. We thank you for giving us the opportunity to get to know you as well as we did. So we ask God to bless you both and hope that we never through our lifetime not have an opportunity again to enjoy one another so we want to say to you, Aloha."

Senator Kuroda then said:

"Mr. President, I join my fellow Senators in bidding bon voyage to Senator Abercrombie and Senator Cayetano. All the accolades have been shared, the praises have been expressed.

"I stand at this time to also say Aloha to another fellow Senator, Senator Steve Cobb, who is contemplating also to seek higher office. In fact, my fellow Army Reserve officer, Steve Cobb. Colonel, I have a gift here. This is a can of band-aid; the band-aid that you should apply for all the crap that you have been taking by the departing Senators. (Laughter) However, now that they are leaving perhaps you don't need this anymore and, perhaps, you should not leave inasmuch as those who cast the mud and arrows that cause you scars and marks for band-aid are departing.

"Senate Cobb, should you truly decide to leave, my fellow Senators join me in expressing good luck to you. In fact, I have three lovely Senate leis that will be presented, one to you, to Senators Abercrombie and Cayetano.

"Mr. President, in behalf of my fellow Senators, I wanted to express those few words for Senator Cobb who has been rather eloquent in his role as floor leader and adequately rebutting the slings from the opposite side of the aisle.

"Thank you."

Senator Cobb then responded:

"Very briefly, Mr. President, during one of the debates we had on the floor, I heard the value of getting a second opinion from another source. Having encountered that situation personally during the course of this session, I will attest to it and affirm to my fellow Senators, I believe very strongly in the value of a second opinion. I look forward to doing that.

"But I want to take this opportunity to say mahalo to everyone, Democrats and Republicans. Regardless of where we've been it's been a pleasure working with you. I said to one of my staff members a long time ago, the first session that we fail to have a learning experience, it's time to quit. You've never let me down. Every session has been a learning experience from each of you and, for that, I thank you.

"God bless all of you."

At this time, Senator Solomon presented a lei to Senator Abercrombie, Senator Fernandes Salling to Senator Cayetano, and Senator Young to Senator Cobb.

At 7:55 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:59 o'clock p.m.

The Chair then recognized Senator Abercrombie to address the Senate.

Senator Abercrombie's farewell remarks are as follows:

"Mr. President, I appreciate the opportunity to speak to you at this time. I know it's been a long day for everybody and I appreciate especially the commentary that's been made, even Senator Toguchi's. We know how hard you tried, Charley.

"Mr. President, you can't imagine how hard it was for me to write what Senator Kawasaki read and even harder to get him to sign it after I got him to write it. And I do want to dispel one thing in particular, I thought it was very cruel of Senator Henderson to notice that as I got up to speak on the hotel room tax that my mother got up to leave and then comment to me about that. But she forgives you. (Laughter)

"I do want to say that it was true what I said the other day, and I'm sorry that I let things out for David Woo and all his staff, they will unfortunately be paid by the day rather than the page starting next year and we know that's going to be a big blow to their income.

"And I don't know why Buddy Soares is laughing. Maybe I do know why he's laughing. When he was talking about how we got together all the time to put things together, the last time we got together to do things I lost my office, my chairmanship and all the rest of it. Now we know the answer to why is this man laughing over here. (Laughter)

"I appreciate very much receiving this cartoon by Corky. The one that I like the best though came after the aforementioned meeting with Senators Soares and Henderson and others as we attempted to do the right thing by the people of the state. Corky had a cartoon showing the office space for Senator Cayetano, myself, Senators Fernandes Salling, Carpenter and Toguchi out in the parking lot out here. I hope one day to get a copy of that to remind me of what it takes to be humble.

"I have permission to keep on speaking like this from Senator Matsuura who informed me that his last plane for Hilo left

so it doesn't matter anymore.

"I'm very grateful for this chance to amuse you. It will be the last time I expect that I'll have an opportunity to speak to you. Most certainly as a Senator from the State of Hawaii. It made me sit up and take notice when Senator Yamasaki mentioned the historical note earlier today in discussion of a bill in 1959 that's when, in fact, I came to the Islands. I didn't know that I was coming home. I didn't know that my home was going to be here. I didn't know at that time that when I said the word home that I would mean Hawaii and mean it with all my heart.

"For twenty-six years Hawaii has been my home and it never occurred to me when I landed after that eleven-hour propeller airplane ride from the Mainland that not only would I be a participant and observer in all the changes that would take place over the last quarter century in Hawaii but that I might have the opportunity to give some little bit back to Hawaii; to be able to participate in this great forum, in this great deliberative body, this mecca of democratic action and process, not only here in this state but so representative of everything that we hold to be the best in America.

"If I have the opportunity to serve in the national legislature, I will certainly do my best to represent all that is good and best in Hawaii; to represent the spirit of things that has been given to me here and which I hope I have exemplified, at least to some small degree.

"It never occurred to me, as I said, when I was a student at the University of Hawaii that I would have, one day, the opportunity to be able to return a little bit of what was given to me. I am a product of the public education system in this state. I am very proud of it. I am happy to be an alumnus, twice over, of the University of Hawaii. I'm deeply committed, as I know all of you are, to seeing to it that our unique island state be able to provide the opportunities that we want not only for ourselves but for all the people, all the immigrants that came here.

"I was always affected deeply by the first chapter of Michener's 'Hawaii' when he described how these islands were born and it reminded me and has continued to remind me and I used it in all my classes when I was teaching to try to remind those students that all of us are immigrants to Hawaii. We came at different times but all of us had to bring something — those human qualities, the things that differentiate us one from another in terms of species. We have an imagination that differentiates us from the other animals. We know and can utilize that imagination, hopefully, with intelligence and compassion and commitment to the community. With those qualities in mind,

we can bring those things to bear in our legislative activities that will reflect the best in us. I've tried to do that here I've had the great fortune to be with all of you here in that process.

"Many times when I found myself passionate about what I was expressing, concern to the point of perhaps a failure to reflect as much as I should have on what I was saying and what I was doing and how I was trying to get it done, I always had the opportunity in this body to be able to gain a perspective. A perspective I might not otherwise have had had it not been for all of you who are here today and some who are not here now but whose counsel I still value, whose friendship I still treasure. And I hope in years to come that when I have the opportunity to see you and be with you that you will continue to share your friendship and counsel with me and to the degree that I may be of service yet.

"As Senator Soares indicated so eloquently, it is not in many instances for us to decide these things but rather for fate and destiny to decide. But to the degree that I am able to serve, to the degree that I can return the friendship and affection that you have shown to me all these years, I not only want to do it but give of myself gladly and thank you, oh, so very much for the opportunity to have been with you and to be with you still right through this evening and into the years to come.

"Thank you so very much, Mr. President, and thanks to all of you for the chance to be with you, to be your friend. Aloha!"

Senator Abercrombie then received a rousing round of applause from the members of the Senate, staff and guests in the gallery.

The Chair then, in jest, queried: "Are you sure you're leaving?" (Laughter)

Senator Abercrombie answered: "I've thought about that. Yes."

The Chair, again in jest, said: "About time (and tossed a paper box labeled 'Tylenol Tablets' to Senator Abercrombie)." (Laughter)

Senator Henderson asked: "Mr. President, are those capsules?"

Senator Abercrombie interjected: "Mr. President, I just want it noted for the record that these are extra-strength."

The Chair added: "That's only a four-day supply."

At this time, the Chair recognized Senator Cayetano to address the members of the Senate.

Senator Cayetano's parting remarks are as follows:

"Mr. President, I was deeply moved by Senator Abercrombie's talk. Neil, I am supposed to be the emotional one in here, not you. I know how he's feeling.

"Mr. President, farewell talks usually require thank you's and I don't intend to depart from the usual format of a farewell talk so let me say thank you to the different people who have helped me. First, to my staff, past and present. We all know that we are only as good as our staff and I have been very fortunate in the past to have an excellent staff. We have taken on the different departments, we have taken on the state, the city, and we have done that with the poorly paid staff you provide us.

"Mr. President, I also wish to thank the Senate staff, the Clerk, the Assistant Clerk, LRB, Majority Research, the Print Shop and the Sergeant-at-Arms Ben Villaflor. I have to tell you people a little story about Ben.

"When Ben was appointed sergeant-at-arms, some of you will remember, there was a big fuss about Ben. About the fact that he had not obtained his citizenship at that time and there was a lot of discussion on the radio and, strangely, everyone called me. I guess it's a coincidence that Ben and I both happen to be fighting Ilocanos. But, actually, Mr. President, you are the one who's responsible for Ben's appointment and let me say that I think all of the Senators join me in saying that that was a very wise appointment.

"I remember the time one of the radio stations called me and the news reporter was asking me about Ben and Ben's qualifications to serve as the sergeant-at-arms and my reply was, 'He was a former Junior Lightweight World Champion in boxing and it's very appropriate for the Senate.'

"In the 12 years that I have been in office I really haven't mentioned my family. You know, when you've been married to someone for 28 years, like I have, sometimes a little hug is enough, but I know this is going into the Journal so I want to make it official and thank my wife for supporting me, my three children to whom, like most of you, because of the long hours that we keep, I've had to reintroduce myself. My secretary Joyce who has been with me now for 13 years and who knows all of my secrets. She's sitting in the gallery with my wife (Joyce, don't you tell Lorraine anything). (Laughter) Most importantly, the people who voted me into office.

"You know, Mr. President, being a member of this body ... I guess you don't

realize it until you leave ... is quite a privilege. There are over a million people in this state and to be one out of 25 is a testimonial I think to what they think of you and the duties they have entrusted on you. Sounds kind of serious but when you think about it I think you will agree with what I said.

"I started in the old 19th district with my colleague here, Senator Mizuguchi, and, Mr. President, when I ran for office I ran for the House. Prior to that I was appointed to the Hawaii Housing Authority Commission by Governor Burns. I didn't ask for the job, Governor Burns thought he had to appoint a Filipino and there weren't many choices. I recall that some union people asked me to run in Kalihi. The conventional reason being, Kalihi is an area where there are a lot of Filipinos, I'm a Kalihi boy and I would be a natural in that area. Being impetuous as I was at that time I decided to run in Pearl City without looking at the demographics and found out that Pearl City was 55 percent AJA, about 6 percent Filipinos, and I said, 'Well, there goes the election.' But we worked hard and the people of the 19th district gave me an opportunity and they kept on doing it for the next four elections. So I am very grateful to those people who gave me a start.

"This body ... you cannot walk away from an experience like this without making friends. My good friend Duke Kawasaki ... just to show what a pal he is, you heard him argue that the lieutenant governor should get a pay raise, never mind everybody else. That's what you call friendship. No logic but friendship. (Laughter)

"Mr. President, you may remember when I was the Ways and Means chairman. Incidentally, I never wanted to be Ways and Means chairman, I always wanted to be the Judiciary Committee chairman, but you asked me to do that and I did it and believe me, if any of you have had the experience of being booed by 2500 people out in the rotunda when we had the COLA issue, it is quite a high, believe me. Anyway, we were negotiating the budget with Henry Peters. At that time Henry wasn't as mellow as he is today. Henry was inclined to get physical, you may recall, Mr. President. You were quite concerned about my safety and at one time I remember about two o'clock in the morning we were supposed to meet with Henry at some place to negotiate the budget and you told me, 'Ben, don't you go and meet with Henry alone.' You remember this, Mr. President? 'You take Duke with you.' (Laughter) So Duke and I walked down to the meeting and as we were walking to the meeting I think you had told Duke that his job was to protect me, my safety, and as we were walking along I remember Duke ... (Duke, I'm never going to

forget this.) ... I remember exactly what he said. He said, 'Ben, if that guy ever lays a hand on you don't worry, either there will be a dead Hawaiian or a dead Japanese.' (Laughter) Thank you, Duke. You can't find friends like that, Mr. President.

"Mr. President, you may recall when you were elected to the presidency. You courted my vote and you got it because the other guy didn't even pay any attention to me and we elected you president. I was going through my old speeches and I remember a speech that you gave at the Chamber of Commerce and there were people who were concerned about guys like me, Steve Cobb, Neil Abercrombie, the so-called independents and outspoken people. You gave a speech and you talked about the new politics. You remember that? That was a great speech. I read it last night in fact, trying to figure out what I'm going to say here today. You talked about independence and how the Senate's role as one of the branches of government would be to exert itself to check the administration, that kind of thing. And over the years, Mr. President, after that speech, I've had a chance to see your leadership, your vision, statesmanship, and I forgive you. (Laughter) We haven't always agreed but since you are going to be president for another two years, you still can make it up. I'm kidding, of course.

"We have had some good times as well as some rough times. The rough time, of course, came couple of years ago, 1983, when the word 'dissident' became pretty well known throughout this state. I just want to tell Senator Yamasaki that, really, we were only joking. Unlike Senator Yamasaki, Mr. President, you don't seem to be able to take jokes too easily. (Laughter)

"One of the big problems we had that night, I guess we needed a calculator because we couldn't count very well. Senator Abercrombie and I were in charge of counting the votes and I remember we called Senator Mizuguchi and his answer was, 'Don't bother me.'

"It's a chapter in my life I think I look back upon now and somewhat regret ... and we all learned from that. I certainly have. I hope that will be avoided in the future because, upon reflection, I've come to the conclusion that when you are too interested and worried about politics, the internal politics, you kind of forget what we are here for, that is, to make laws and take action which will benefit the people of the state. I think those two years were kind of a down part of my service in the Senate.

"I don't want to get too serious here but I want to talk about character because I think that the dissident experience showed me the character of three of my good friends —

Dante Carpenter who's not here but who is the mayor of the County of Hawaii, Duke Kawasaki and Charley Toguchi. I'm saying this just for the record, not to relive bad memories. But, I want to say to Duke, Charley and Dante, for the record, we appreciate very much your coming with us. You didn't have to, the President gave you an out. Duke gave up his vice presidency and the large office. Dante gave up the Judiciary Committee. Charley gave up his ag committee and a trip to China, right, Charley? All because they believed in us and the issue here is not whether we were right or wrong but I just want to make the point that they believed in us and I'm going to remember that.

"I want to say something about Tony Chang. The man who won the 'hot seat' award. Last session, remember, Tony kind of tossed me the drinking age bill. But he made up for it this year. Tony, I want to say for the record that I think that the posture that you have been taking on the issue of insurance reform, I refuse to call it tort reform, is not only admirable but courageous and, Tony, when your constituents get those 20,000 letters from Frank Fasi we will all help you campaign.

"Mr. President, just a few more remarks on the Senate itself and the working of the Senate.

"Our constituents out there ... I think there is a kind of malaise about government on the part of those who have been governed and I think it's because of the complexity of government and the fact that we have not made the people equal partners in what we do. I hope you will consider next session in hiring a Senate press secretary, Mr. President, so that the Senate can make its views known to the public; inform the public about what we are doing or what we tried to do. If you do this and Senator Abercrombie doesn't win his election I hope you will consider him. He is well qualified, as you know. We've heard him speak on the floor many times. His speeches manifest his love for the people of Hawaii; his love for you; his love for himself (laughter).

"In any event, I think, maybe, I've said a bit too much.

"I don't know what's going to happen in November or even in September. I want to tell you that one of the reasons I am leaving the Senate, foregoing what people tell me is a fairly safe bid for reelection, should I have chosen to run for reelection for the Senate, is that I really think that we are entering a critical time in the history of this state. As your commercial says, Mr. President, the people will be choosing new leaders to give them new directions. I really feel that if you're in politics to serve people then you should do what you can to contribute. No

one should be in politics to play safe because politics in my view doesn't mean much if you play safe and you must do all you can to try and further the benefit of the people of the state. I think I can do that as lieutenant governor. I will certainly give it a good try.

"I want to thank the members of this body who have offered to help. Let me say that if I can be of help to you, please do not hesitate to ask. I wish all of you success and best wishes in your endeavors. Should I not be successful, don't feel sorry for me, I have a nice law practice to go back to. One way or the other, as you look up, Mr. President, either you will see me up there (pointing to the fifth floor) or over there (gallery).

"Thank you and mahalo."

Senator Cayetano received a rousing round of applause from the members of the Senate, staff and guests in the audience.

The President, at this time, displayed a T-shirt imprinted with the words, "Survivor - Senate Purge 1982" on the front of it and the words, "Dickie Wong Fan Club" with a sketch of a 6-pack on the back of it. (Laughter)

Senator Cayetano then quipped:

"Mr. President, if you don't behave, we'll come back." (Laughter)

The Chair, in jest, then said:

"What I'm feeling good about is that three of you will be gone — Carpenter, Abercrombie and Cayetano. There's only three left, so my six-pack is now a three-pack.

"But, Ben, I hope you two are definitely leaving us. Are you? (The Chair then also tossed a paper box labeled 'Tylenol Tablets' to Senator Cayetano.) (Laughter)

"You know, I think the greatest contribution these people can make to this Senate is to leave it." (Laughter)

Senator Cayetano then interjected:

"Mr. President, have you been writing Toguchi's jokes?"

The Chair then continued and delivered his closing remarks::

"In all seriousness, I'd like to take this opportunity to thank Neal, Ben and Steve for helping to get things along. You know, sometimes out of the adversity you spoke of, Ben, comes about a better understanding of each other's positions and a better respect for one another's opinions. I think

that's what happened in the last two years. As the Chair, I appreciate it very much and I wish all of you well."

"Members of the Senate, with your indulgence, the Chair would like to say a few words at this time.

"This has been a most arduous session where we've been confronted with many difficult issues. We can look back on some accomplishments but we are adjourning with some unfinished business still before us — notably, on the water code and the liability insurance and tort reform issues, possibly, we may be returning in a few weeks to deal with these issues in special session.

"Many of you will be out on the campaign trail in the months ahead. To those of you seeking reelection to the Senate, I extend my best wishes and my hope for success. You have all served diligently at your legislative duties and I believe your constituents will be well served by returning you back to office.

"Some of you are contemplating moving on to higher office — Senator Neil Abercrombie, Senator Ben Cayetano, Senator Steve Cobb. I wish you all the best of luck too. I know I speak for all the other members of the Senate when I say that your departure will be a great loss to this body but please be assured that we would be the last people who would want to stand in the way of your moving on to bigger and better things. (By the way, the movers are standing by to help you vacate your office.)

"All kidding aside, I wish all three of you well and Godspeed.

"As you know, I have been exploring the possibility of a gubernatorial race for myself. My final decision on this has not yet been made — possibly, I'll decide sometime next month. In the meanwhile, I ask you — please stop eyeing this podium. It makes me nervous. I haven't vacated the podium yet. (Laughter)

"I know, and on a more serious note, I'm repeating a cliché but a cliché with a lot of truth behind it, and Ben touched on it earlier, but I do want to acknowledge all the hardworking Senate staff people — the researchers, secretaries, attorneys, messengers, custodians, print shop workers and all the other support people. You're the ones who keep the legislative process moving and make us look good. You do all the work while we Senators get all the recognition. Of course, we get our share of the blame too but we manage to do that without staff help. In any case, on behalf of all the Senators, I extend a big mahalo to all of you on the staff.

"To all the Senators, I wish you all Aloha.

Now that the session is about over, I hope you can catch up on your sleep, get reacquainted with your families and get back on with your lives.

"Thank you very much."

Senator Henderson, on behalf of the Minority, then remarked:

"Mr. President, those are nice remarks.

"We had a lot of fun here this evening; we've had some serious talks; we had some sentimental remarks, but, Mr. President, I think we need to have a serious look at what happened this session.

"Mr. President, we have finally come to the end of another long and arduous legislative session, and like a number of recent sessions, this one has come in like a lion and gone out like a lamb. Amid promises of dreams and visions of the future, all of it political rhetoric designed more to appeal to the voting public than to accomplishing anything substantial, we have turned in another dismal report card. It never ceases to amaze me how a Democratic administration, a Democratic House, and a Democratic Senate cannot work together to accomplish the business of the people. While we did manage to adopt a team sport for the state, codify the Aloha Spirit, and decide unanimously that a human being is not an animal, many important issues fell through the cracks and are still unresolved.

"We have a growing insurance crisis in this state that affects all walks of life, a business climate that is deplored nationally, and a workers' compensation law that defies reason. We have insulted the tourism industry and hotel operators by imposing a 5 percent transient accommodations tax with none of the approximately \$55 million generated being earmarked for tourism or tourist-related activities. The HVB remains, as in years past, a supplicant, who must come to the Legislature, hat in hand, to plead for funding to promote and enhance our number one industry.

"I sincerely hope that we are called back into special session to address the issue of tort reform. I had deep reservations regarding the passage of any meaningful legislation this session. Why? Because it became increasingly clear to me that legislators could not set aside their special interests and work for the common good of the people of the state. It seems criminal that we could not reach any meaningful consensus on this issue, especially since the session was extended not once, but twice. This was more than enough time, in view of the fact that the weight of the fifth floor was behind the negotiations which were carried on.

"After all of the hullabaloo about the workers' compensation law last session, this year we were met with a deafening silence, punctuated explosively by what has to be another exercise in futility -- funding the workers' compensation fund. In all of my years in this body, some 15, Mr. President, I have never witnessed such a flagrant waste of the taxpayers' money. And for what? It doesn't take a genius to see that this is not going to solve a thing. It seems that we never learn our lesson -- remember Thrift Guaranty? Remember the Patients' Compensation Fund? I've said it before and I'll say it again: the problem lies with the current language of the presumption clause, and the frequency that we have in our workers' compensation problem, but opposition to its change has been fierce, and reflects yet another example of special interests prevailing over the common good of the people of this state.

"Finally, some months back, there was a great deal of publicity, none of it good, concerning Hawaii's business climate. Great concern was expressed by all, but as it turned out, it was mere rhetoric. Nothing was done to encourage business this session. I can sympathize with the helplessness, the feelings of frustration and disillusionment which must pervade the business community at this time.

"So what do we tell our constituents, Mr. President? What do we tell them when they ask us about tort reform -- or insurance reform -- or the water code -- tax reform -- the business climate -- convention center -- the leasehold problem -- workers' compensation. What do we tell the people, Mr. President? There are no answers? Well -- there is an answer -- but do we really want to tell them that? Mark my words, Mr. President, I'll tell you how the people will respond. They'll respond at the polls this fall.

"In conclusion, Mr. President, we had another opportunity to leave this Capitol with a productive session under our belts, and as too often has been the case, Mr. President, we have let the opportunity slip by.

"Mr. President, for the first time I'm embarrassed to be a member of this body.

And to all of you who are running for reelection this fall on this record, I wish you luck. You'll need it.

"Thank you."

Senator Abercrombie then commented:

"Mr. President, I wonder if at the conclusion of the evening's activities and duties if you and the other members might consent to sign this Tylenol box for me. I would like very much to take it with me, perhaps wherever I go. I will have it under my arm. Perhaps wherever I am people will come up and ask me, who are the fools that signed the thing that you are carrying around? (Laughter)

"But, seriously, if at the end people would be kind enough to come up I would take it as a sign of your affection and regard. Thank you."

Senator Cayetano then added:

"Mr. President, this box is empty. If there is any leftover I would like to give it to Senator Henderson."

Senator Abercrombie then introduced to the members of the Senate Mrs. Lila Hee, wife of Senator Clayton Hee.

Senator Kuroda, for the Special Committee, reported that it had informed the Governor and the House of Representatives that the Senate is ready to adjourn Sine Die.

The President then discharged the Committee with thanks.

ADJOURNMENT

Senator Cobb moved that the Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, adjourn Sine Die, seconded by Senator Soares and carried.

At 8:38 o'clock p.m., the President rapped his gavel and declared the Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, adjourned Sine Die.