

THIRTY-SIXTH DAY

Friday, March 13, 1987

The Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, convened at 11:47 o'clock a.m., with the Vice President in the Chair.

The Divine Blessing was invoked by Sister Brenda Lau of St. Stephen's Diocesan Center, after which the Roll was called showing all Senators present.

The Chair announced that she had read and approved the Journal of the Thirty-Fifth Day.

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

Senator McMurdo introduced Ms. Beverly Miller and students from Church of the Crossroads Early School, accompanied by Mrs. Donna Leong, a parent.

Senator Kuroda, on behalf of Senator Young, introduced Lee Ann Mills, Nathan Tyau, Sharika Bradfield, and Robin Asato, social studies students of Ilima Intermediate School, Ewa Beach, and Vice Principal Charlene Matsuda.

Senator Hee introduced Mr. Ronald Wong, the "corn man" of Waimanalo.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 138, transmitting a report prepared by the Department of Social Services and Housing pursuant to Act 345, Part III, Sec. 93A, SLH 1986, regarding a plan to establish a single access system for long-term care services in Hawaii, was read by the Clerk and was placed on file.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 27 to 29) were read by the Clerk and were disposed of as follows:

S.C.R. No. 27, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO RECOGNIZE AND SUPPORT THE UNIVERSITY OF HAWAII AS A PRIMARY INSTITUTION FOR EDUCATION AND TRAINING OF PACIFIC ISLAND NATIONS," was offered by Senators Solomon, Holt, Kuroda, Hagino, Fernandes Salling, Nakasato, Matsuura, Yamasaki, Mizuguchi, Aki, Cobb, Blair, J. Wong, George, Chang, Menor, Hee, R. Wong, Young, Reed, McMurdo, A. Kobayashi, Henderson and Ikeda.

By unanimous consent, S.C.R. No. 27 was referred to the Committee on Higher Education.

S.C.R. No. 28, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO INCLUDE NATIVE HAWAIIANS IN THE DEFINITION OF NATIVE AMERICAN AND EXTEND TO NATIVE HAWAIIANS ELIGIBILITY IN ALL PROGRAMS AFFECTED BY SUCH DEFINITION WITHOUT PREJUDICE," was offered by Senators Solomon, Hee, J. Wong, Yamasaki, Ikeda, Holt, Fernandes Salling, Aki, Cobb, Kuroda, Hagino, Reed, George, Chang, Menor, Henderson, R. Wong, Mizuguchi, Matsuura, Young, Blair, McMurdo and A. Kobayashi.

By unanimous consent, S.C.R. No. 28 was referred to the Committee on Housing, Hawaiian Programs and Natural Resources.

S.C.R. No. 29, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE SUPPORT OF HAWAII'S CONGRESSIONAL DELEGATION FOR THE RESTORATION OF FEDERAL FUNDS FOR OCEAN RESEARCH," was offered by Senators Matsuura and A. Kobayashi.

By unanimous consent, S.C.R. No. 29 was referred to the Committee on Agriculture, Energy and Ocean Resources.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 40 to 43) were read by the Clerk and were disposed of as follows:

S.R. No. 40, entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO RECOGNIZE AND SUPPORT THE UNIVERSITY OF HAWAII AS A PRIMARY INSTITUTION FOR EDUCATION AND TRAINING OF PACIFIC ISLAND NATIONS," was offered by Senators Solomon, Holt, Kuroda, Hagino, Fernandes Salling, Nakasato, Matsuura, Mizuguchi, Aki, Blair, Cobb, Yamasaki, J. Wong, George, Chang, Menor, McMurdo, Ikeda, R. Wong, Young, Reed, A. Kobayashi and Henderson.

By unanimous consent, S.R. No. 40 was referred to the Committee on Higher Education.

S.R. No. 41, entitled: "SENATE RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO INCLUDE NATIVE HAWAIIANS IN THE DEFINITION OF NATIVE AMERICAN AND EXTEND TO NATIVE HAWAIIANS ELIGIBILITY IN ALL PROGRAMS AFFECTED BY SUCH DEFINITION WITHOUT PREJUDICE," was offered by Senators Solomon, Hee, Kuroda, J. Wong, Yamasaki, Ikeda, Holt, Fernandes

Salling, Cobb, Aki, Mizuguchi, Matsuura, Young, Blair, Reed, George, Menor, McMurdo, Henderson, R. Wong, Hagino, Chang and A. Kobayashi.

By unanimous consent, S.R. No. 41 was referred to the Committee on Housing, Hawaiian Programs and Natural Resources.

S.R. No. 42, entitled: "SENATE RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE TO APPOINT THE SENATE COMMITTEE ON MILITARY AND CIVIL DEFENSE TO CONDUCT A LAND USE REVIEW OF ALL MILITARY PROPERTIES IN HAWAII DETERMINED TO BE MARGINALLY UTILIZED, OR CONSIDERED 'SURPLUS', BY THE FEDERAL GOVERNMENT," was offered by Senators J. Wong, Henderson, Kuroda, McMurdo and Cobb.

By unanimous consent, S.R. No. 42 was referred to the Committee on Military and Civil Defense, then to the Committee on Legislative Management.

S.R. No. 43, entitled: "SENATE RESOLUTION REQUESTING THE SUPPORT OF HAWAII'S CONGRESSIONAL DELEGATION FOR THE RESTORATION OF FEDERAL FUNDS FOR OCEAN RESEARCH," was offered by Senators Matsuura and A. Kobayashi.

By unanimous consent, S.R. No. 43 was referred to the Committee on Agriculture, Energy and Ocean Resources.

ORDER OF THE DAY

THIRD READING

MATTER DEFERRED FROM
TUESDAY, MARCH 10, 1987

Senate Bill No. 1173:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1173, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 5 (George, Henderson, Ikeda, Matsuura and Reed). Excused, 5 (Chang, Cobb, Holt, McMurdo and J. Wong).

THIRD READING

Senate Bill No. 551, S.D. 1:

By unanimous consent, S.B. No. 551, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SYMBOLS AND EMBLEMS," was recommitted to the Committee on Culture, Arts and Historic Preservation.

At 11:55 o'clock a.m., the Senate stood in

recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

Stand. Com. Rep. No. 374 (S.B. No. 302, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 374 was adopted and S.B. No. 302, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chang, Cobb, J. Wong and R. Wong).

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Stand. Com. Rep. No. 374 (S.B. No. 302, S.D. 1):

Senator Blair moved that the Senate reconsider its action just taken on Stand. Com. Rep. No. 374 and S.B. No. 302, S.D. 1, seconded by Senator George and carried.

By unanimous consent, Stand. Com. Rep. No. 374 and S.B. No. 302, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR," were recommitted to the Committee on Ways and Means.

THIRD READING

Stand. Com. Rep. No. 376 (S.B. No. 305, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 376 was adopted and S.B. No. 305, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang and R. Wong).

Senate Bill No. 455, S.D. 2:

On motion by Senator Yamasaki,

seconded by Senator Mizuguchi and carried, S.B. No. 455, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAX RELIEF FOR NATURAL DISASTER LOSSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang and R. Wong).

Stand. Com. Rep. No. 381 (S.B. No. 459, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 381 was adopted and S.B. No. 459, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHING A GENERAL EXCISE TAX RATE FOR A GOVERNMENT SERVICE COMPANY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang and R. Wong).

Stand. Com. Rep. No. 383 (S.B. No. 776, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 383 was adopted and S.B. No. 776, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 385 (S.B. No. 927, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 385 was adopted and S.B. No. 927, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 389 (S.B. No. 1318, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 389 was adopted and S.B. No. 1318, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R.

Wong).

Stand. Com. Rep. No. 390 (S.B. No. 1372, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 390 was adopted and S.B. No. 1372, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LABOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 1627, S.D. 2:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, S.B. No. 1627, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 393 (S.B. No. 1673, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 393 was adopted and S.B. No. 1673, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 395 (S.B. No. 1737, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 395 was adopted and S.B. No. 1737, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUDGET AND FINANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 396 (S.B. No. 1738, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 396 was adopted and S.B. No. 1738, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 397 (S.B. No. 1739, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 397 was adopted and S.B. No. 1739, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 400 (S.B. No. 1431, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 400 was adopted and S.B. No. 1431, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HEARING IMPAIRED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 401 (S.B. No. 1445, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 401 was adopted and S.B. No. 1445, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 351, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Aki and carried, S.B. No. 351, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 981, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Aki and carried, S.B. No. 981, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R.

Wong).

Senate Bill No. 15, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 15, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 21, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 21, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF MOTOR VEHICLE REPAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Kuroda). Excused, 1 (R. Wong).

Senate Bill No. 33, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 33, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE TRANSACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

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

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

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 393, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 393, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 443, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 443, S.D. 1, entitled: "A BILL FOR AN ACT

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

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 452, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 452, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 524, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 524, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Matsuura). Excused, 1 (R. Wong).

Senate Bill No. 811, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 811, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 877, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 877, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 956, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 956, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER COMMODITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 158, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, S.B. No. 158, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 216, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, S.B. No. 216, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 432 (S.B. No. 515, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 432 was adopted and S.B. No. 515, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GRANTS FOR CHILD ABUSE AND NEGLECT PREVENTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 434 (S.B. No. 583, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 434 was adopted and S.B. No. 583, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CONTROL FINES AND FORFEITURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 435 (S.B. No. 616, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 435 was adopted and S.B. No. 616, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE DETECTIVE; QUALIFICATIONS FOR LICENSE; GUARD; QUALIFICATIONS FOR LICENSE; FORM OF APPLICATION FOR LICENSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 436 (S.B. No. 980, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 436 was adopted and S.B. No. 980, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCOUNTING OF GOVERNMENT ASSETS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 437 (S.B. No. 1154, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 437 was adopted and S.B. No. 1154, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INNOVATION DEVELOPMENT PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 438 (S.B. No. 1295, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 438 was adopted and S.B. No. 1295, S.D. 2, entitled: "A BILL FOR AN ACT ESTABLISHING A GUANGDONG PROVINCE SPECIAL EXCHANGE PROGRAM AND MAKING AN APPROPRIATION THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 439 (S.B. No. 1367, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 439 was adopted and S.B. No. 1367, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS' BONUS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 440 (S.B. No. 1713, S.D. 2):

On motion by Senator Yamasaki,

seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 440 was adopted and S.B. No. 1713, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT ASSETS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 441 (S.B. No. 1741, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 441 was adopted and S.B. No. 1741, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 443 (S.B. No. 56, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 443 was adopted and S.B. No. 56, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 450 (S.B. No. 1274, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 450 was adopted and S.B. No. 1274, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 451 (S.B. No. 880, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, and Roll Call vote having been requested, Stand. Com. Rep. No. 451 was adopted and S.B. No. 880, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ATTORNEY GENERAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Fernandes Salling,

George, Henderson, B. Kobayashi, Nakasato, Reed and Solomon). Excused, 1 (R. Wong).

Stand. Com. Rep. No. 454 (S.B. No. 1158, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 454 was adopted and S.B. No. 1158, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNSEL AND OTHER SERVICES FOR INDIGENT CRIMINAL DEFENDANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 456 (S.B. No. 1424, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 456 was adopted and S.B. No. 1424, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT-APPOINTED ATTORNEYS AND GUARDIANS AD LITEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 458 (S.B. No. 1708, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 458 was adopted and S.B. No. 1708, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 460 (S.B. No. 1735, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 460 was adopted and S.B. No. 1735, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (George, Henderson, Ikeda, A. Kobayashi and Reed). Excused, 1 (R. Wong).

Senate Bill No. 320, S.D. 2:

On motion by Senator Yamasaki,

seconded by Senator Mizuguchi and carried, S.B. No. 320, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

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

Senator Holt moved that S.B. No. 456, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator McMurdo.

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

"Madam Vice President, this legislation is long overdue. Jet skis have been an increasing problem in my district for years. Last year, the governor approved the special rules for Maunaloa Bay which limited the operation of jet skis. This, however, did not solve the problem for other communities, which are now beginning to feel the impact of these and other new motorized recreational craft.

"I am therefore very pleased to support this bill and I commend the chair of the Tourism and Recreation Committee for his bold approach to this problem. We need to take immediate action to prevent any further accidents such as the tragic one which occurred in Maunaloa Bay last year.

"Madam Vice President, I strongly urge all my colleagues to join me in supporting this legislation."

The motion was put by the Chair and carried, and S.B. No. 456, S.D. 1, , entitled: "A BILL FOR AN ACT RELATING TO THRILL CRAFT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 378, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, S.B. No. 378, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE AND MOPED TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 1749, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried,

S.B. No. 1749, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

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

By unanimous consent, S.B. No. 457, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE USE OF OCEAN WATERS AND NAVIGABLE STREAMS," was recommitted to the Committee on Transportation.

Senate Bill No. 887, S.D. 1:

On motion by Senator Holt, seconded by Senator McMurdo and carried, S.B. No. 887, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RESORT CAMPS AND SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 471 (S.B. No. 516, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 471 was adopted and S.B. No. 516, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 774, S.D. 1:

On motion by Senator Solomon, seconded by Senator Holt and carried, S.B. No. 774, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 285, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, S.B. No. 285, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 420, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, S.B. No. 420, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 549, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, S.B. No. 549, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER DEVELOPMENT CHARGES FOR STATE HOUSING PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 16, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 16, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BANKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 339, S.D. 1:

By unanimous consent, action on S.B. No. 339, S.D. 1, was deferred to the end of the calendar.

At 12:19 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:23 o'clock p.m.

Senate Bill No. 390, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 390, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 526, S.D. 1:

On motion by Senator Cobb, seconded by

Senator Blair and carried, S.B. No. 526, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIFE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 555, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 555, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 565, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 565, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Chang and A. Kobayashi). Excused, 1 (R. Wong).

Senate Bill No. 722, S.D. 1:

By unanimous consent, action on S.B. No. 722, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 802, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 802, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 830, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 830, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN REAL PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 1284, S.D. 1:

On motion by Senator Cobb, seconded by

Senator Blair and carried, S.B. No. 1284, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT LIFE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 1287, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1287, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BANKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 1289, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1289, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 1338, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1338, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Blair and Chang). Excused, 1 (R. Wong).

Senate Bill No. 441, S.D. 1:

By unanimous consent, action on S.B. No. 441, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 525, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 525, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 870, S.D. 1:

By unanimous consent, action on S.B. No. 870, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1001, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1001, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL OPERATORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 545, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 545, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 1288, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1288, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (George and Ikeda). Excused, 1 (R. Wong).

Senate Bill No. 1732, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 1732, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 109, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 109, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO, CIGARS, AND CIGARETTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 350, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 350, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN THE

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

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 727, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, S.B. No. 727, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Mizuguchi). Excused, 1 (R. Wong).

Senate Bill No. 979, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, S.B. No. 979, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 630, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 630, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Mizuguchi). Excused, 1 (R. Wong).

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

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

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 516 (S.B. No. 1190, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 516 was adopted and S.B. No. 1190, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII VISITORS BUREAU," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 517 (S.B. No. 1747, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 517 was adopted and S.B. No. 1747, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 518 (S.B. No. 735, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 518 was adopted and S.B. No. 735, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT OF THE 1990 AMERICA'S CUP IN HAWAIIAN WATERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 520 (S.B. No. 1748, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 520 was adopted and S.B. No. 1748, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VESSEL REGISTRATION FEES AND CHARGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 523 (S.B. No. 35, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 523 was adopted and S.B. No. 35, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN BANKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 991, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 991, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL

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

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 1530, S.D. 1:

On motion by Senator Menor, seconded by Senator Hee and carried, S.B. No. 1530, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 261, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 261, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WHISTLEBLOWERS' PROTECTION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 1740, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1740, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 1657, S.D. 1:

On motion by Senator McMurdo, seconded by Senator Yamasaki and carried, S.B. No. 1657, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A WAIANAE COAST COORDINATING COMMITTEE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 625, S.D. 1:

On motion by Senator Mizuguchi, seconded by Senator Fernandes Salling and carried, S.B. No. 625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERSONNEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R.

Wong).

Senate Bill No. 915, S.D. 1:

On motion by Senator Mizuguchi, seconded by Senator Fernandes Salling and carried, S.B. No. 915, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ATTENDANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 561, S.D. 1:

Senator Hee moved that S.B. No. 561, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Menor.

Senator Reed rose to speak against the measure as follows:

"Madam Vice President, this legislation is unnecessary and would undermine the effectiveness of the grand jury. It takes several cases for the grand jury to become familiar with the process and to cut the period of service from one year down to six months, would slow the process with no result in benefits.

"This bill will also require that the grand jury counsel be present in the grand jury room at all times which is unnecessary since he or she is available immediately adjacent and, as a result, this would encourage an adversarial type of setting which is not what the grand jury is supposed to be. I urge its defeat."

Senator Hee then spoke in support of the measure and said:

"Madam Vice President, Senate Bill 561 will now, once and for all, require accountability to the grand jury on behalf of them having an attorney present.

"At the present time, in grand jury proceedings, the prosecutor is the only attorney in the grand jury room. Therefore, it creates an unfair advantage given to the prosecutor during the proceedings, particularly when grand jury members have sought legal advice.

"In testimony to our committee, it was said that in some cases the grand jury members have asked the prosecutor for advice. By law, the grand jury is provided legal counsel. Heretofore, the counsel has, as a rule rather than the exception, stayed outside of the grand jury room, in some cases, conducting other kinds of private business.

"The counsel retained by the grand jury is from an attorney pool, and the attorneys

have, as a rule rather than the exception, stayed outside and conducted other business and made themselves 'available' should there be any questions.

"In researching this measure, it became clear that the grand jury should have, readily available at their disposal, their own counsel. That is what the law provides.

"In further researching this bill, we found that those attorneys who serve as grand jury counsel get paid \$236 a day or the equivalent of a district court judge. There's absolutely no excuse that the grand jury counsel should not be required to sit in the proceedings regardless of whether the grand jury has a question or not.

"This bill proposes to mandate that the counsel shall be at all times in the grand jury proceedings. It will mandate, and by that mandate, reflect that the prosecutor will no longer have what has been perceived as an unfair advantage.

"I urge all members to vote in favor of this bill."

The motion was put by the Chair and carried, and S.B. No. 561, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRAND JURIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (George, Henderson and Reed). Excused, 1 (R. Wong).

Senate Bill No. 856, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 856, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORGANIZED CRIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 575, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 575, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOBBYING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 827, S.D. 1

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 827, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESS AND

DEFENDANT'S EXPENSES; COST OF EXTRADITION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 781, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 781, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPERSONATING A LAW ENFORCEMENT OFFICER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 391, S.D. 1:

By unanimous consent, action on S.B. No. 391, S.D. 1, was deferred to the beginning of the night calendar.

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

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 568, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF MEDICINE AND SURGERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 833, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 833, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Henderson, Ikeda and Reed). Excused, 1 (R. Wong).

Senate Bill No. 1002:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1002, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Chang, George, Henderson, Ikeda and Reed). Excused, 1 (R. Wong).

Senate Bill No. 1031, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator Cobb and carried, S.B. No. 1031, S.D. 1, entitled: "A BILL FOR

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

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

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

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1224, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 1341, S.D. 1:

By unanimous consent, action on S.B. No. 1341, S.D. 1, was deferred to the beginning of the night calendar.

Senate Bill No. 1526, S.D. 2:

By unanimous consent, action on S.B. No. 1526, S.D. 2, was deferred to the end of the calendar.

Senate Bill No. 431, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 431, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 996:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 996, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 258, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 258, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD, DRUGS,

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

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

At 12:41 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:48 o'clock p.m.

Senate Bill No. 1446, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 1446, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 1132, S.D. 1:

Senator B. Kobayashi moved that S.B. No. 1132, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Reed, in support of the measure, remarked:

"Madam Vice President, just by way of explanation, this bill will simply provide a vehicle for the Department of Health to take action against people who know they are AIDS-infectious and are knowingly exposing other people.

"The Department of Health director, just this morning, told me of another case of that going on in our community and apparently that is not illegal and this bill would at least give the Department of Health authority to get those kinds of people off the street."

Senator Hee then rose to ask if the chairman of the Committee on Health would yield to a question.

The Chair posed the question and Senator B. Kobayashi having answered in the affirmative, Senator Hee inquired:

"Madam Vice President, will you ask the chairman on Health why it would be a felony 'C' for anybody who was tested positively for AIDS? Is it the chairman's position or the committee's position that that person sought the disease?"

Senator B. Kobayashi answered:

"Madam Vice President, the original bill indicated a class C felony. That bill has

been amended so that the class C felony is no longer in the bill. It would not be a class C felony under S.D. 1. Rather, the idea was to structure the bill toward public health and allow the Department of Health to quarantine such an individual. The bill was structured away from a criminal sanction so the class C felony is no longer a part of the bill."

Senator Hee further inquired:

"Madam Vice President, would you ask the chairman on Health how this AIDS victim would be quarantined by the Department of Health?"

Senator B. Kobayashi answered:

"Presently, there is authorization within the Department of Health for quarantine of those with infectious diseases. And so, we have a number of instances already where quarantine has been done for such things as tuberculosis and various other diseases. We have state facilities, for instance, for tuberculosis."

Senator Hee continued to inquire:

"Did the Department of Health testify that they have a facility or an institution where AIDS victims would be quarantined and, if so, how would the family of the victim and the victim himself be compensated with respect to earning a living and taking care of his or her family, if the case may be?"

Senator B. Kobayashi answered:

"The Department of Health does not have a facility to quarantine AIDS victims and there is no expectation that such a facility would be constructed for that exclusive use.

"As to the question of how that victim would provide for his livelihood, I'm sorry I can't really answer that.

"At this point, it is considered that if that person is knowingly transmitting the disease, that person does represent a health hazard and, as such, I think it would be reasonable to expect a quarantine or some sort of method to minimize or eliminate that public health hazard."

Senator Hee continued:

"Madam Vice President, would you ask the chairman how the Department of Health would go about to draw a conclusion that this person knowingly spread the infectious AIDS antibody?"

Senator B. Kobayashi answered:

"Madam Vice President, the department would have to assume that the person who

knowingly has AIDS, and perhaps involved in certain sexual practices or certain drug related practices, would be knowingly transmitting the disease. We have cases on record of individuals who are known to themselves to be a carrier of AIDS who have engaged in such practices — not in Hawaii, I might understand, but in the U.S."

Senator Hee continued:

"If that is the case, Madam Vice President, would you ask the chairman why he doesn't make it a law for people who have AIDS not to engage in sexual activity?"

Senator B. Kobayashi replied:

"Madam Vice President, this bill would have a similar effect with the quarantine."

Senator Hee, speaking against the measure, then remarked:

"I know of no other disease where it is a law to prohibit one from sexual activity, Madam Vice President. I don't know that this is a priority or that the Department of Health will go around checking into bedroom windows, and for these reasons I will vote against this bill."

Senator Reed then rose to say:

"Madam Vice President, I would like to clarify and explain what's going on.

"There have been several documented cases in Honolulu of people who have been tested by the Health Department or by their own physicians, who are known to be AIDS-infectious. Either they have tested positive to the AIDS test and have the antibody or have the virus in the body, or have actually developed the full-blown AIDS and have been counseled by their doctors to stop engaging in sexual activities that will spread that virus, and they have refused to do so.

"The most blatant examples are prostitutes, male prostitutes, who are working in Waikiki who know they have either the AIDS virus in their body or already have AIDS, both of which are infectious, and are refusing to quit working as prostitutes because either they're drug addicts or they simply need the money.

"This is not a quarantine of AIDS victims. This is a quarantine, giving the Department of Health the ability to get people off the street who know that they are transmitting a deadly virus and refuse to stop doing that."

Senator Hee responded and said:

"Madam Vice President, as far as I know, there's a law against prostitution. If AIDS victims are knowingly prostituting

themselves on the streets of Waikiki, then there is correct statutory enforcement on the books. And if the police want to go after these people, then by all means I have no problem with that because that would relate to the law against prostitution.

"I think there is a serious problem we're dealing with here — AIDS with respect to treating them differently. And the draconian measure of the original bill which would make it a penalty, a class C felony, represents the attitude of apparently the Department of Health.

"I think this bill does nothing but undermine the human dignity of society and, as far as I am concerned, it means absolutely nothing because unless the Department of Health would now enter into the AIDS enforcement bureau, it gives them, as far as I am concerned, no basis for enforcing this statute, should it become law."

Senator B. Kobayashi then remarked:

"Madam Vice President, for the record, I should like to note that the Department of Health was not the original introducer or the creator of this bill. Thank you."

Senator Cobb then rose on a point of parliamentary privilege and said:

"Madam Vice President, in the committee report, and I state this more as a matter of drafting rather than as a criticism, in the first full paragraph it says, 'The purpose of the bill is' I think when there is a substantive change as has taken place in this bill, the correct reflection should be: 'The purpose of this bill was to make it a class C felony ...' and then to indicate not only the change but the reasons therefor. I think that would have prevented some confusion.

"I don't offer that as any sort of criticism but only as a matter of drafting style. Thank you."

Senator Hee then remarked:

"Madam Vice President, I just want to note for the record that the discussion which has been ongoing with respect to this bill, if the members will look on the bill itself on line 10, it doesn't say sexual activities. It says, '... knowingly exposes another person to the AIDS virus'

"Now, if a victim of AIDS kisses another person, would that not, as far as the statutory language, expose to another person regardless of whether the virus is 'reasonably likely.'

"I think that is the nature of this bill and I think it's overly broad. If they want to go after the Johns or the women who are

carrying AIDS, we have that statutory strength. If they want to quarantine these victims of AIDS, then they should have the means upon which compensation should be rendered through the department.

"This is a very dangerous kind of Band-Aid approach to a very serious problem in our society.

"Thank you."

Senator Reed further remarked:

"Madam Vice President, the bill says that any activity '... which has scientifically been identified as one by which the virus is reasonably likely to be transmitted ...' was very clearly spelled out by departments of health all over the United States. They would certainly not be at this time, as far as scientific knowledge goes, kissing, but there are several different types of activities that are known to be likely to be spreading it and among them not only sexual activity but also donation of blood that one knows to be contaminated, as another example.

"So there are examples right here in Honolulu of people who are not just 'hookers,' but another example a doctor told me about is a patient that he knows of who knows that he is AIDS-infectious and is angry about it and has told the doctor that he will not use condoms, he will not refrain from sex. His intent is to 'expose as many people as possible before I die.'

"What we're talking about is a small minority of people who are not AIDS victims — they are criminals. And society has a right to defend itself against somebody who wants to shoot you with a handgun or to expose you to a deadly virus, a virus for which there is no cure."

Senator Hee responded and said:

"Madam Vice President, with respect to the previous speaker, I have no differences with respect to society protecting itself. Society should not protect itself based on demons created by fear. There are scientists and there are people who claim to be scientists and of whom have legions of people who would have you believe that AIDS is transmitted by mosquitoes.

"This bill simply mandates ... gives the statutory strength to the Department of Health to carry out something they have no reasonable means to do so.

"If someone is going to make a statement on AIDS then make the statement. If someone wants an individual infected with AIDS to stop sexually transmitting the disease, then say so.

"This bill has no statutory strength as far

as it's written, and I think it is a bad policy and a bad statement on society and it undermines the fabric upon which we live. Thank you."

The motion was put by the Chair and carried, and S.B. No. 1132, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFECTIOUS AND COMMUNICABLE DISEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Fernandes Salling and Hee). Excused, 1 (R. Wong).

Senate Bill No. 1733, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 1733, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 993, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 993, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 994, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 994, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 995:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 995, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 1007, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 1007, S.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 1121, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 1121, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 349, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 349, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 749, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 749, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING AND RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (George, Henderson, A. Kobayashi and Reed). Excused, 1 (R. Wong).

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

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 1126, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE LICENSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 957, S.D. 1:

On motion by Senator Menor, seconded by Senator Hee and carried, S.B. No. 957, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOME DETENTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R.

Wong).

Stand. Com. Rep. No. 577 (S.B. No. 1130, S.D. 2):

On motion by Senator Menor, seconded by Senator Hee and carried, Stand. Com. Rep. No. 577 was adopted and S.B. No. 1130, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Senate Bill No. 998, S.D. 1:

On motion by Senator Holt, seconded by Senator McMurdo and carried, S.B. No. 998, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALE OF HUNTING LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 579 (S.B. No. 1758, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 579 was adopted and S.B. No. 1758, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 580 (S.B. No. 1751, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 580 was adopted and S.B. No. 1751, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 581 (S.B. No. 1727, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 581 and S.B. No. 1727, S.D. 2, was deferred to the end of the night calendar.

Senate Bill No. 1725, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, S.B. No. 1725, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 583 (S.B. No. 1500, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 583 was adopted and S.B. No. 1500, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 584 (S.B. No. 348, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 584 was adopted and S.B. No. 348, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESPIRATORY CARE SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (R. Wong).

Stand. Com. Rep. No. 585 (S.B. No. 1192, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 585 be adopted and S.B. No. 1192, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator McMurdo rose to speak against the measure as follows:

"Madam Vice President, while I am in favor of the Legislature's making the decision for a site, I am not in favor of this site.

"As you know, both Ft. DeRussy and the Ala Wai Golf Course are in my district. Both of them I cannot condone for use as sites because of the concerns of the residents and because of the traffic and the overcrowding. Neither one of them is suitable for a convention center site.

"I don't believe that this bill, although it does address traffic concerns to a certain extent ... let me give you an example. It talks about a bridge across the Ala Wai into

the convention center site. That certainly is far more preferable than going on University Avenue, but it does not address how they're going to get the trucks and the exhibits in. There's nothing to show how you're going to get those from the freeway into this convention center site, and you simply cannot dump any more traffic into the McCully-Moiliili area.

"Furthermore, we have all heard the golfers' concerns and, while there is in the committee report and in the bill some concern for the golfers, I'm not sure they're really convinced on this.

"Back again to the Legislature's choice of a site, I believe that is our prerogative but I don't believe that there's been enough study on this. The two studies on which this bill is based, the Parnell Kerr Forster study and the Legislative Reference Bureau study, neither one of them addressed the social cost, the social impact. Neither one of them addressed the traffic study. They made no EIS and very little was done, especially in the Ala Wai site, to talk to the residents there.

"I also feel that we should have, in preparing to choose a site, looked further than trying to find a convention center site which would 'be within walking distance of the present hotels.' I feel it very unfortunate that not any study was done to show that if you were talking about a new industry site, such as in the area between Kewalo Basin and Honolulu Harbor, that in that case you would be talking about bringing far greater economic benefit to the state and to the tourism industry. If you were looking at an area in which further hotels, further restaurants, or further businesses could be put on state-owned land and without any kind of impact on a residential area, this would bring great economic benefit.

"I hope that the members of this body will consider this — how important it is to make these kinds of studies before we make this kind of decision.

"I will be voting 'no' on this bill. Thank you."

Senator Holt then spoke in support of the measure and said:

"Madam Vice President, I rise to speak in favor of Senate Bill 1192, S.D. 2.

"This bill establishes the primary market orientation of the convention center. It selects a small portion of the Ala Wai Golf Course for the convention center. It creates a Hawaii Convention Center Authority to operate the center; appropriates monies for the center; and appropriates monies to mitigate the adverse effects resulting from the center, which

includes an appropriation to begin the rebuilding of the remaining portion of the golf course.

"Senate Standing Committee Reports 21 and 585 contain sufficient and worthy justification for the selection of a small portion of Ala Wai Golf Course as the site for the convention center and rejection of the other candidates. I would like to summarize the major points and add others.

"The convention center must be orient to other visitor markets because of its high construction costs. Because of the high cost, maximum return to the public must be the primary objective. The convention center, as proposed in this bill, would satisfy this requirement, attracting an additional 130 to 140 million dollars annually into the state economy.

"Aside from this important economic factor, however, the proposed orientation of the convention center will not preclude its use for civic and other local activities which may require such a facility. More realistically, however, for local needs, this area can and should be accommodated at the Blaisdell Center. The present orientation of this facility is primarily toward the local community and it is particularly well suited for this purpose. This factor is recognized in Senate Bill 1192, S.D.2, and funds are further provided to enhance the Blaisdell Center for local needs and activities.

"If, on the other hand, the state were to specify a mixed use orientation for the convention center, it would be in direct competition with the Blaisdell Center. To maintain self-sufficiency, much less profitability, is extremely difficult for a performing arts and exhibition facility in Hawaii. Competition between a new mixed use convention center and Blaisdell Center would adversely affect the taxpayer. One of the facilities, most likely the older Blaisdell Center, will have its business siphoned up to the other and the city will have to increase general fund subsidies.

"After establishment of a market orientation, assessment of existing circumstances, and evaluation on an objective and forthright basis, a small portion of the Ala Wai Golf Course is the most logical choice for the convention center. The site has four major advantages. Of primary importance is the fact that existing activity will not be displaced. The 120 acres remaining after construction of the convention center can and will be rebuilt into a challenging, beautiful and safe 18-hole golf course.

"Taking land from the course has been a highly emotional issue and I can only repeat what I have publicly stated previously, if

the remaining 120 acres cannot be rebuilt to a course equal or better than the existing course, I would recommend rejection of the Ala Wai Golf Course to my colleagues.

"Second of importance, the site is owned by the state and no monies need to be spent on land acquisition. This fact alone will save a tremendous amount of public monies and time necessary to start development of the facility. While the state needs a convention center, we cannot afford to spend hundreds of millions or even tens of millions of dollars for land alone and wait from five to ten years to merely gain title for a site which has never been ranked above the Ala Wai Golf Course on a purely objective basis.

"Third of importance, it is marketable to out-of-state conventioners because of its proximity to Waikiki where lodging accommodations and amenities appealing to visitors are concentrated. More importantly, the site is within walking distance of many hotel rooms, restaurants, and shops, and for this reason it would be much more attractive to convention planners. A small portion of the Ala Wai Golf Course is the most marketable of the sites owned by the state. We cannot for the public interest select a site less marketable.

"Lastly, the combination of the market orientation and proximity to Waikiki will not result in a large volume of vehicular traffic. Most conventioners will walk to the center. A small volume of vehicular traffic movement will be in the Waikiki to mauka direction, and disturbance to local communities on the outskirts of the site should be minimal.

"In response to the previous speaker's remarks, it is the Senate's intent to address the concerns of the Moiliili, McCully, and Kapahulu residents by utilizing the provisions of Section 8(c)(3) on page 10 of the bill to provide the funds necessary to minimize community impact in the surrounding area, and I'll read that section. It says: 'Grants-in-aid or appropriations to other public agencies for off-site improvements which are legislatively declared as necessary to establish, mitigate the adverse effects caused by, or improve the operational efficiency or effectiveness of, the convention center.'

"The House of Representatives and others, it appears, are advocating the position of establishment of a commission to select the site for the Legislature. Madam Vice President, this is wrong. We in the Legislature have been elected to make these types of decisions. We cannot delegate this matter to a commission over which we have no control for the expediency of escaping political pressure. Delegation of our authority would also, I wish to remind my

colleagues in the Senate and the House, reopen consideration of our sites.

"The makeup of the commission could consist of powerful outside forces which would sway the selection on a less than honorable or open basis. Shirking our duty would be embarrassing and unjustifiable before the public. Surrendering to the manipulations of special interests with ulterior motives which do not have the public good at heart and implicit admission of our lack of fortitude. We cannot allow this to happen. We are bound by the public trust; therefore, we must act in accordance with their interest in mind. We must stand strongly united behind Senate Bill 1192, Senate Draft 2.

"I urge all my colleagues to support this bill. Thank you."

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

"Madam Vice President, since mine is one of three pictures along with that of the previous speaker circled in red on the walls of the Ala Wai Golf Club, I would like to add a few remarks in support of what he just said.

"If we are to abrogate our decision-making responsibility to a commission, not only will it be the subject of a special interest decision, not only would it mean that the commission could be picked in favor of a certain site or a certain orientation, but it would be a total abrogation of our legislative responsibility.

"The time for studying is over. We've had two studies already. The commission would only constitute an out-of-government type of study and then recommendation. The time for studying is over. The time for action is now.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 585 was adopted and S.B. No. 1192, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONVENTIONS, TRADE SHOWS, AND OTHER EVENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (McMurdo).

Stand. Com. Rep. No. 586 (S.B. No. 1143):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 586 was adopted and S.B. No. 1143, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGISTRATION," having been read throughout, passed Third Reading on the

following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1170, S.D. 2:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, S.B. No. 1170, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RISK MANAGEMENT AND INSURANCE ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none..

Stand. Com. Rep. No. 588 (S.B. No. 1136, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 588 and S.B. No. 1136, S.D. 2, was deferred to the end of the night calendar.

Stand. Com. Rep. No. 589 (S.B. No. 316):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 589 was adopted and S.B. No. 316, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none..

Stand. Com. Rep. No. 590 (S.B. No. 713, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 590 was adopted and S.B. No. 713, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A STATE CATASTROPHIC ILLNESS FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 591 (S.B. No. 922, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 591 and S.B. No. 922, S.D. 2, was deferred to the end of the night calendar.

Stand. Com. Rep. No. 592 (S.B. No. 882, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 592 was adopted and S.B. No. 882, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEED DISTRIBUTION," having been read throughout, passed Third Reading on the following showing of Ayes

and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 593 (S.B. No. 977, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 593 was adopted and S.B. No. 977, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 594 (S.B. No. 808, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 594 was adopted and S.B. No. 808, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 595 (S.B. No. 716, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 595 and S.B. No. 716, S.D. 2, was deferred to the end of the night calendar.

Stand. Com. Rep. No. 596 (S.B. No. 237, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 596 was adopted and S.B. No. 237, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND AND NATURAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Senate Bill No. 339, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 339, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (B. Kobayashi).

Senate Bill No. 722, S.D. 1:

On motion by Senator Cobb, seconded by

Senator Blair and carried, S.B. No. 722, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 441, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 441, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 870, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 870, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY IN DESIGNATED AREAS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1526, S.D. 2:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1526, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTERS DEFERRED FROM THURSDAY, MARCH 12, 1987

REFERRAL OF HOUSE BILLS

The President made the following committee assignments of House Bills received on Thursday, March 12, 1987:

House Bills	Referred to:
No. 58	Committee on Judiciary
No. 210	Committee on Human Services, then to the Committee on Ways and Means
No. 416	Committee on Public Utilities
No. 533	Committee on Agriculture, Energy and Ocean Resources
No. 541	Committee on Transportation
No. 853	Committee on Human

Services, then to the Committee on Judiciary

Ayes, 23. Noes, none. Excused, 2 (Aki and Young).

No. 884 Committee on Health

THIRD READING

No. 887 Committee on Health

Senate Bill No. 239, S.D. 1:

No. 989 Committee on Judiciary

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, S.B. No. 239, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE INSPECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

No. 1000 Committee on Judiciary

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

No. 1181 Committee on Government Operations, then to the Committee on Consumer Protection and Commerce

Senate Bill No. 584, S.D. 1:

No. 1233 Committee on Agriculture, Energy and Ocean Resources

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, S.B. No. 584, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEALERS IN NEW MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

No. 1270 Committee on Judiciary

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

No. 1324 Committee on Human Services, then to the Committee on Ways and Means

Senate Bill No. 1159:

No. 1331 Committee on Human Services

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, S.B. No. 1159, entitled: "A BILL FOR AN ACT RELATING TO AIRPORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

At 1:24 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

The Senate reconvened at 1:31 o'clock p.m.

Senate Bill No. 27, S.D. 1:

At 1:32 o'clock p.m., on motion by Senator Blair, seconded by Senator George and carried, the Senate stood in recess until 8:30 o'clock p.m., this evening.

By unanimous consent, action on S.B. No. 27, S.D. 1, was deferred to the end of the calendar.

NIGHT SESSION

The Senate reconvened at 8:59 o'clock p.m., with the President in the chair.

THIRD READING

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Senate Bill No. 391, S.D. 1:

Senate Bill No. 448, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 391, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 448, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki and Young).

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

Senate Bill No. 1341, S.D. 1:

Senate Bill No. 521:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1341, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 521, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 603 (S.B. No. 518,

S.D. 2):

On motion by Senator Cobb, seconded by Senator Blair and carried, Stand. Com. Rep. No. 603 was adopted and S.B. No. 518, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (George, Henderson and Reed). Excused, 1 (Young).

Senate Bill No. 815, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 815, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 605 (S.B. No. 986, S.D. 2):

On motion by Senator Cobb, seconded by Senator Blair and carried, Stand. Com. Rep. No. 605 was adopted and S.B. No. 986, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (George and Henderson). Excused, 1 (Young).

Senate Bill No. 1286, S.D. 1:

By unanimous consent, action on S.B. No. 1286, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1098:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1098, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR INSURANCE PRACTICES AND FRAUDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1525, S.D. 2:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1525, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1721, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator McMurdo and carried, S.B. No. 1721, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1153:

By unanimous consent, S.B. No. 1153, entitled: "A BILL FOR AN ACT RELATING TO THE CHILD SUPPORT ENFORCEMENT AGENCY," was recommitted to the Committee on Human Services.

Senate Bill No. 1458, S.D. 1:

On motion by Senator McMurdo, seconded by Senator Yamasaki and carried, S.B. No. 1458, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATION OF ELDERLY ABUSE OR NEGLECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

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

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

Senate Bill No. 288, S.D. 1:

On motion by Senator Blair, seconded by Senator Cobb and carried, S.B. No. 288, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ACCOUNTING AND GENERAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 328, S.D. 1:

On motion by Senator Blair, seconded by Senator Cobb and carried, S.B. No. 328, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL PROVISIONS ON PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

On motion by Senator Blair, seconded by

Senator Cobb and carried, S.B. No. 539, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 588:

On motion by Senator Blair, seconded by Senator Cobb and carried, S.B. No. 588, entitled: "A BILL FOR AN ACT RELATING TO DELINQUENT PENALTIES FOR MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 589:

On motion by Senator Blair, seconded by Senator Cobb and carried, S.B. No. 589, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 590, S.D. 1:

On motion by Senator Blair, seconded by Senator Cobb and carried, S.B. No. 590, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSE PLATES OF STORED VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 593, S.D. 1:

On motion by Senator Blair, seconded by Senator Cobb and carried, S.B. No. 593, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Cobb, Hagino, Holt, Matsuura and Solomon). Excused, 1 (Young).

Senate Bill No. 1024, S.D. 1:

On motion by Senator Blair, seconded by Senator Cobb and carried, S.B. No. 1024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 621 (S.B. No. 1729, S.D. 1):

On motion by Senator Blair, seconded by Senator Cobb and carried, Stand. Com. Rep. No. 621 was adopted and S.B. No. 1729, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 622 (S.B. No. 1765, S.D. 1):

On motion by Senator Blair, seconded by Senator Cobb and carried, Stand. Com. Rep. No. 622 was adopted and S.B. No. 1765, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF PARKS BETWEEN THE STATE AND THE COUNTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 948:

By unanimous consent, S.B. No. 948, entitled: "A BILL FOR AN ACT RELATING TO FISHING RIGHTS AND REGULATIONS," was recommitted to the Committee on Agriculture, Energy and Ocean Resources.

Senate Bill No. 982:

On motion by Senator Matsuura, seconded by Senator Aki and carried, S.B. No. 982, entitled: "A BILL FOR AN ACT RELATING TO NOXIOUS WEED CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 997:

On motion by Senator Matsuura, seconded by Senator Aki and carried, S.B. No. 997, entitled: "A BILL FOR AN ACT RELATING TO SALE OF FISHING LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 481, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Aki and carried, S.B. No. 481, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL MINING LEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 599, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Aki and carried, S.B. No. 599, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REPLACEMENT OF SAND ON PUBLIC BEACHES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 944, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Aki and carried, S.B. No. 944, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 959, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Aki and carried, S.B. No. 959, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1518, S.D. 2:

On motion by Senator Matsuura, seconded by Senator Aki and carried, S.B. No. 1518, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL RESOURCE SUBZONES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1710, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Aki and carried, S.B. No. 1710, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND ANIMAL LIFE, SEEDS AND SOILS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 9:09 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:10 o'clock p.m.

Senate Bill No. 1711, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Aki and carried, S.B. No. 1711, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE PARKS," having been read throughout, passed Third Reading on the following showing of Ayes

and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 501:

By unanimous consent, action on S.B. No. 501, was deferred to the end of the calendar.

Senate Bill No. 436, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 436, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES TO CORRECT REFERENCES TO REPEALED CHAPTER 191, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 734:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 734, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLES II, III, AND XVII OF THE CONSTITUTION OF THE STATE OF HAWAII TO PROVIDE FOR THE INITIATIVE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Chang, Hagino, Holt, Kuroda, Nakasato and Yamasaki).

Senate Bill No. 801, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 801, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PREMARITAL AGREEMENT ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 637 (S.B. No. 787, S.D. 1):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 637 was adopted and S.B. No. 787, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ASSAULTS OF EDUCATIONAL WORKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1067:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1067, entitled: "A BILL FOR AN ACT

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

Ayes, 25. Noes, none.

Senate Bill No. 66:

Senator Hee moved that S.B. No. 66, having been read throughout, pass Third Reading, seconded by Senator Menor.

Senator Ikeda rose to speak against the measure as follows:

"Mr. President, a constituent of mine was recently stopped for an alleged speeding violation. When he appeared to contest the ticket on his appointed court date, he was told that the ticketing officer was on vacation and that another court date would have to be set. I then wrote to the Chief Justice of the Supreme Court asking why the case had not been dismissed. A district court official informed me that '... it is not the standard practice to continue a case just because the officer does not appear. It is a discretionary decision by the judge'

"Mr. President, in this case, where the officer went on a scheduled vacation, if the case was not dismissed the defendant should have at least been informed in advance. He therefore would not have lost two days of work trying to contest one charge.

"I know that people are under the impression, as I was, that if the arresting officer does not show up at the hearing, the case is automatically dismissed. But this is obviously not true. It does not seem equitable to, on the one hand, create additional punishments for the traffic court defendant who doesn't show up, without, on the the other, providing for the dismissal of a case if the arresting officer doesn't show up. Therefore, Mr. President, I'm voting against this bill and I would ask my colleagues to reconsider their support of this measure. Thank you."

The motion was put by the Chair and carried, and S.B. No. 66, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Henderson, Ikeda and A. Kobayashi).

Senate Bill No. 832:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 832, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Blair and Menor).

Senate Bill No. 1138:

On motion by Senator Hee, seconded by Senator Menor and carried, and Roll Call vote having been requested, S.B. No. 1138, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 1, OF THE HAWAII CONSTITUTION, TO CHANGE THE AGE QUALIFICATION FOR VOTING," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 12. Noes, 13 (Blair, Cobb, Fernandes Salling, George, Henderson, Holt, Ikeda, A. Kobayashi, B. Kobayashi, Matsuura, Menor, Nakasato and Reed.

Senate Bill No. 868:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 868, entitled: "A BILL FOR AN ACT RELATING TO NEGLIGENT INJURY AND NEGLIGENT HOMICIDE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chang).

Senate Bill No. 37:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 37, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 10, OF THE HAWAII CONSTITUTION TO CHANGE THE LEGISLATIVE SESSION RECESS REQUIREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 576, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 576, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GIFTS DISCLOSURE STATEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 9:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:25 o'clock p.m.

Senate Bill No. 266:

By unanimous consent, S.B. No. 266,

entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLES III AND V, OF THE HAWAII CONSTITUTION, TO PROVIDE FOR AN ELECTED ATTORNEY GENERAL AND A DEPARTMENT OF THE ATTORNEY GENERAL," was recommitted to the Committee on Judiciary.

Senate Bill No. 797, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 797, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 990, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, S.B. No. 990, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1342, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1342, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1283, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1283, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1395, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1395, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 444, S.D. 1:

On motion by Senator Cobb, seconded by

Senator Blair and carried, S.B. No. 444, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BARBERING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1323, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1323, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED-EQUITY HOUSING COOPERATIVES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1245, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1245, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1278:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1278, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 319:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 319, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DECISIONS OF THE COMMISSIONER OF FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 522:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 522, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLOSED BANKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 632, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 632, S.D.

1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1112:

By unanimous consent, action on S.B. No. 1112, was deferred to the end of the calendar.

Senate Bill No. 978, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 978, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ASBESTOS CONTROL AND LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1079, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1079, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1277, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1277, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL OPERATORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 954, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 954, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CLAIM CONCILIATION PANELS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 341, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 341, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 337, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 337, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE INVESTIGATORS AND GUARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 284, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 284, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 24, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 24, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM BYLAWS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 445, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 445, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 809, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 809, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 492, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, S.B. No. 492, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX INCREMENT FINANCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 546, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, S.B. No. 546, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 934, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, S.B. No. 934, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FACILITATION OF PERMIT PROCESSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1023, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, S.B. No. 1023, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1053, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, S.B. No. 1053, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1160:

On motion by Senator Blair, seconded by Senator Young and carried, S.B. No. 1160, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1643, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, S.B. No. 1643, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ZONING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Blair, seconded by Senator Young and carried, S.B. No. 379, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1145:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1145, entitled: "A BILL FOR AN ACT RELATING TO BALLOTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (George, Henderson, Ikeda and Reed).

Senate Bill No. 1068:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1068, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1163, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1163, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF ATTORNEY GENERAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1146:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1146, entitled: "A BILL FOR AN ACT RELATING TO USE OF FEDERAL WRITE-IN ABSENTEE BALLOT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1156, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1156, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGITIMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1202, S.D. 1:

Senator Hee moved that S.B. No. 1202, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Menor.

Senator Cobb spoke in favor of the bill, with reservations, as follows:

"Mr. President, I'll be voting for this bill but I wanted to share with the members of the Senate some correspondence we had on an identical and previous measure from sometime ago to indicate the reason for my signature 'with reservation.'

"The first is a letter from Donald Bremner who was then serving in 1983 as the executive vice president of the Waikiki Improvement Association. He says, and I quote in a letter, 'If the bill would make the police office culpable under the law, then it would eliminate effective enforcement of the present law. In addition, it would provide a prostitute with leverage when the prostitute and a customer come into a difference of opinion, say about a stolen wallet or other valuables. The prostitute under the proposal would then be able to threaten the customer with prosecution if the customer complained about the theft. And we oppose the bill for these reasons.'

"The prosecuting attorney's submitted language, or testimony, at a similar time, although they were in favor of the concept of the bill, they point out that if both the John and the prostitute were charged for the same prostitution offense, each could, in certain circumstances, claim the Fifth Amendment. But right now, to say anything that might tend to incriminate themselves, the state would be unable to prove its case against either person.

"Mr. Bremner further followed with some additional communication on the same subject saying, 'If the bill became law and it made policemen prosecutable, the police enforcement agent against prostitutes would be non-existent since an officer would be asked to break the law to enforce it.' While understanding these problems, I nevertheless support the concept that both parties should be equally culpable, but I hope these concerns are addressed in the other house. Thank you."

Senator Hee, also in support of the measure, remarked:

"Mr. President, I rise to speak in favor of the measure. This bill effectively allows the police department to shift the focus from the 'hooker' to the 'hookee.' (Laughter) And from the looks of the way the voting is going tonight, it looks like I might be the 'hookee.'

"Nonetheless, Mr. President, this bill allows the police to set up sting operations and/or go after the John's. It will allow the

police to go into that area called Waikiki of which 100 percent of all the John's are tourists. It allows us to effectively upgrade the quality of tourism in Hawaii. Thank you."

The motion was put by the Chair and carried, and S.B. No. 1202, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George).

Senate Bill No. 1753, S.D. 1:

On motion by Senator Holt, seconded by Senator McMurdo and carried, S.B. No. 1753, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 162:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, S.B. No. 162, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 241, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, S.B. No. 241, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 156, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, S.B. No. 156, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALVAGED VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1172, S.D. 1:

By unanimous consent, action on S.B. No. 1172, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 688 (S.B. No. 1442, S.D. 2):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 688 was adopted and S.B. No. 1442, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1474:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1474, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Blair, Chang, Fernandes Salling, George, B. Kobayashi and Menor.

Senate Bill No. 1141, S.D. 1:

By unanimous consent, S.B. No. 1141, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was recommitted to the Committee on Judiciary.

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

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1095, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS TO PROCEED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1137:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1137, entitled: "A BILL FOR AN ACT RELATING TO WRITE-IN VOTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Fernandes Salling, George, Ikeda, A. Kobayashi, B. Kobayashi, Kuroda, Nakasato).

Senate Bill No. 1142:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1142, entitled: "A BILL FOR AN ACT RELATING TO PRECINCT OFFICIALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (George, Henderson, Ikeda, A. Kobayashi and Reed).

Senate Bill No. 464, S.D. 1:

On motion by Senator Hee, seconded by

Senator Menor and carried, S.B. No. 464, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII STATE CONSTITUTION, TO REQUIRE SENATE CONFIRMATION OF DISTRICT COURT JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

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

Senate Bill No. 1262, S.D. 1:

On motion by Senator Young, seconded by Senator J. Wong and carried, S.B. No. 1262, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 697 (S.B. No. 69, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 697 was adopted and S.B. No. 69, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 698 (S.B. No. 154, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 698 was adopted and S.B. No. 154, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A COMPUTERIZED FINGER PRINT IDENTIFICATION SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 490, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, S.B. No. 490, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading on

the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 700 (S.B. No. 5, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 700 was adopted and S.B. No. 5, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF CORRECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 701 (S.B. No. 1307, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 701 be adopted and S.B. No. 1307, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

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

"Mr. President, this measure has a lot of memories for me. A few days ago, I mentioned it in tribute to the late Representative Richard Kawakami, and I just want to share with you my experiences with Representative Kawakami on the water code.

"Seven years ago, Richard planted the first seed in me in regards to the water code, and that little seed developed into a bill that I introduced. At that time, Representative Carol Fukunaga said, 'Richard, your bill has united all of the water agencies against that bill.' It was intended to do just that and that was the beginning of my involvement. Richard's involvement in the water code started ten years prior to that and if you read the water code, you will see his handiwork, his ideas and concerns in this water code.

"Today, I would like to read the last paragraph of the Senate committee report. I would like to read this and point out that this paragraph was written by staff members who were very close to Richard, and one of them was Mrs. Mona Sakata Ho of Senator Yamasaki's staff because Richard used to kid around with her a lot. At this time, I would like to read that paragraph:

'Finally, the Committee on Ways and Means recognizes and pays tribute to the late Richard A. Kawakami, Speaker of the House of Representatives of the Fourteenth Legislature of Hawaii, for his contribution in laying the basic foundation for S.B. No. 1307, S.D. 2, relating to the

State Water Code. As Chairman of the House Water, Land Use, Development and Hawaiian Affairs Committee from 1971 through 1980, Richard A. Kawakami laid the basic foundation for S.B. No. 1307, S.D. 2. As Speaker of the House, he personally asserted his strong conviction and desire and immediate enactment of the water code. His vision and foresight of a state water code on behalf of all the people of Hawaii is truly appreciated, and your committee acknowledges Speaker Richard A. Kawakami's years of dedicated service and contributions. He was a good and wise man.'

"Thank you very much."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 701 was adopted and S.B. No. 1307, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 702 (S.B. No. 1658, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 702 be adopted and S.B. No. 1658, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Hee rose to ask if the Chair would inquire of the chairman of the Ways and Means Committee if the Office of Children and Youth and the Executive Office on Aging were among those positions included in the executive pay raise bill in 1986.

Senator Yamasaki answered:

"I believe they were."

Senator Hee then spoke in support of the measure as follows:

"Mr. President, in that case, I will rise to speak in favor of this bill with some very strong reservations based on my undying faith in the chairman of Ways and Means. Although the bill calls for a one dollar appropriation, I have some very strong reservations about both offices inasmuch as, as long as I have been here I haven't been able to figure out what those two offices do, what they stand for, what kind of functions they perform and if, in fact, they really are necessary as part of the governor's cabinet office.

"It would seem to me much more appropriate if these two offices were either dealt with as Senate Bill 220 calls for or redeployed in other state departments.

Because, however, of my faith in the Committee on Ways and Means, I will yield to the recommendation and hope that in the end result these two offices receive no pay raise.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 702 was adopted and S.B. No. 1658, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SALARIES AND MAKING AN APPROPRIATION THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1387:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, S.B. No. 1387, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 704 (S.B. No. 1712, S.D. 3):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 704 was adopted and S.B. No. 1712, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 705 (S.B. No. 1443, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 705 was adopted and S.B. No. 1443, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPOINTMENT OF COUNSEL FOR INDIGENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 488, S.D. 1:

By unanimous consent, action on S.B. No. 488, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 707 (S.B. No. 88, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand.

Com. Rep. No. 707 was adopted and S.B. No. 88, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JURORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 708 (S.B. No. 537, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 708 and S.B. No. 537, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 709 (S.B. No. 432, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 709 was adopted and S.B. No. 432, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 710 (S.B. No. 1147, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 710 be adopted and S.B. No. 1147, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Reed rose to speak against the measure as follows:

"Mr. President, this is a well intended but misguided idea. Senate Bill 1147 would establish a review commission to decide whether certain campaign practices are or not unfair. In the first place, this legislation is unnecessary. The civil courts already provide protection and remedy via libel and slander suits. It is also important to note that the commission, as proposed by this bill, would be appointed by the governor. The commission members would therefore be expected to referee a campaign between a gubernatorial candidate and the incumbent governor who appointed them to the commission.

"It's easy to foresee such a committee responding negatively to the campaign accusations well within the bounds of free speech. To establish a politically aligned commission to decide what can and cannot be said during a campaign could become a form of government censorship. I'm voting against this bill."

Senator Cobb then spoke in support of the measure as follows:

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

this bill and do so very strongly as a recent witness of an active bystander in the last election in which an active smear was conducted.

"If you read the bill, two members of the commission, at least two members, would be members of the minority party and if other parties qualify they would also be eligible. But I think we need to take some strong steps to discourage the kind of smears that we had in 1986.

"If anything, 1986 will go down in Hawaii history as the year of the smear and I hope we don't see such a spectacle in the future. Any steps that we can take that are constitutional to prohibit or discourage such practices, I think we should be willing to do so. Elections and campaigns should be decided on the issues not on the innuendos against any particular candidate. Thank you."

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

"Mr. President, as the chairman of the primary committee on this bill, I rise to speak in favor of it, particularly on page 9, section 11 of the bill, which says, 'The commission shall hold a public hearing within twenty-four hours of its decision to hear a complaint, or as soon thereafter as reasonably possible.' This section is specifically there because of the Sunday press conference by the candidate that is behind of which the candidate that is ahead has no means to respond by Tuesday's election.

"This bill sets forth once and for all that these willy-nillies, as I called them in the committee, will rear their ugly heads every two years between June and November will now answer within 24 hours and the commission will make their findings public. Thank you."

Senator Henderson then asked the Chair if the chairman of the primary committee would yield to a question. The Chair posed the question and Senator Hee having answered in the affirmative, Senator Henderson inquired:

"As I understand this bill, it has a commission that is in place 365 days a year for how long their appointment is. Is that correct?"

Senator Hee answered:

"That may be an amendment by the second committee. That was not the intention of the primary committee."

Senator Henderson further inquired:

"I understand that this commission will

have a staff that will be employed without regard to Chapters 76 or 77? Is that correct?"

Senator Hee answered:

"That is correct."

Senator Henderson continued to inquire:

"What is this staff to do when we're not having an election?"

Senator Hee answered:

"As I indicated earlier, when it left the primary committee, this commission was to exercise its jurisdiction during campaigns."

Senator Henderson continued:

"Why wouldn't this be a proper function of the Ethics Commission?"

Senator Hee answered:

"During the testimony from the Campaign Spending Commission, it was mentioned that perhaps the Campaign Spending Commission should be involved. The problem with the Ethics Commission is, as presently under law, the Ethics Commission's proceedings are in confidence. What this bill set out primarily to do was to respond within 24 hours of the last minute smear charges which occur on a Saturday or Sunday before Tuesday's election, to deal with it swiftly to come up with a conclusion of fact, and if there is no basis for the alleged smear, to make them public."

Senator Henderson continued:

"Mr. President, will you ask the chairman why couldn't the court system do that?"

Senator Hee answered:

"Because the courts don't as a habit respond within 24 hours."

Senator Henderson continued:

"If we passed a law to ask them to do that, couldn't they?"

Senator Hee replied:

"After we pass this law, we won't need to pass that law."

Senator Henderson, against the measure, then remarked:

"My problem with this bill, Mr. President, is that we are creating another agency that is going to be inactive except during elections, and it seems to me that to hire a staff and to have people sitting around waiting for somebody to smear somebody

else doesn't make any sense.

"It would seem to me this could be handled better, either having the Ethics Commission handle this matter or have the courts on an expeditious basis address these problems. It seems to me that we're creating another big agency for a bureaucracy to try and correct something that could be addressed in another way.

"I would say that this bill doesn't make any sense; that there are other ways that this could be addressed. I would urge a 'no' vote on this issue. Thank you."

Senator Hee then rose to respond:

"Mr. President, let me remind the members on this floor that this bill and its intent, as far as I'm concerned, is solid. It sets forth a commission to respond immediately to last minute smears that always occur during campaign seasons.

"As originally intended, this campaign commission would only have been functioning during campaign seasons. If the previous speaker has a problem with a full-time commission, then I would suggest that the members on this floor can reflect those feelings in the House."

Senator Cobb further remarked:

"Mr. President, before the year of the smear last year, a commission of this kind may not have been justified. After that experience, I think there's one heck of a justification, and I hope that it will have a deterring effect on any future campaigns like we saw last year. I urge every member to support this bill. Thank you."

Senator Chang also spoke for the measure and said:

"Mr. President, I would just like to note that, by the provisions of the bill, there is no requirement that year round staff be employed. The provision merely permits the commission to employ or contract, as the commission may see fit, 'necessary staff for the performance of its functions' and 'the commission may dismiss any person or terminate the contract at its pleasure.' It is perfectly plausible that the commission will employ staff only during the period in which it finds its performance necessary."

Senator Henderson responded and said:

"Mr. President, I would suggest that I have never seen a government agency or department that didn't hire staff when they had the opportunity to do so."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 710 was adopted and S.B. No. 1147, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FAIR CAMPAIGN PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 711 (S.B. No. 711, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 711 and S.B. No. 711, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 712 (S.B. No. 398, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 712 was adopted and S.B. No. 398, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 713 (S.B. No. 1315):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 713 was adopted and S.B. No. 1315, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 714 (S.B. No. 1484, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 714 be adopted and S.B. No. 1484, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

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

"Mr. President, it is high time that the people of our state were given a chance to express their feelings about the way educational policy is set for our schools. In its testimony before the Senate Education Committee, the Board of Education stated that: 'Delegates to two constitutional conventions have examined the merits of an elected board and have placed the governance issue before the public for a vote.' And the testimony concluded: 'The public's response is very clear — they want an elected board.'

"Mr. President, I think the issue is anything but clear. People are very concerned about the condition of our public schools and the quality of our children's

education. People are also concerned about the lack of continuity in the executive leadership of the Department of Education. The board has been replacing superintendents of education every two years. This provides for no continuity in leadership and this extends to the district and even the school level since all administrative positions — including principals — are approved by the board. As a result, morale is at a new low in our schools.

"If we are to truly strive for excellence in education, we must re-examine our governing structure. This commission is an excellent way to get an overall, objective view of the pros and cons of alternative educational structures. I look forward to receiving the commission's recommendations with enthusiasm and commend the chairman of the Education Committee for his wisdom."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 714 was adopted and S.B. No. 1484, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A TEMPORARY COMMISSION ON EDUCATIONAL GOVERNANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 715 (S.B. No. 1292, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 715 was adopted and S.B. No. 1292, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ikeda).

Stand. Com. Rep. No. 716 (S.B. No. 359, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 716 was adopted and S.B. No. 359, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 9:58 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:05 o'clock p.m.

Stand. Com. Rep. No. 717 (S.B. No. 1140, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 717 was adopted and S.B. No. 1140, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Cobb). Excused, 2 (Chang and Hee).

Stand. Com. Rep. No. 718 (S.B. No. 361, S.D. 3):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 718 was adopted and S.B. No. 361, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Cobb). Excused, 2 (Chang and Hee).

Senate Bill No. 1164, S.D. 1:

On motion by Senator Hagino, seconded by Senator Nakasato and carried, S.B. No. 1164, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang and Hee).

Senate Bill No. 619, S.D. 1:

On motion by Senator Hagino, seconded by Senator Nakasato and carried, S.B. No. 619, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATION OF PRIVATE CESSPOOL PUMPING FIRMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang and Hee).

Stand. Com. Rep. No. 721 (S.B. No. 1435):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 721 was adopted and S.B. No. 1435, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 6 (George, Henderson, Ikeda, A. Kobayashi, Matsuura and Reed). Excused, 2 (Chang and Hee).

Stand. Com. Rep. No. 722 (S.B. No. 911, S.D. 1):

By unanimous consent, Stand. Com. Rep.

No. 722 and S.B. No. 911, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG TESTING," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 723 (S.B. No. 634, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 723 was adopted and S.B. No. 634, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang and Hee).

Senate Bill No. 183, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 183, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang and Hee).

Senate Bill No. 307, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 307, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JOB APPLICATION PROCESSING FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang and Hee).

Senate Bill No. 308:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 308, entitled: "A BILL FOR AN ACT RELATING TO APPRENTICESHIP INFORMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang and Hee).

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

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 309, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang and Hee).

Senate Bill No. 312:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 312, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang and Hee).

Senate Bill No. 310:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 310, entitled: "A BILL FOR AN ACT RELATING TO THE BOILER AND ELEVATOR SAFETY LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Menor).

Senate Bill No. 505:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 505, entitled: "A BILL FOR AN ACT RELATING TO ANNUITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1000:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1000, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1072, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1072, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATION OF HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1083, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1083, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW,"

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

Ayes, 25. Noes, none.

Senate Bill No. 1174, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1174, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1165, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1165, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1176, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1176, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

Senate Bill No. 1370, S.D. 1:

Senator Nakasato moved that S.B. No. 1370, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Henderson then rose to ask if the chairman of the Labor and Employment Committee would yield to a question. The Chair posed the question and Senator Nakasato having answered in the affirmative, Senator Henderson inquired:

"Does this only apply to employees in public works or are employees in the

private sector covered also?"

Senator Nakasato answered:

"This bill is just for the public works."

Senator Henderson further inquired:

"Why are not the private sector employees covered also?"

Senator Nakasato answered:

"I think we already have a bill for that. As I understand, the private sector does hire summer employees on a less than prevailing wage."

Senator Henderson said:

"Okay, thank you."

The motion was put by the Chair and carried, and S.B. No. 1370, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAGES AND HOURS OF EMPLOYEES ON PUBLIC WORKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ikeda).

Senate Bill No. 1371, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1371, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1377, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1386, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1388, S.D. 1:

On motion by Senator Nakasato, seconded

by Senator B. Kobayashi and carried, S.B. No. 1388, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1389, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1389, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1399, S.D. 1:

Senator Nakasato moved that S.B. No. 1399, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Henderson then rose to ask if the chairman of the Labor and Employment Committee would yield to a question. The Chair posed the question and Senator Nakasato having answered in the affirmative, Senator Henderson inquired:

"Does this provision apply to the private sector?"

Senator Nakasato answered:

"Yes, it does."

Senator Henderson further inquired:

"It does apply?"

Senator Nakasato answered:

"As far as I know, it does apply."

Senator Henderson continued to inquire:

"Where is it in the bill that says that?"

At 10:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:22 o'clock p.m.

Senator Nakasato then replied:

"Mr. President, to Senator Henderson, I stand corrected. It is for public works. It is the Little Davis-Bacon Act, a legislation of the Big Davis-Bacon Act."

Senator Henderson said:

"I was confused too. Thank you very

much."

The motion was put by the Chair and carried, and S.B. No. 1399, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS ON PUBLIC WORKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1504, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1504, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1508, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1508, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (George, Henderson and Reed). Excused, 1 (Kuroda).

Senate Bill No. 1702, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1702, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES OF THE LIEUTENANT GOVERNOR'S OFFICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1742:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, S.B. No. 1742, , entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 10:24 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:25 o'clock

p.m.

MATTERS DEFERRED FROM
EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 581 (S.B. No. 1727, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 581 be adopted and S.B. No. 1727, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Ikeda rose to speak against the measure as follows:

"Mr. President, the Department of Health is taking the position that those who do not support fluoridation are either ill-informed or anti-fluoridation fanatics. As a result of my questions regarding fluoridation, I've been bombarded with informational packets and visits from representatives of the Department of Health, determined to inform me on the issue. I've read the information and conducted additional research on my own. I feel I am well informed and yet I still have many serious concerns which I feel have not been adequately addressed, and I would like to share those concerns with the members of the Senate.

"One of my greatest concerns, Mr. President, is that we do not know how fluoride will react with other chemical and mineral elements already in our water. In fact, we don't even know with any certainty what other kinds of chemicals or what quantities are in our water. I am extremely concerned about the reaction between fluoride and one of the many chemicals, especially pesticides, which have been discovered in our water to date. And I am not reassured by the health director's statement that since other areas with fluoridated water also have pesticide contamination, we need not worry about possible adverse effects.

"Given the Department of Health's past record, I have no confidence in their ability either to detect chemicals in our drinking water or to analyze the reaction between different chemicals in our water, or to accurately predict the cumulative effect of those chemicals in our bodies.

"I would like to remind this body that just a few weeks ago this state was in a furor over the use of tributyltin butyl paint on the hulls of Navy ships in Pearl Harbor. I have been told that neither the tin, which helps to bond the paint, nor the butyl, a synthetic rubber in this paint, has toxic qualities, but that each paint also contains a poison which is the active ingredient in retarding barnacle growth. One of these paints is tributyltin butyl fluoride, and oxidation of

the butyl will allow trace amounts of fluoride to seep into our ocean. The amount is very small but it is enough to harm marine life and, subsequently, the use of this paint has been banned in different countries and harbors around the world.

"Mr. President, I find it ironic that we protest the use of this paint by the Navy and yet the amounts of fluoride, which would run off into our ocean from fluoridated water, could have a far greater impact on our delicate ocean environment than the slow seepage of fluoride from the paint on Navy ships.

"We also need to consider the people who are highly sensitive to fluoride and would have a reaction even to the point seven (.7) parts per million level planned for our water. We simply do not have sufficient data to know how serious their reaction would be to fluoridated water. The proponents of fluoridation say that these allergic type reactions have not been substantiated, but this does not mean that they do not exist. Anyone who has ever been to an allergist, as I have, knows that their methods are often less than precise, and we have heard from several dentists who have seen severe reactions to fluoride and have warned against fluoridated water for that reason.

"Finally, Mr. President, I am concerned about the removal of the referendum section of the bill. Senate Draft 1 would have allowed each community to express its feelings on fluoridation through an official voting process. This has been deleted, however, in favor of a mail ballot system, public meeting or other unspecified method of assessing public sentiment. Any method beside the referendum vote will only create a questionable set of statistics. It is my understanding that, under the mail ballot system, one ballot would be sent out with each water bill. This would mean only one vote per household in spite of the number of registered voters residing there, even if it were a condo with hundreds of residents.

"Furthermore, no matter what method is used to assess public sentiment, there is no established procedure in this bill for taking public sentiment into account. The director of health is given the discretionary power to approve or disapprove fluoridation plans submitted by the water authorities, but there are no guidelines specifying what will be considered in making those decisions. Since the title of this bill is, 'Relating to Required Fluoridation of Water Supplies,' I wonder if the director even has the authority to not fluoridate any water supply, especially since there is nothing in this bill which clearly states that if the people of any county, municipality, or community reject fluoridation that the director will not mandate fluoridation of their water supply.

"I would also like to point out that even the Board of Health, when considering this issue, was deadlocked on the vote and that the chairperson broke the tie in favor of fluoridation. So obviously, Mr. President, this is not a cut and dried question.

"I would like to make it clear that I am not against the use of fluoride but that there are other alternatives to fluoridating the water supply. I use a fluoride toothpaste, myself, and always made sure that my children took fluoride tablets even as an additive to their milk when they were babies. But those decisions were mine alone. There was no 'Big Brother' government mandating the care of my family's health.

"I think that if the Department of Health is truly concerned about the condition of our children's teeth, then it should make dental health a top priority and institute a major nutritional dental care campaign. I would far rather spend additional funds on dental health, including the free distribution of fluoride tablets, vitamins or whatever, than to so drastically invade the individual rights of our citizens by mandating fluoridation of their water supply.

"This is definitely an issue that the people themselves should decide. Freedom of choice is the bottom line. Mr. President, I urge you and my colleagues to join me in voting 'no' on this bill."

Senator B. Kobayashi, in support of the measure, remarked:

"Mr. President, I would agree with the previous speaker that the majority of the people should decide. It has been our intention and that of the Department of Health that a majority of people of the general public would have their majority views followed as to whether their water would be fluoridated or not. It is still that intention.

"I would make a commitment to this body that should we move this bill over, we will go into conference committee because, number one, the House drafts are quite different from ours, and number two, the committee chairman on the House side on Health has said that he would go into conference.

"With that assurance, I would say that I would not move a bill out of conference which does not contain in the bill itself, not in the committee report, a clear statement that the majority of the general public of a given water area would be able to decide whether their water is fluoridated or not.

"As to the other comments made by the previous speaker, let me review briefly some of the material that we have about

fluoridation.

"First of all, fluoridation is common in the United States. Approximately 120 million people in the United States drink fluoridated water from a public water system. Of the 50 largest cities in the United States, 41 of those cities have publicly fluoridated water systems. These cities are of immense size and just for examples they include: New York City; Chicago; Philadelphia; Detroit; Dallas; Baltimore; Washington, D.C.; Miami; Indianapolis; Seattle; San Francisco; Denver; a great many cities.

"Several cities amongst the largest 50 in the United States do not have fluoridated water. The most obvious to many of us would be Los Angeles and San Diego. Both do not have fluoridated water systems because both get much of their water from the Colorado River which has naturally fluoridated water.

"The point, nonetheless, is that this idea of fluoridation is not an experiment. It is common throughout the United States and it is common amongst millions and millions of people and not just for a few years. Fluoridation is something that has occurred in the United States starting in the '40's and was in vogue beginning in the '50's. Many of the cities that I named had their waters fluoridated in the '50's and in the '60's, so they have had decades of experience with fluoridated water and throughout the United States the various concerns about the dangers of fluoridation have not been shown.

"I would note further that fluoridation is endorsed by a very large number of organizations which represent what I think would be a credible source of guidance and recommendation. They include: The American Academy of Allergists, The American Academy of Pediatrics, The American Association of Dental Schools, The American Cancer Society, The American Dental Association, The American Dental Health Society, American Diabetes Association, American Heart Association, American Legion, American Nurses Association, American Medical Association, American Pharmaceutical Association, American Public Health Association, and many others.

"In Hawaii, virtually all of these counterpart organizations on the Hawaii State level have made similar endorsements and we have had distributed, at least to committee members and certainly available to anyone else, a list of those organizations for you.

"I would note that the question of safety has been brought up many times and let me read a couple of comments to you. This is from 'Consumer Reports' that made a

specific two-article attempt to shed light on this issue. 'Consumer Reports' states: 'The simple truth is that there's no scientific controversy over the safety of fluoridation. The practice is safe, economical, and beneficial.'

'We have statements from U.S. Surgeon General C. Everett Koop, that says, 'No sound evidence exists which shows that drinking water with various concentrations of fluoride found naturally in public water supplies in the U.S. has any adverse effects on general health.' And he further makes a comment that, 'No studies show that drinking water with added fluoride has adverse impact on general health.' Recently, U.S. Surgeon General C. Everett Koop stated that as a reaffirmation of his statement, 'I urge all health officials and concerned citizens to join me in this commitment and in the task of achieving water fluoridation for all community drinking water supplies which lack the fluoride content needed for prevention of dental caries.'

'I would note that we have a statement here from a representative of the U.S. Public Health Service: 'Numerous studies have shown that consumption of fluoride in community water supplies at the level recommended for optimal dental health has no harmful impact on humans. For generations, millions of people have lived in areas in the United States where fluoride is found naturally in the drinking water in concentrations as high or higher than recommended to prevent dental caries. Extensive research conducted among these groups confirms the safety of fluoride in the water supply. Because there is no difference between fluoride which is present naturally and that which is added to the water supplies, residents of communities which fluoridate their water can be assured of its safety.'

'Further, the most prestigious American medical journal, the 'New England Journal of Medicine,' has reported that fluoridation is safe and I quote: 'Fluoridation of community water supplies is safe, practical, economical and beneficial, costing about 10 to 40 cents a year, per capita.'

'In the report done by the 'Consumer Reports,' they go over a number of claims regarding fluoride, and a few which you might have heard about talk about fluoride as a poison. The 'Consumer Reports' claim that this is not valid. The claim about fluoride causing birth defects is also refuted. The claim that fluoride contributes to heart disease is refuted. A claim that fluoride is mutagenic — causes genetic changes — is refuted. Another claim that fluoride causes allergic reactions is refuted.

'I might note that the American

Academy of Allergists supports fluoride and states: 'There is no evidence of allergy or intolerance to fluoride as used in the fluoridation of communal water supplies.'

'In another statement, the Department of Health has stated that there had been no cases of allergic reactions to fluoride reported amongst the 100 million persons in the U.S. who consumed fluoridated water. Further, 'No allergy has been reported amongst people in contact with sea water which contains approximately 1.4 parts per million fluoride.'

'I would note that sea water contains approximately 1.2 to 1.4 parts per million of fluoride and that the question of seepage of city water into this very large base, I think, is not of concern because that sea water is already fluoridated and to a much greater degree than would be found in our drinking water. In effect, the sea water would be diluted by water containing less fluoride than sea water itself contains.

'I might note also that one of the most fluoridated of normally consumed items in the world is tea. We probably have our share of tea drinkers here in Hawaii, and tea drinkers have not been found to have had any adverse effects to fluoride.

'Let me further assure people that we have found support about no allergic reaction to fluoride from the American Academy of Sciences and the World Health Organization.

'In another statement here from the Department of Health, we have this: 'In communities fluoridated for many years there is no record of an increase in allergic reactions. Even in cities with naturally fluoridated water in excess of the recommended amounts, allergies are not more prevalent. There has been no cases of sensitivity confirmed amongst the 120 million persons in the United States who consume fluoridated water. No allergy has been reported amongst the millions of tea drinkers in England.'

'I would note for the record that we have heard a good many claims relating to fluoridation of water and dental damage, bone damage, cancer, genetic mutations, heart disease, AIDS, allergies. I believe that these are reports that represent people's truest beliefs. Nonetheless, good, sound, scientific evidence and all available information suggests that these reports are not consistent with what we generally know about fluoride amongst the millions and millions of people who daily consume fluoridated water in the United States.

'In conclusion, I would say that we have for many years talked about fluoridation; we have talked about its advantages and

disadvantages. I would suggest that the advantages are a decidedly 'A+' in terms of cost, in terms of safety, and in terms of benefit to the people of Hawaii. The concerns related to whether fluoridated water should be imposed, I think, touch a very sensitive nerve in any democracy and it has been largely through the urgings of the Department of Health and in particular its director, Dr. Jack Lewin, that the amendment was originally added to allow for public sentiment to guide or not guide the fluoridation of water.

"Dr. Lewin has had an unusual experience in a prior job. He was medical director of the Navajo nation when approximately a quarter of a million Navajo people had their public water supply fluoridated. That experience, he said, led him to believe that fluoridation is safe. I would, therefore, urge all members to vote in support of this bill. Thank you."

Senator Cobb, speaking against the measure, remarked:

"Mr. President, I'm going to be voting 'no' on this bill although I have remained silent publicly up until this point, but I would like to outline very briefly some of the reasons why and express concerns in the event we should see this measure again.

"First of all, is the reason that is stated on page 2 of the committee report that the bill was amended 'by deleting public referendum as a method of assessing public sentiment in support or opposition to fluoridation, based on a recommendation of the Department of Health, and has provided for greater flexibility in making this determination.'

"One of the previous speakers mentioned that if a postcard or mail ballot was conducted on the basis of water meters then a condominium would receive only one such ballot. I frankly resent that. I live in a condominium with over 450 residents and for us to have our vote diluted that way, regardless of how they wanted to vote, would not be an exercise in democracy.

"If we're talking about an exercise in democracy, Mr. President, there is no substitute for a referendum vote. We as Senators are not elected based on a mail ballot sent to our addresses or sent to our water meters. We're elected in an election.

"I think it is way out of line; in fact, very surprising that the Department of Health has threatened publicly to go ahead and fluoridate water if this bill is not passed. I think that's an irresponsible statement and I call upon them to retract that threat, publicly, because the decision of whether or not to fluoridate our water supply properly rests for the legislative body. And I don't

think any department should be making statements or threats like that and I am appalled that they've done it and I publicly call upon them to retract that threat.

"Second, the House draft does not have referendum either, so despite the assurances of the chairman, my concern is that if a referendum is not clearly provided for in either House draft it may not be added in a conference committee.

"Mr. President, we very often complain about the lack of voter participation. I think one of the reasons for that lack of participation is the lack of referendum issues on the ballot, and I would like to see more issues decided by referendum so that we will remember that our ultimate power comes from the people and that they should have a right to decide a question such as this.

"Who are we to say, 'we know better,' and to impose this, regardless of how people feel, regardless of the amount of information, regardless of the number of distinguished and prestigious scientific organizations that tell us that fluoridation is good. I think that the people ultimately have the right to decide.

"Unless a clear statement in the bill, not the committee report, mandating a referendum is included, I cannot support this measure. Thank you, Mr. President."

Senator McMurdo, in support of the measure, remarked:

"Mr. President, two quick remarks because I see the clock is moving on.

"First of all, on page 4 where it discusses the various ways in which the public can express itself, it talks not only about the water bill and the ballot of the community and by public meetings, it also says, '... or by any method which would reasonably reflect the sentiments of the area or subdistrict.'

"Now, nobody in this Senate or even in this Legislature is any stronger for the IRR than Mary Jane McMurdo, and I think you all know that, but I do not see that this precludes using the referendum. I think it has added some other ways, and the Senator of the Health Committee has said that they would see that the referendum was put back in the bill and I would urge a 'yes' vote on this. Thank you."

Senator B. Kobayashi then replied:

"Mr. President, for the record, I am told that the final version of the House bill on this subject does include county referendum. Thank you."

The motion was put by the Chair and carried, and Roll Call vote having been requested, Stand. Com. Rep. No. 581 was adopted and S.B. No. 1727, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REQUIRED FLUORINATION OF WATER SUPPLIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Cobb, Hee, Holt, Ikeda, A. Kobayashi, Matsuura, Menor, Nakasato, Reed and Solomon).

Stand. Com. Rep. No. 588 (S.B. No. 1136, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 588 was adopted and S.B. No. 1136, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESIDENTIAL PREFERENCE PRIMARY ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (George, Henderson, B. Kobayashi, Kuroda and Reed).

Stand. Com. Rep. No. 591 (S.B. No. 922, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 591 was adopted and S.B. No. 922, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA STATE BOND LOTTERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (George, Henderson, Ikeda, Menor and Reed).

Stand. Com. Rep. No. 595 (S.B. No. 716, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 595 was adopted and S.B. No. 716, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BINGO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (George, Henderson, Holt, Ikeda, Menor, Reed and Young).

Senate Bill No. 27, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 27, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BANKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1286, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1286, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BANKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 501:

On motion by Senator J. Wong, seconded by Senator Kuroda and carried, S.B. No. 501, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (George, Henderson, Ikeda, A. Kobayashi and Reed).

Senate Bill No. 1112:

On motion by Senator Cobb, seconded by Senator Blair and carried, S.B. No. 1112, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1172, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, S.B. No. 1172, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALLEVIATING TRAFFIC CONGESTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Chang, Cobb, George, Henderson, A. Kobayashi, B. Kobayashi, Menor and Reed).

Senate Bill No. 488, S.D. 1:

Senator Yamasaki moved that S.B. No. 488, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Henderson rose to ask for a ruling of the Chair as to a possible conflict of interest, as he has an interest in this bill.

The Chair then ruled that he was excused from voting.

The motion was put by the Chair and carried, and S.B. No. 488, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USE TAX OVERPAYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hagino and Hee).
Excused, 1 (Henderson).

Stand. Com. Rep. No. 708 (S.B. No. 537,
S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 708 be adopted and S.B. No. 537, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Cobb rose to speak against the measure as follows:

"Very briefly, Mr. President, aside from the moral considerations on this, I think something that members of the Senate are not really aware of is when greyhound dogs are raced, in choosing the candidates to race the losers are put to death. Only one out of fifteen dogs ever goes beyond being one-year-old in order to race, according to the information I've received from many sources on the Mainland.

"I think it puts us in a position of barbarians to sanction something like this. It's an extreme cruelty to animals to say that only one dog out of fifteen would ever grow to be a racer. It makes us superior to be spectators in a colosseum, and that's one of the reasons I can never support legislation like this. I urge the members of this body to vote this bill down."

Senator Reed also spoke against the measure and said:

"Mr. President, in testimony before the Senate Judiciary Committee, the lobbyist for those wanting the license to operate off-track wagering in Hawaii said that they would agree to set aside money to help defray the cost of treating those who become addicted to gambling. I suggest that to approve an activity that will require funds to treat those of our residents who become addicted to that activity is irresponsible and ridiculous."

The motion was put by the Chair and carried, and Roll Call vote having been requested, Stand. Com. Rep. No. 708 was adopted and S.B. No. 537, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFF-TRACT WAGERING," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 9. Noes, 16 (Blair, Cobb, Fernandes Salling, George, Hee, Henderson, Holt, Ikeda, A. Kobayashi, B. Kobayashi, Matsuura, Menor, Nakasato, Reed, J. Wong and Young).

Stand. Com. Rep. No. 711 (S.B. No. 711,
S.D. 2):

Senator Yamasaki moved that Stand.

Com. Rep. No. 711 be adopted and S.B. No. 711, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Reed rose to speak against the measure and remarked:

"Mr. President, I believe that this debate over lottery hinges on a question that, although quite simple, is easy to ignore. The fundamental question is this: Will gambling help or hurt the majority of our people? The only honest answer is that gambling is not a good thing.

"Gambling can be addictive. States that have lotteries spend an increasing portion of the take on gambling addiction counseling and treatment. A lottery takes money from those who can least afford it, money that might otherwise be used for food and health care.

"Gambling causes people, especially the young, to believe they can succeed in life by relying on luck, rather than self-improvement. I also share law enforcement's traditional opposition to a lottery. The experience of other states indicate that lotteries lead to an increase in crime.

"The primary point I wish to make is this. If there is to be a lottery, it should not be government-run. If the state sponsors a lottery, government will be promoting and encouraging gambling. The spectacle of state government producing newspaper, radio and TV ads encouraging people to spend their money on lottery tickets is absurd.

"The efforts of law enforcement, parents, and educators to instill in our children the understanding that we must work for what we want will be continually and persuasively undermined by a government public relations program urging people to gamble.

"The theme of lottery advertising would be that you can get rich without ever having to study or work again for next to nothing, if you're willing to take a chance. This is hardly a solid foundation on which to build a better Hawaii.

"On the one hand, through its laws and law enforcement, through anti-gambling legislation being passed by this body today, government transmits the message that gambling is bad. A state-run lottery will transmit the opposite message that gambling is good.

"Government has to decide — do we want to encourage or discourage gambling? It is unrealistic and hypocritical to think that we can have it both ways."

Senator Blair, in support of the measure, remarked:

"Mr. President, I have previously voted against bills for a state lottery; but, because of the inclusions of items 2, 3 and 4 in the committee report which fairly address the concerns that Senator Reed has raised, what we have here is an experiment in tax exportation. It will, to that degree, be a benefit to the citizens of Hawaii. In any event, it is only for a limited duration that this measure will be in effect and, during that time, provision has been made for a very detailed socio-economic study.

"If experience proves that we're not successful in exporting the tax burden through this measure, we will have the opportunity to evaluate very good data and make an informed judgment when the state lottery is up for sunseting. I think it's a good experiment and urge all of my colleagues to vote 'aye.'"

Senator Menor then spoke against the measure as follows:

"Mr. President, I strongly believe that the only reason why the state should adopt a lottery is as a revenue-raising measure and not for the purposes of promoting gambling for its own sake.

"Given what I think should be the function of a state lottery, I believe that a lottery is unnecessary at this time because there appears to be adequate sources of revenue to cover important state programs and services.

"I would also like to point out that the hotel room tax which the Legislature adopted last year will generate additional revenue. Moreover, we made certain changes to the liquor tax laws during the previous session which should generate an additional \$15 million. In addition, the state administration has been optimistic about revenue forecasts and, in that regard, tax collections should be adequate. Furthermore, we also have a surplus in our state treasury which the Legislature can always tap in the event of revenue shortfalls.

"In my opinion, if revenues do in fact prove to be inadequate in the future to fund needed services and programs, then at that time the Legislature can take up the issue of a lottery and consider its adoption. However, to adopt the lottery at this time would, I believe, be premature and, as a result, I would encourage my colleagues to vote 'no' on the lottery bill."

Senator Henderson also rose to speak against the measure as follows:

"Mr. President, if we want to raise revenue for the State of Hawaii, this is

probably the most inefficient, by all means most inefficient way to raise revenue. This is a very expensive proposition.

"We're committing a million and a half dollars for start-up costs to experiment. The amount of revenue this thing will raise is probably only \$10- or \$20 million, at best. We could raise the general excise tax a quarter of one percent, and raise \$40- or \$50 million without any additional cost. So, if we're doing this to raise revenues, then this is the wrong way to go. We have the mechanism in place that won't cost us anything to raise additional revenue through the general excise tax.

"Second point. For the state to encourage our public to gamble is unconscionable. The only way you can make a lottery work is to promote it, and to promote this concept to ask the people to spend their hard-earned dollars to gamble on a get-rich-quick scheme is unconscionable. This to me, Mr. President, is a cruel hoax on the people of Hawaii. I urge you all to vote 'no.'"

Senator George also spoke against the measure as follows:

"Mr. President, I have perhaps a unique experience that I'd like to share with my colleagues. I lived for 16 years in a country where gambling was permitted — this kind of gambling. I know from personal observation who gambles.

"It is a way of balancing the budget on the backs of the poor. I can testify to that aspect. In response to the Senator from the Sixth District who would support it because it would provide needed revenue, I couldn't support it even on that basis because it would be balancing the budget on the backs of the poor."

Senator Yamasaki then spoke in support of the measure and said:

"Mr. President, I speak in favor of Senate Bill 711 — natural. (Laughter)

"Mr. President, lottery is now operated in at least 22 states in the Union which includes Arizona, California, Connecticut, Delaware, Florida, Idaho, Illinois, Kansas, Maine, Maryland, Massachusetts, Michigan, Montana, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Washington, also the District of Columbia, our nation's capitol, and also in Canada, Ontario, and Quebec.

"Colorado Governor Richard D. Lamm is quoted in the 'Lottery Journal' and says: 'Colorado lottery has been well run and has provided substantial funding for state building projects, parks and recreation. The lottery supplies money for almost all of the capital construction and the conservation

trust fund which uses money for parks and recreation.'

"Connecticut Governor William A. O'Neill says lottery is a success because it has reaped monetary rewards and will continue to be a source of revenue in the future. A lottery will transfer at least \$190 million to the general fund and is an efficient operation. He says the image of lottery is one of competence, success and integrity. A positive image of the lottery is maintained by the state legislature's scrutiny of the potential negative effects it may have on Connecticut residents. Under legislative mandate, the governor must commission a study on the effects of legalized gambling on the citizens of the state every five years. The first study, five years ago, indicated no negative effect. There is a current study underway and expects the study to be positive under irrefragable standards.

"Delaware Governor Michael Castle says the Delaware lottery is an important source of revenue for the state and provides the citizens with enjoyable recreation. It provides the state with a significant amount of revenue, more than \$16 million that it would otherwise not have. He says, 'Anytime you can raise money and not tax the people, it is an obvious plus.' Delaware is a state with about a 600,000 population.

"Illinois Governor James R. Thompson is proud of his state's lottery because it has grown to provide more revenues for Illinois schools. The huge success of the lottery prompted reorganization and on March 27, 1986, he issued an executive order creating a department of lottery and appointed Rebecca Paul as the department's first director. In 1985, \$587 million were awarded to lottery winners and profits of \$517 million were added to the state general fund. In addition, the governor reported that \$61 million in commissions were paid to small businesses and public confidence in its ethics and honesty will continue and is a successful program of economic development.

"Governor Terry Branstad of Iowa says the Iowa lottery has a positive image with the citizens of Iowa and it has provided money to encourage economic development across the state and has been managed most efficiently, and it has a reputation as being above board and honest. A 'gamblers anonymous' service was created with lottery funds to prevent any negative influence the lottery may have on Iowa citizens.

"Massachusetts has the most successful lottery in the country, according to the state's Governor Michael Dukakis, and is a boom to the state's economy. The positive impact of the lottery is its impact on organized crime in Massachusetts. The

governor's office expresses optimism that the lottery has made a dent in illegal games, and if the state did not have a lottery, the illegal market will be getting the money that is now used for much needed state's infrastructure improvements.

"New Hampshire's sweepstakes is the grand-daddy of all modern lotteries in North America, having started in 1963. Governor John Sununu says he is pleased with what it has done in providing funds in an effective way to raise funds for the educational community.

"Washington State Governor Booth Gardner says the four-year record of the state's lottery stands on its own as a source of income of more than \$280 million to the state's general fund, and it does not adversely affect the social fabric of the state and is an acceptable way for the public to spend discretionary income and have fun.

"The foregoing, Mr. President, is a brief report on the successful operation of lottery in the United States.

"The 'National Economists' in a recent article stated that there may be a downturn in the national economy by 1990. Therefore, Mr. President, it becomes necessary for the State of Hawaii to have other sources of revenue to sustain our island economy with expenditure demands which is growing larger and larger each year.

"We, the members of this Senate, have requested all kinds of appropriations to be made in this session. We have collective bargaining before us and expenditures of this state is going to increase each year. Therefore, Mr. President, we need to have some source of cushion for the coming years ahead, up to 1990, if we are going to sustain the kind of expenditure that is expected from the members of this Senate.

"Mr. President, I urge this Senate to go on record to support this lottery measure as provided for in Senate Bill 711. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 711 was adopted and S.B. No. 711, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE LOTTERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (George, Henderson, Holt, Ikeda, A. Kobayashi, B. Kobayashi, Matsuura, Menor, Reed and Young).

At 11:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:23 o'clock p.m.

THIRD READING

Stand. Com. Rep. No. 749 (S.B. No. 161, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 749 and S.B. No. 161, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," were recommitted to the Committee on Judiciary.

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

Senator Hee moved that S.B. No. 220, S.D. 1, be recommitted to the Committee on Judiciary, seconded by Senator Menor.

Senator Hee then rose to speak on the recommitment as follows:

"Mr. President, it is with great reluctance that I move to recommit this bill. It's obvious to me what the results will be. Nonetheless, I feel compelled on behalf of the respondents who have taken great time and effort in trying to put together what I feel anyway is the best bill relating to capital crimes that has yet been produced.

"It is also that I feel some debt of gratitude to the many people who responded, from one district alone, on their own volition. I have in front of me responses from all of the respondents who responded in the affirmative on capital crimes.

"These are the respondents that responded in the negative (held up a few responses).

"While it is not to say that these people should decide the laws of this state, it is to say that we know what these people think with respect to capital crime.

"I would be remiss if I did not publicly thank these people, as well as many others who have called to support and to oppose this measure. And I would be remiss if I did not publicly extend my appreciation to my staff who took into consideration every concern by members of the Judiciary who had a concern, who took into the time and labor to put in what we feel is the best bill which would prevent capricious mistakes which could occur, which may have occurred in the past, and which we think would minimize the efforts to occur in the future, should this bill have become law.

"I am greatly sorry that this bill would not move forward, if nothing else for the sake of debate; that this bill would move forward, if nothing else for the sake of discussion in the other house; if for no other reason than to stand up and be counted on this issue. Nonetheless, I respect the apparent vote which would have defeated this measure. Therefore, Mr. President, I

reluctantly request this bill be recommitted at this time."

The motion was put by the Chair and carried, and S.B. No. 220, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," was recommitted to the Committee on Judiciary.

Senate Bill No. 465:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 465, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO REDUCE THE NUMBER OF NOMINEES FOR JUDICIAL VACANCIES SENT BY THE JUDICIAL SELECTION COMMISSION TO THE GOVERNOR AND TO THE CHIEF JUSTICE OF THE SUPREME COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 268:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 268, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF OFFENDERS UNDER TREATY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 796, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 796, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE BY JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1672, S.D. 1:

Senator Hee moved that S.B. No. 1672, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Menor.

Senator Reed rose to speak against the measure as follows:

"Mr. President, Senate Bill 1672 would add the providing of fluids and nourishment -- fluids and nourishment -- which would be denied a patient. If we pass this, we'll be stepping into the realm of euthanasia -- euthanasia by starvation."

The motion was put by the Chair and carried, and S.B. No. 1672, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

MEDICAL TREATMENT DECISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Ikeda, Menor and Reed).

Senate Bill No. 151:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 151, entitled: "A BILL FOR AN ACT RELATING TO DRUG PARAPHERNALIA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 765, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 765, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFIDENTIAL INFORMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

Senate Bill No. 45:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 45, entitled: "A BILL FOR AN ACT RELATING TO THE LEGAL STATUS OF PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1429, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1429, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 107, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 107, S.D. 1, entitled: "A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 13, OF THE HAWAII CONSTITUTION, TO CHANGE THE JURISDICTIONAL AMOUNT REQUIRED FOR JURY TRIALS IN CIVIL CASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1299:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1299, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 125:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 125, entitled: "A BILL FOR AN ACT RELATING TO TORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 410, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 410, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 764 (S.B. No. 486, S.D. 1):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 764 was adopted and S.B. No. 486, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 766, S.D. 1:

By unanimous consent, action on S.B. No. 766, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 1100, S.D. 1:

By unanimous consent, action on S.B. No. 1100, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 97, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 97, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 769, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 769, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 847, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 847, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY SENTENCES FOR CRIMES COMMITTED WITH A FIREARM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 152, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 152, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 771 (S.B. No. 324, S.D. 2):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 771 was adopted and S.B. No. 324, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 767, S.D. 1:

By unanimous consent, action on S.B. No. 767, S.D. 1, was deferred to the end of the calendar.

Senate Bill No. 723, S.D. 1:

By unanimous consent, action on S.B. No. 723, S.D. 1, was deferred to the end of the

calendar.

Senate Bill No. 810:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 810, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1201, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MONETARY LAUNDERING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 265, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 265, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO CHANGE THE MANNER OF APPOINTMENT OF JUSTICES AND JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 777 (S.B. No. 1320, S.D. 2):

Senator Hee moved that Stand. Com. Rep. No. 777 be adopted and S.B. No. 1320, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Menor.

Senator Solomon, in support of the measure, remarked:

"Mr. President, this Senate Bill addresses a wrong which has been long overlooked in the State of Hawaii.

"Following the overthrow of the Hawaiian government, and the establishment of a United States Territory to govern Hawaii, the United State Congress recognized the need for the rehabilitation of the Hawaiian people who had been dispossessed of their lands. So, in 1920, the Hawaiian Homes Act was passed in Congress for this purpose. However, previous governors of Hawaii, as well as the Hawaiian Homes Commission itself, have allowed the use of Hawaiian Homes lands for the benefit of the general public with little or no reimbursement to the Native Hawaiian beneficiaries of the Act. Two examples of this lack of adequate

monitoring of the lands which were set aside by the Act, and the use by the U.S. Navy of a vast acreage of Lualualei Valley on Oahu with no rent to the Hawaiian Homes Commission and its beneficiaries.

"The United States government has not taken action to compel compliance with the requirements of the Hawaiian Homes Act until the Federal-State Task Force on the Hawaiian Homes was set up and reported on these problems in 1983. This task force recommended and urged that federal and state statutes be enacted to enforce the private right of action under the Hawaiian Homes Act. Senate Bill 1320 is an important step in that direction.

"Senate Bill 1320 provides that Native Hawaiian and Hawaiian individuals and organizations have a right to sue and obtain relief as beneficiaries similar to the right which beneficiaries have under private trusts. Beneficiaries of private trusts are able to recover damages from the trustees where there has been a breach of fiduciary duties. Hawaiians have not had that right of recovery as beneficiaries of trusts explicitly set up for their benefit. Hawaiians remain the only native Americans who do not have the right to sue and recover for breaches of duty.

"This bill has been long in coming. It was passed by the 1986 Legislature and vetoed by the governor. This present bill answers the questions raised last year by the governor, that is, that there be safeguards against frivolous claims.

"I urge my fellow Senators to vote in favor of this bill."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 777 was adopted and S.B. No. 1320, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RIGHT TO SUE BY NATIVE HAWAIIAN AND HAWAIIAN INDIVIDUALS AND ORGANIZATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 433:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 433, entitled: "A BILL FOR AN ACT RELATING TO STATE TORT LIABILITY ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

By unanimous consent, action on S.B. No. 484, S.D. 1, was deferred to the end of the

calendar.

Senate Bill No. 1472, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1472, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRUST ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 781 (S.B. No. 548, S.D. 2):

Senator Hee moved that Stand. Com. Rep. No. 781 be adopted and S.B. No. 548, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Menor.

Senator Solomon, in support of the measure, remarked:

"Mr. President, this bill will address an injustice which has not been corrected since the Great Mahele. Following the 1850 Great Mahele, the 1852 Kuleana Act was passed to allow native tenants living on the land to claim their home sites and the areas where they cultivated their subsistence crops. These kuleana were typically about one acre in size, located alongside a stream and elsewhere to allow for the cultivation of taro and other subsistence crops. In earlier days, a frequent way to take over a kuleana was to prevent access to the parcel or to encroach on and simply take over the parcel.

"Even with the Kuleana Act, fewer than 3,000 persons out of approximately 80,000 persons were able to claim and receive their kuleana.

"Present statutes in the Hawaii Revised Statutes (Section 532-15, HRS) allow a kuleana which is not claimed by the heirs of the original grantee to revert to the owner of the ahupua'a. This has created inequities over the years where heirs of the original grantees were not notified of the claim against their ancestors' land, and thus lost their interest in the kuleana to the ahupua'a owner. This bill repeals Section 532-15, Hawaii Revised Statutes.

"In its place, this bill will allow these traditional and historic parcels of land to become part of a land trust to be administered by the Office of Hawaiian Affairs for the benefit of native Hawaiians and Hawaiians. This will allow the kuleana to be administered for the benefit of many Hawaiians until such time as the legal heirs are located or come forward to claim their traditional rights.

"I strongly urge the Senators to vote for this bill."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 781 was adopted and S.B. No. 548, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESCHEAT OF KULEANA LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 67, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 255:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 255, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 800, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 800, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chang).

Senate Bill No. 1726:

On motion by Senator Aki, seconded by Senator Solomon and carried, S.B. No. 1726, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1151, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, S.B. No. 1151, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOUSING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 596, S.D. 1:

On motion by Senator Aki, seconded by

Senator Solomon and carried, S.B. No. 596, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ASSISTANCE TO DISPLACED PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 552, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, S.B. No. 552, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 559, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, S.B. No. 559, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 594, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, S.B. No. 594, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HOUSING AUTHORITY — HOUSING PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 356, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, S.B. No. 356, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSTREAM USES OF WATER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1195, S.D. 1:

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

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

By unanimous consent, S.B. No. 1196, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTED CASES," was recommitted to the Committee on Housing, Hawaiian Programs and Natural Resources.

Senate Bill No. 1325, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, S.B. No. 1325, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Ikeda, B. Kobayashi and McMurdo).

Senate Bill No. 739, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, S.B. No. 739, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 1004, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, S.B. No. 1004, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 242, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, S.B. No. 242, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senate Bill No. 597, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, S.B. No. 597, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY HOUSING POWERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTERS DEFERRED FROM
EARLIER ON THE CALENDAR

Senate Bill No. 766, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 766, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS GENERALLY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 1100, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 1100, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO CHANGE THE MANNER OF APPOINTMENT OF JUSTICES AND JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senate Bill No. 767, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 767, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE DIRECTOR OF THE COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Blair, Chang, George, Henderson, Menor and Reed).

Senate Bill No. 723, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 723, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNLAWFUL ENTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Hee, seconded by Senator Menor and carried, S.B. No. 484, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

The Senate reconvened at 11:41 o'clock p.m.

Senate Bill No. 1195, S.D. 1:

By unanimous consent, S.B. No. 1195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTED CASES," was recommitted to the Committee on Housing, Hawaiian Programs and Natural Resources.

The Chair, at this time, expressed his

appreciation and thanks to Vice President Young for presiding over the morning session and "doing the yeoman's work of about 150 bills."

At 11:42 o'clock p.m., on motion by Senator Blair, seconded by Senator George and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 16, 1987.

ADJOURNMENT