

FORTY-SIXTH DAY

Monday, April 6, 1987

The Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, convened at 11:52 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Chaplain Rodney Hansen, Lt. Commander, after which the Roll was called showing all Senators present.

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

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

Senator Hee introduced Rod and Debbie Patra, sunflower farmers from Canada, who grow sunflowers on Molokai to take back to Canada for their industry. Accompanying them was Mr. Randy Trifel, also from Canada, who is in Hawaii to work on the Department of Social Services and Housing's computer mainframe.

Senator Nakasato introduced 96 eighth grade students from Moanalua Intermediate School, accompanied by Ms. Lory Nesser, their teacher, Mrs. Debra Carroll, Mrs. Ruby Vocke, Ms. Darlita Dugger, parents, and Mr. John Handley, a special project teacher at Moanalua Intermediate School.

Senator Chang, on behalf of the Committee on Business Development and Pacific Relations, introduced the Honorable Aiolupo Palemene, Honorable Timu Lafaele, Honorable Toi Aukuso, Honorable Leaupepe Taopu, Honorable Taua Latu, and Honorable Vailolo Felipo (not present), who are members of Western Samoa's parliament, as follows:

"Mr. President, in 1962, three years after Hawaii became a state, Western Samoa became the first Pacific Island nation to gain full independence. That's why a large contingent of Western Samoans have been visiting Hawaii for the past few days. They are trying to learn from Hawaii's successes and failures and also hope to convince executives and entrepreneurs that their islands offer potential for economic development.

"Western Samoa is taking deliberate steps and making a concerted effort to encourage foreign investment, privatize some government functions and promote economic diversity. Their effort says a lot about the determination and spirit of Pacific islanders to shape their own destinies.

"The group will be touring the Iolani Palace and its grounds and the State

Capitol. Tomorrow they will join their families and supporters in celebrating the 25th Anniversary of Western Samoa's independence."

All of the gentlemen rose to be recognized.

SENATE CONCURRENT RESOLUTION

S.C.R. No. 74, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE INVADING BROWN TREE SNAKE BE ERADICATED FROM GUAM BY A QUARANTINE PROGRAM FOR HAWAII AND U.S. TERRITORIES," was offered by Senators Hagino, Reed, J. Wong, Matsuura, Blair, Kuroda, Menor, Aki, Yamasaki, Cobb, B. Kobayashi, George, McMurdo, Henderson, Chang, Mizuguchi, Nakasato, Holt, Ikeda, A. Kobayashi, Young, Solomon, Fernandes Salling, Hee and R. Wong, and was read by the Clerk.

By unanimous consent, S.C.R. No. 74 was referred to the Committee on Planning and Environment.

SENATE RESOLUTION

S.R. No. 82, entitled: "SENATE RESOLUTION REQUESTING THAT THE INVADING BROWN TREE SNAKE BE ERADICATED FROM GUAM BY A QUARANTINE PROGRAM FOR HAWAII AND U.S. TERRITORIES," was offered by Senators Hagino, Reed, Blair, J. Wong, Matsuura, Kuroda, Menor, Aki, Holt, Cobb, B. Kobayashi, George, McMurdo, Henderson, Chang, Mizuguchi, Nakasato, Yamasaki, Ikeda, A. Kobayashi, Young, Solomon, Fernandes Salling, R. Wong and Hee, and was read by the Clerk.

By unanimous consent, S.R. No. 82 was referred to the Committee on Planning and Environment.

At 12:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Agriculture, Energy and Ocean Resources, presented a report (Stand. Com. Rep. No. 1139) recommending that Senate Concurrent Resolution No. 29, as amended in S.D. 1, be adopted.

On motion by Senator Matsuura, seconded by Senator Aki and carried, the report of the Committee was adopted and S.C.R. No.

29, S.D. 1, entitled: "REQUESTING THE SUPPORT OF HAWAII'S CONGRESSIONAL DELEGATION FOR THE RESTORATION OF FEDERAL FUNDS FOR OCEAN RESEARCH," was adopted.

Senator Matsuura, for the Committee on Agriculture, Energy and Ocean Resources, presented a report (Stand. Com. Rep. No. 1140) recommending that Senate Resolution No. 43, as amended in S.D. 1, be adopted.

On motion by Senator Matsuura, seconded by Senator Aki and carried, the report of the Committee was adopted and S.R. No. 43, S.D. 1, entitled: "REQUESTING THE SUPPORT OF HAWAII'S CONGRESSIONAL DELEGATION FOR THE RESTORATION OF FEDERAL FUNDS FOR OCEAN RESEARCH," was adopted.

ORDER OF THE DAY

MATTERS DEFERRED FROM FRIDAY, APRIL 3, 1987

S.B. No. 599, S.D. 1, H.D. 1 (Hse. Com. No. 362):

By unanimous consent, action on S.B. No. 599, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REPLACEMENT OF SAND ON PUBLIC BEACHES," was deferred until Thursday, April 9, 1987.

S.B. No. 1711, S.D. 1, H.D. 1 (Hse Com. No. 363):

By unanimous consent, action on S.B. No. 1711, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," was deferred until Thursday, April 9, 1987.

ADVISE AND CONSENT

Stand. Com. Rep. No. 950 (Gov. Msg. No. 90):

Senator Aki moved that Stand. Com. Rep. No. 950 be received and placed on file, seconded by Senator Solomon and carried.

Senator Aki then moved that the Senate advise and consent to the nomination of Ilima A. Piianaia as Chairman of the Hawaiian Homes Commission, term to expire December 31, 1990, seconded by Senator Solomon.

Senator Young then rose to speak in support of the nomination as follows:

"Mr. President, Ilima Piianaia is a uniquely qualified individual who will bring years of experience in the public and private sectors, a diverse educational background, and understanding of Hawaiian issues and values appropriate for this sensitive and difficult position.

"She has demonstrated her commitment to public service and has proven repeatedly that she has the necessary balance of administrative skill, political awareness and compassion to make an effective and significant contribution. Her achievements have and will continue to go to the benefit of not only the native Hawaiian community, but all of the people of Hawaii, as well.

"It is for these reasons that I wholeheartedly support the appointment of Ilima Piianaia as the chairperson of the Hawaiian Homes Commission. Thank you very much."

Senator Aki also rose to speak in support of the nomination as follows:

"Mr. President, at the public hearing everyone spoke in support of the nominee. I wish to point out that this is the first time that I can remember that an appointee to the important position as chairperson of the Hawaiian Homes Commission did not receive a single negative comment. I believe that this speaks very well for the chairperson, Ilima Piianaia, and we shall see much progress in her department in the years ahead.

"I urge all members to vote in favor of her confirmation."

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

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

At this time, Senator Young recognized Ms. Piianaia who was sitting in the gallery.

Stand. Com. Rep. No. 951 (Gov. Msg. No. 91):

Senator Aki moved that Stand. Com. Rep. No. 951 be received and placed on file, seconded by Senator Solomon and carried.

Senator Aki then moved that the Senate advise and consent to the nomination of William W. Paty Jr., as Chairperson of the Board of Land and Natural Resources, term to expire December 31, 1990, seconded by Senator Solomon.

Senator Aki then rose to speak in support of the nomination as follows:

"Mr. President, Mr. William Paty has won the support and admiration of the people of Hawaii. He has served our community well in the past, and I'm confident that he will serve our state equally well in the future. I urge all members to vote in favor of the confirmation."

Senator Hagino also rose to speak in support of the nomination as follows:

"Mr. President, I first met Mr. Paty about ten years ago in 1978. At that time, we were organizing for the Constitutional Convention (Con Con) and when his name came up as the possible president, I was very much against his being the president. In fact, I was going to speak against his being the president but after talking to him and John Waihee, who was a Con Con delegate, I decided to change my mind and I voted in favor of Mr. Paty. In fact, I spoke in favor of his nomination.

"Now, nine years later, I am again honored and privileged to speak on behalf of Mr. Paty. I think his greatest characteristic is his ability to work with people, both in the upper echelon and the lower echelon. I think the governor has paid him a supreme compliment in appointing him to head the task force that would hopefully save the Waiialua Sugar Company.

"So again, I'd like to ask all my colleagues to vote unanimously for Mr. Paty. Thank you."

Senator Kuroda also rose to speak in support of the nomination as follows:

"Mr. President, I had the pleasure of meeting Bill Paty 16 years ago when I ran for the Senate for the first time and Mr. Paty was the manager of the Waiialua Plantation Company. He is the first plantation manager whom I met who had given me the kind of positive image which negated all my thoughts of plantation managers, having been raised on a plantation myself.

"In addition, I'd like to share information and explain that Mr. Paty is a disabled veteran of World War II, someone who heroically parachuted into Europe, got hurt, and was medically retired as a captain. Very few notices are provided of the individuals who have fought so bravely in Europe who are not Niseis, and he is one who we should recognize for his heroic efforts.

"I also rise to speak in support of him irregardless of the Department of Land and Natural Resources' position on Diamond Head Crater golf course. Thank you."

Senator Mizuguchi also rose to speak in support of the nomination as follows:

"Mr. President, Bill Paty's educational background, his experience as manager of Waiialua Sugar Company, and president of the recent Constitutional Convention are reasons why he is eminently qualified for this particular position.

"Having worked so closely with Bill in the past, I know that he is a man who possesses sound judgment, good character, and a

strong sense of integrity. I ask all members of the Senate to support his nomination. Thank you."

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

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

Senator Aki then asked Mr. Paty, who was sitting in the gallery, to rise and be recognized.

THIRD READING

House Bill No. 1477:

On motion by Senator J. Wong, seconded by Senator Kuroda and carried, H.B. No. 1477, entitled: "A BILL FOR AN ACT RELATING TO THE MILITIA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 878:

On motion by Senator J. Wong, seconded by Senator Kuroda and carried, H.B. No. 878, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CODE OF MILITARY JUSTICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 858:

Senator B. Kobayashi moved that H.B. No. 858, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator B. Kobayashi, in support of the measure, remarked:

"Mr. President, for the record, a number of questions were asked in caucus and I'd like to respond to a number of them.

"The Maui County Medical Society did introduce a resolution asking that the Hawaii Medical Association House of Delegates support the notion of having certified pathologists do the autopsies on Maui. Also, there has been a number of concerns arising out of not having a certified pathologist do the autopsies for Maui and also for other counties. These concerns have gone back to the 1960's. Some of the concerns have to do with the cause of death not being adequately known; hence, preventive measures perhaps not being taken by members of the medical community.

"For the record, there are presently three

certified pathologists on the County of Maui. The bill would not change the current status as to who is the coroner, since that is already part of state law and has been such at least since 1943. It would simply say that the coroner, in appointing a person to do the autopsy, would have that performed by a certified pathologist.

"We will take safeguards if necessary to further strengthen language regarding the may language to make it a permissive, rather than a mandatory, requirement of counties. Thank you."

The motion was put by the Chair and carried, and H.B. No. 858, entitled: "A BILL FOR AN ACT RELATING TO AUTOPSIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 890, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, H.B. No. 890, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, H.B. No. 1102, 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 (Chang).

House Bill No. 211, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 211, H.D. 1, S.D. 1, was deferred to the end of calendar.

House Bill No. 312:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 312, 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 (Chang).

House Bill No. 497, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 497,

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

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

House Bill No. 1073, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1073, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 521, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 521, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1520:

On motion by Senator Solomon, seconded by Senator Holt and carried, H.B. No. 1520, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Holt, seconded by Senator McMurdo and carried, H.B. No. 891, S.D. 1, 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.

House Bill No. 892, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator McMurdo and carried, H.B. No. 892, H.D. 1, 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, 25. Noes, none.

House Bill No. 251, H.D. 1, S.D. 1:

On motion by Senator Mizuguchi,

seconded by Senator Fernandes Salling and carried, H.B. No. 251, H.D. 1, 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.

House Bill No. 150, H.D. 2, S.D. 1:

On motion by Senator McMurdo, seconded by Senator Yamasaki and carried, H.B. No. 150, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 430, H.D. 1, S.D. 1:

On motion by Senator McMurdo, seconded by Senator Yamasaki and carried, H.B. No. 430, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HANDICAPPED PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1340, H.D. 1:

On motion by Senator McMurdo, seconded by Senator Yamasaki and carried, H.B. No. 1340, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY ABUSE OR NEGLECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1738, H.D. 2, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, H.B. No. 1738, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT FOR THE CHRONICALLY MENTALLY ILL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 680, H.D. 1, S.D. 1:

Senator B. Kobayashi moved that H.B. No. 680, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

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

"Mr. President, I'm going to be voting in favor of this, but I'd like to share a caveat

with you and the other members that the private sector, in many cases, has adopted smoking policies.

"I think wherever possible, legislation, if it emerges from conference, ought to respect those kinds of policies because normally they are done with the concurrence of both smokers and non-smokers, alike. I know at the firm where I'm employed 95 percent of all the areas now prohibit smoking to the satisfaction of everyone.

"I would earnestly plead with the chairman that anytime legislation like this is being considered in conference, to address the private sector to give full faith and credence to those kinds of policies. Thank you."

The motion was put by the Chair and carried, and H.B. No. 680, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 889, H.D. 2, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, H.B. No. 889, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 378, H.D. 2, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, H.B. No. 378, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY-RELATED HUMAN ILLNESS AND INJURY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 46, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 46, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1510, H.D. 1, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator McMurdo and carried, H.B. No. 1510, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 11, H.D. 2, S.D. 1:

On motion by Senator Chang, seconded by Senator Cobb and carried, H.B. No. 11, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER COMPLEX," 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).

House Bill No. 1013, H.D. 1, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, H.B. No. 1013, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MATERIAL AND LABOR USED ON PUBLIC WORKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1173, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, H.B. No. 1173, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOG LICENSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1222, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, H.B. No. 1222, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1230, H.D. 1, S.D. 1:

On motion by Senator Blair, seconded by Senator Young and carried, H.B. No. 1230, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITS FOR MOTOCROSS TRACK USE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 963 (H.B. No. 1484, H.D. 2, S.D. 2):

On motion by Senator Blair, seconded by Senator Young and carried, Stand. Com. Rep. No. 963 was adopted and H.B. No. 1484, H.D. 2, S.D. 2, 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 (Chang).

House Bill No. 536, H.D. 1, S.D. 1:

On motion by Senator Menor, seconded by Senator Hee and carried, H.B. No. 536, H.D. 1, 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 (Chang).

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

On motion by Senator Hagino, seconded by Senator Nakasato and carried, H.B. No. 377, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 1849, H.D. 1, S.D. 1:

On motion by Senator Hagino, seconded by Senator Nakasato and carried, H.B. No. 1849, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 1209, H.D. 1, S.D. 1:

On motion by Senator Hagino, seconded by Senator Nakasato and carried, H.B. No. 1209, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY IN HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1931, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1931, H.D. 1, 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, 23. Noes, 2 (Blair and Chang).

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

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 285,

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, 1 (Fernandes Salling).

House Bill No. 413, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 413, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 486, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 486, H.D. 1, 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, 25. Noes, none.

House Bill No. 489, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 489, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 492, H.D. 1, S.D. 1:

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

Ayes, 25. Noes, none.

House Bill No. 518, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 518, H.D. 1, 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, 25. Noes, none.

House Bill No. 528, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 528, H.D. 1, 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.

House Bill No. 872, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 872, H.D. 1, 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, 25. Noes, none.

House Bill No. 1244, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1244, H.D. 1, 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.

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

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1857, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1617, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1617, H.D. 1, 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, 25. Noes, none.

House Bill No. 1585, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1585, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Fernandes Salling).

House Bill No. 1531, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1531,

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, 25. Noes, none.

House Bill No. 1530, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1530, H.D. 1, 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.

House Bill No. 1257, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1257, H.D. 1, 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, 25. Noes, none.

House Bill No. 1246, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1246, H.D. 1, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 985 (H.B. No. 254, H.D. 1, S.D. 2):

On motion by Senator Matsuura, seconded by Senator Aki and carried, Stand. Com. Rep. No. 985 was adopted and H.B. No. 254, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SHORELINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 533:

On motion by Senator Matsuura, seconded by Senator Aki and carried, H.B. No. 533, entitled: "A BILL FOR AN ACT RELATING TO FISHING IN CERTAIN WATERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1467, H.D. 1, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Aki and carried, H.B. No. 1467, H.D. 1, 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.

House Bill No. 1468, H.D. 1, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Aki and carried, H.B. No. 1468, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1562, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 1562, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORESTRY," was recommitted to the Committee on Agriculture, Energy and Ocean Resources.

House Bill No. 464, H.D. 1, S.D. 1:

Senator B. Kobayashi moved that H.B. No. 464, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Cobb, in support of the measure, remarked:

"Mr. President, two concerns on this. One was discussed in caucus and just for the record, the area on the standing committee report, page 2, 'Occupied taxicabs'. I would urge that where both parties consent that they be allowed to smoke; otherwise, you would have a situation where you could have a driver who smokes or a passenger who smokes, and yet by law they would not be permitted to smoke in the individual's own car. That strikes me as rather incongruous in the land of the free and the home of the brave.

"The other area is something that perhaps should be addressed from a sportsman's standpoint, and that is area number (8), in public restrooms. I would find it rather incongruous if a police officer would come in and tell an individual whether he or she could or could not smoke in the privacy of a bathroom when that individual could just as easily flush the evidence down the drain.

"I hope those two items are addressed in conference. Thank you."

Senator B. Kobayashi responded to the previous speaker's remarks as follows:

"Mr. President, I would agree with the previous speaker that the first item is a reasonable concern and will pursue that matter in caucus to have smoking allowed by mutual consent in taxicabs."

The motion was put by the Chair and carried, and H.B. No. 464, H.D. 1, 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, 2 (Kuroda and Mizuguchi).

At 12:30 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:34 o'clock p.m.

Stand. Com. Rep. No. 991 (H.B. No. 14, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 991 was adopted and H.B. No. 14, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 992 (H.B. No. 15, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 992 was adopted and H.B. No. 15, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 993 (H.B. No. 16, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 993 and H.B. No. 16, H.D. 2, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 994 (H.B. No. 26, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 994 and H.B. No. 26, H.D. 2, was deferred until final passage of the budget.

Stand. Com. Rep. No. 995 (H.B. No. 35, H.D. 1, S.D. 2):

On motion by Senator Yamasaki,

seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 995 was adopted and H.B. No. 35, H.D. 1, 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. 996 (H.B. No. 40, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 996 was adopted and H.B. No. 40, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO 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. 997 (H.B. No. 121, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 997 was adopted and H.B. No. 121, H.D. 1, 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.

At 12:36 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:42 o'clock p.m.

Stand. Com. Rep. No. 998 (H.B. No. 190):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 998 was adopted and H.B. No. 190, 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. 999 (H.B. No. 210):

By unanimous consent, action on Stand. Com. Rep. No. 999 and H.B. No. 210, was deferred until final passage of the budget.

Stand. Com. Rep. No. 1000 (H.B. No. 317, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1000 was adopted and H.B. No. 317, H.D. 1, S.D. 1, entitled: "A BILL

FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1001 (H.B. No. 318, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1001 was adopted and H.B. No. 318, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1002 (H.B. No. 319, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1002 was adopted and H.B. No. 319, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1003 (H.B. No. 320, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1003 was adopted and H.B. No. 320, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1004 (H.B. No. 321, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1004 was adopted and H.B. No. 321, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1005 (H.B. No. 322, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1005 was adopted and H.B. No. 322, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1006 (H.B. No. 323, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1006 was adopted and H.B. No. 323, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1007 (H.B. No. 324, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1007 was adopted and H.B. No. 324, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1008 (H.B. No. 325, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1008 was adopted and H.B. No. 325, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1009 (H.B. No. 326, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1009 was adopted and H.B. No. 326, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1010 (H.B. No. 327, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1010 was adopted and H.B. No. 327, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1011 (H.B. No. 328, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1011 was adopted and H.B. No. 328, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1012 (H.B. No. 418, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1012 was adopted and H.B. No. 418, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 737, H.D. 2, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 737, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL AIR PATROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1014 (H.B. No. 750, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1014 was adopted and H.B. No. 750, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HONOLULU SYMPHONY," having been

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

Ayes, 25. Noes, none.

House Bill No. 754, H.D. 2:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 754, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 817, H.D. 1, S.D. 1:

Senator Yamasaki moved that H.B. No. 817, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Hee rose to speak against the measure as follows:

"Mr. President, I'm voting 'no' on this bill. Had we exhausted the dialogue in caucus, I would have no problem voting 'yes,' quite frankly, if as an alternative to this we took out the vacancies which have not been filled on the first deputies.

"I think we will open up the box which would then have a redefinition of what second deputies are throughout the state government and they will follow suit with this piece of legislation, and we can anticipate that a redefinition of division heads to second deputies will be at the Legislature and likewise asking for a similar raise in pay.

"It doesn't make good policy sense to deal with that in this manner, so I will vote 'no.' Thank you."

By unanimous consent, action on H.B. No. 817, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 842, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 842, H.D. 2, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 1018 (H.B. No. 1012, H.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1018 was adopted and H.B. No. 1012, H.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.

Stand. Com. Rep. No. 1019 (H.B. No. 1150, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1019 was adopted and H.B. No. 1150, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COORDINATION OF SERVICES FOR CHILDREN WITH SEVERE EMOTIONAL AND DEVELOPMENTAL PROBLEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1020 (H.B. No. 578, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1020 was adopted and H.B. No. 578, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1021 (H.B. No. 586, H.D. 1, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 1021 be adopted and H.B. No. 586, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Henderson rose to ask if the chairman of the Committee on Agriculture, Energy and Ocean Resources would yield to a question. The Chair posed the question and Senator Matsuura having answered in the affirmative, Senator Henderson inquired:

"Why is there a limit of 200 pounds of algae; that is, that they cannot exceed 200 pounds per week?"

Senator Matsuura answered:

"I think that may be because of the management. I think that's about the maximum they can produce. I really don't know what the answer is, to be honest with you."

Senator Henderson replied:

"Maybe we could put that to the end of the calendar."

By unanimous consent, action on Stand. Com. Rep. No. 1021 and H.B. No. 586, H.D.

1, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 1022 (H.B. No. 594, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 1022 and H.B. No. 594, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 1023 (H.B. No. 598, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1023 was adopted and H.B. No. 598, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DEVELOPMENTAL DISABILITIES OR MENTAL RETARDATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1024 (H.B. No. 652, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1024 was adopted and H.B. No. 652, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USED OIL RECYCLING AND DISPOSAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1025 (H.B. No. 654, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1025 was adopted and H.B. No. 654, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL AREA RESERVES SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1026 (H.B. No. 735, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1026 was adopted and H.B. No. 735, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL AREA RESERVES SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1027 (H.B. No. 736, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1027 was adopted and H.B. No. 736, H.D. 1, S.D. 2, 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, 23. Noes, 2 (Ikeda and A. Kobayashi).

Stand. Com. Rep. No. 1028 (H.B. No. 453, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1028 was adopted and H.B. No. 453, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1029 (H.B. No. 463, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1029 was adopted and H.B. No. 463, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR G. N. WILCOX MEMORIAL HOSPITAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 537, H.D. 2, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 537, H.D. 2, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 1031 (H.B. No. 1517, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1031 was adopted and H.B. No. 1517, 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, 25. Noes, none.

Stand. Com. Rep. No. 1032 (H.B. No. 1519, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1032 was adopted and H.B. No. 1519, 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, 25. Noes, none.

Stand. Com. Rep. No. 1033 (H.B. No. 1524, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1033 was adopted and H.B. No. 1524, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1034 (H.B. No. 1595, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1034 was adopted and H.B. No. 1595, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1759:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 1759, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1036 (H.B. No. 1795, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1036 was adopted and H.B. No. 1795, H.D. 1, 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.

Stand. Com. Rep. No. 1037 (H.B. No. 1841, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1037 was adopted and H.B. No. 1841, H.D. 2, S.D. 1, 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.

Stand. Com. Rep. No. 1038 (H.B. No. 1889, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1038 was adopted and H.B. No. 1889, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITS FOR ARCHAEOLOGICAL WORK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1039 (H.B. No. 1924, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1039 was adopted and H.B. No. 1924, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BUILDING IMPROVEMENTS TO THE RICHARDS STREET YWCA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1040 (H.B. No. 1500, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1040 was adopted and H.B. No. 1500, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A NEW INDUSTRY TRAINING PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1502, H.D. 2, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 1502, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CAPITAL LOAN PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1511, H.D. 1, S.D. 1:

On motion by Senator Yamasaki,

seconded by Senator Mizuguchi and carried, H.B. No. 1511, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF MONEY OWED TO THE STATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1043 (H.B. No. 1512, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1043 and H.B. No. 1512, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXABLE MORTGAGE SECURITIES PROGRAMS," was deferred until Monday, April 13, 1987.

Stand. Com. Rep. No. 1044 (H.B. No. 1151, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1044 was adopted and H.B. No. 1151, H.D. 1, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 1045 (H.B. No. 1227, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1045 was adopted and H.B. No. 1227, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPACE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1046 (H.B. No. 1312):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1046 was adopted and H.B. No. 1312, entitled: "A BILL FOR AN ACT RELATING TO THE GOVERNOR'S AGRICULTURE COORDINATING COMMITTEE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Blair).

Stand. Com. Rep. No. 1047 (H.B. No. 1324):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1047 was adopted and H.B. No. 1324, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1048 (H.B. No. 1331, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1048 was adopted and H.B. No. 1331, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CHILD SUPPORT ENFORCEMENT AGENCY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1049 (H.B. No. 1361, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1049 was adopted and H.B. No. 1361, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1050 (H.B. No. 1365, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1050 and H.B. No. 1365, H.D. 2, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 1051 (H.B. No. 1469, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1051 was adopted and H.B. No. 1469, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (George, Henderson, Ikeda, A. Kobayashi and Reed).

Stand. Com. Rep. No. 1052 (H.B. No. 1532, H.D. 1, S.D. 2):

On motion by Senator Cobb, seconded by Senator Blair and carried, Stand. Com. Rep. No. 1052 was adopted and H.B. No. 1532, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1861, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1861, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 408, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 408, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1521, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1521, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1525, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1525, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTRAINT OF TRADE; MONOPOLIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1528, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1528, H.D. 1, 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.

House Bill No. 1529, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1529, H.D. 1, 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.

House Bill No. 1656, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 1656, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BANKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 380, H.D. 1, S.D. 1:

On motion by Senator Hagino, seconded by Senator Nakasato and carried, H.B. No. 380, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (McMurdo).

House Bill No. 375, H.D. 2, S.D. 1:

On motion by Senator Hagino, seconded by Senator Nakasato and carried, H.B. No. 375, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHEMICAL CONTAMINATION OF WATER RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1062 (H.B. No. 331, S.D. 2):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 1062 was adopted and H.B. No. 331, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

Senator Hee moved that H.B. No. 1270, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Menor.

Senator Cobb, in support of the measure, remarked:

"Mr. President, although I will be voting for this measure, I would like to raise a concern which I hope is addressed in conference and that is that where in the bill it allows election officials to remove the names of a voter where voter notification has been returned as undeliverable and there is no forwarding address, and also where a person who is not re-registered as required by law will not be allowed to vote at the election.

"Those two situations do not take into full account the reality of what's happening with many voters who desire privacy and have post office boxes. If the mail is sent to their post office box and is returned as undeliverable and there is no other address even though they are still living in the district, they can be disenfranchised.

"The same thing would apply for a person who had moved in the summer and then showed up at his old precinct to vote in the primary, that individual under the second provision who had failed to re-register by that time, even if it were a very short period of time, would in effect also be disenfranchised.

"I hope those two concerns are addressed in conference because I think the thrust in the direction of the bill on elections is to maximize voter participation, not to disenfranchise."

The motion was put by the Chair and carried, and H.B. No. 1270, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1064 (H.B. No. 459, H.D. 1, S.D. 2):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 1064 was adopted and H.B. No. 459, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 208, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 208, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 421, H.D. 2, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 421, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1267:

On motion by Senator Hee, seconded by Senator Menor and carried, and Roll Call vote having been requested, H.B. No. 1267, 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, passed Third Reading by less than two-thirds vote of all the members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Blair, Chang, Cobb, George, Henderson, Ikeda, A. Kobayashi, B. Kobayashi, Menor and Nakasato).

At this time, Senator Hee, in response to the foregoing measure, said:

"Mr. President, 'mabuhay,' 'mabuhay,' 'mabuhay,' 'mabuhay.'"

Senator Cobb, on a parliamentary matter, then remarked:

"Mr. President, recognizing the previous 'mabuhays' and the manila folder that accompanied the bill, I would like to just note as a parliamentary matter that since it is a constitutional amendment, it either requires a two-thirds vote or must pass two years in a row."

The Chair answered: "That's correct."

Senator Cobb continued:

"Today's vote was shy the two-thirds so it will have to come back next year. Thank you."

The Chair replied: "Correct."

House Bill No. 854, H.D. 1, S.D. 1:

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

House Bill No. 498, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 498, H.D. 1, 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:

Ayes, 25. Noes, none.

House Bill No. 516, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 516, H.D. 1, 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.

House Bill No. 520, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 520, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 896, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 896, H.D. 1, 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, 1 (Chang).

House Bill No. 1499, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 1499, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 371, H.D. 1, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, H.B. No. 371, H.D. 1, 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, 22. Noes, 3 (George, Henderson and Ikeda).

House Bill No. 444, H.D. 1, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, H.B. No. 444, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 445, H.D. 1, S.D. 1:

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

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

House Bill No. 1587, S.D. 1:

By unanimous consent, action on H.B. No. 1587, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1583, H.D. 1, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 1583, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 741, H.D. 1, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 741, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1590, H.D. 1, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 1590, H.D. 1, 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.

House Bill No. 1041, H.D. 1, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 1041, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 541, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 541, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE USE OF OCEAN WATERS AND NAVIGABLE STREAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1315, H.D. 1, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 1315, H.D. 1, 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, 25. Noes, none.

House Bill No. 1176, H.D. 1, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 1176, H.D. 1, 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:

Ayes, 25. Noes, none.

House Bill No. 369, H.D. 1, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, H.B. No. 369, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 223, H.D. 1, S.D. 1:

On motion by Senator Chang, seconded by Senator Cobb and carried, H.B. No. 223, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FILM PRODUCTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1087 (H.B. No. 310, S.D. 2):

On motion by Senator Chang, seconded by Senator Cobb and carried, Stand. Com. Rep. No. 1087 was adopted and H.B. No. 310, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ikeda).

House Bill No. 681, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Blair and carried, H.B. No. 681, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY

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

Ayes, 25. Noes, none.

House Bill No. 1025, H.D. 1, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, H.B. No. 1025, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING AND RESOURCES DEVELOPMENT AND HEALTH CARE COST CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1090 (H.B. No. 220, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1090 and H.B. No. 220, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 1091 (H.B. No. 314, H.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1091 was adopted and H.B. No. 314, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1092 (H.B. No. 581, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1092 was adopted and H.B. No. 581, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF NARCOTICS ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1093 (H.B. No. 1138, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1093 and H.B. No. 1138, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 1094 (H.B. No. 1156, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1094 was adopted and H.B. No. 1156, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1095 (H.B. No. 1421, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1095 and H.B. No. 1421, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 1096 (H.B. No. 1514, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1096 was adopted and H.B. No. 1514, H.D. 2, S.D. 2, 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, 25. Noes, none.

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

By unanimous consent, action on H.B. No. 1740, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 1098 (H.B. No. 239, H.D. 3, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1098 was adopted and H.B. No. 239, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCEAN AND MARINE RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Fernandes Salling).

Stand. Com. Rep. No. 1099 (H.B. No. 49, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1099 was adopted and H.B. No. 49, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1100 (H.B. No. 42, H.D. 1, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 1100 be adopted and H.B. No. 42, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Reed, in support of the measure, remarked:

"Mr. President, I will be voting for this bill, but I hope that in conference there is thought given to presenting both sides of the state fund issue at the seminar."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1100 was adopted and H.B. No. 42, H.D. 1, 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, 4 (George, Henderson, Ikeda and Menor).

House Bill No. 287, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 287, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 313, H.D. 2, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 313, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1103 (H.B. No. 592, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1103 was adopted and H.B. No. 592, 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.

Stand. Com. Rep. No. 1104 (H.B. No. 706, H.D. 1, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 1104 be adopted and H.B. No. 706, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Reed rose to speak against the bill as follows:

"Mr. President, I rise in opposition to this

bill. I know that all of us have received written arguments against this from the small business community and I won't reiterate those, but one that most of us have not had a chance to hear was testimony delivered by the University of Hawaii (UH) in the hearing on this measure.

"The president of the university commented that the UH will be one element of the community who will suffer a negative ripple effect if this measure is passed. The president testified that if the minimum wage is increased, 500 students employed at the university would be laid off unless an additional \$1.4 million is appropriated by the state to cover the next two years for the cost of employing students at the university."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1104 was adopted and H.B. No. 706, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1105 (H.B. No. 951, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1105 was adopted and H.B. No. 951, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1106 (H.B. No. 1053, H.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1106 was adopted and H.B. No. 1053, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INCOME MAINTENANCE PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1107 (H.B. No. 1536, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1107 and H.B. No. 1536, H.D. 1, was deferred until final passage of the budget.

House Bill No. 2, H.D. 1, S.D. 1:

Senator Yamasaki moved that H.B. No. 2, H.D. 1, S.D. 1, having been read throughout,

pass Third Reading, seconded by Senator Mizuguchi.

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

"Mr. President, the Senate Committee on Higher Education submitted a budget which fully meets Governor Waihee's challenge as stated in his state of the state message as well as the objectives in our majority package. In response to the governor's challenge the committee recommended for funding numerous enhancements to services which are consistent with the vision for a Pacific university and the University of Hawaii's strategic plan.

"In the evaluation of the university's reallocations and supplemental adjustment the overriding concern was the need to achieve a reasonable balance between the needs and directions of the major components of the University of Hawaii at Manoa, University of Hawaii at Hilo/West Oahu, the community colleges and systemwide support. The committee recommended that budget adjustments conform more closely to the following percentage distribution of current services as reported by President Simone:

- 66% UH-Manoa;
- 20% Community College;
- 7% UH-Hilo; and
- 7% Systemwide Support.

"Upon review of the budget the committee found that in the University of Hawaii's administration's proposed reallocation and supplemental adjustments, Manoa would, in fact, receive 75 percent of total program improvements. It was the recommendation of the Committee on Higher Education, as reflected in its budget adjustments, that a more equitable percentage of the budget be reallocated to the other university units.

"The committee also felt the supplemental budget did not fully address issues and problems of the Community Colleges and University of Hawaii at Hilo as mentioned in the university's testimonies for these programs. As a result the committee's recommendations reflect additional funding for the following:

- Basic Education;
- Library Support;
- Instructional Support;
- Clerical Support;
- Outreach Assistance; and
- Computer Support.

"The criteria used in adjusting the budget was to enhance the services required for basic undergraduate education since 75 percent of the student body is involved with undergraduate education. The budget

reflects this emphasis on basic undergraduate education by the funding of student service programs, conversion of lecturers to faculty positions, adding faculty positions for understaffed units, and hiring more faculty for basic core courses.

"The committee recommended that the university implement the first phase of the merger of the undergraduate agriculture instruction program of the College of Tropical Agriculture and Human Resources, University of Hawaii at Manoa, with the College of Agriculture, University of Hawaii at Hilo. This first phase will be accomplished by utilizing joint appointments of faculty strengthen the research capabilities of the Hilo faculty, completing an addition to the present research center, constructing greenhouses, and providing funds to equip and maintain the laboratories.

"The committee believed that the Mauna Kea access road and the installation of an electrical and communications system to the summit of Mauna Kea supports more than higher education objectives and should have been under the scrutiny of the Department of Transportation and the Department of Accounting and General Services.

"The Center for Hawaiian Studies was recommended for design and construction by the committee. The committee believed that the Hawaiian Studies Program has waited long enough for recognition and we cannot see any reason to delay the construction of the center any longer. The committee further believed that any Hawaiian Studies facility at Manoa should house undergraduate and graduate programs and that the undergraduate program should also be developed in Hilo and broadened to include Hawaii and Pacific Island Studies.

"Finally, the committee believed that an instructional facility should be built in West Hawaii to meet the community demand for educational training. Funds were recommended in the biennium for the facility to include classrooms, library, offices and kitchen facilities for the Culinary Arts program.

"The Committee on Higher Education believes the operating and capital improvement budgets as adjusted by the committee reflect the direction in which the University of Hawaii should be headed. We believe it is already an excellent educational institution and the recommended adjustments are intended to keep the University at the forefront of research while at the same time, strengthen the basic educational base that is so essential to a sound higher education institution."

Senator Mizuguchi also spoke in support

of the measure as follows:

"Mr. President, I'd like to voice my strong support for this bill.

"We can be especially proud of the support that we are giving to the public school system through this budget. It represents the largest financial commitment that we have ever made to education.

"Credit should begin with the governor who offered the innovative incentive plan of providing two new educational dollars for every dollar in Department of Education reallocation. That incentive plan showed that there are resources in the department that can be put to better use.

"Almost all of the additional general fund resources that are being provided — over \$26 million more than the executive budget — will be applied to those programs which will be of direct benefit to schools, classrooms and students. The school children of Hawaii will be the deserving beneficiaries of this budget.

"I would like to thank the members of our Education Committee for their participation and my special thanks go to the chairman of the Ways and Means Committee for the solid support he has given to education.

"We can all be proud that the Senate has led the way in making a renewed and higher commitment to the public school system. By making that commitment, we are saying that quality education is attainable and the children of Hawaii deserve it. Thank you very much."

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

"Mr. President, very briefly in support of the measure. In this budget is funding for tourism marketing and promotion and I would just like to comment in support of what the Ways and Means Committee chairman and the committee have done in support of the subject matter's recommendations.

"The amounts of monies that we have included in this budget proposal, \$15.6 million for the first year and \$15.6 million for the second year, will make Hawaii probably number one in all the states for tourism marketing and promotion.

"I'd just like to thank the chairman of Ways and Means Committee for moving this recommendation ahead to conference with the House. Thank you."

The motion was put by the Chair and carried, and H.B. No. 2, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been

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

Ayes, 25. Noes, none.

House Bill No. 1518, S.D. 1:

By unanimous consent, H.B. No. 1518, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY," was recommitted to the Committee on Transportation.

House Bill No. 231, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 231, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," was recommitted to the Committee on Transportation.

House Bill No. 999, H.D. 1, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 999, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT USE OF PLATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1158, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, H.B. No. 1158, H.D. 1, 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.

House Bill No. 898, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, H.B. No. 898, 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.

House Bill No. 1601, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, H.B. No. 1601, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1078, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, H.B. No. 1078, H.D. 1, 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.

House Bill No. 428, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, H.B. No. 428, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 391, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, H.B. No. 391, H.D. 1, 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.

House Bill No. 1357, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1357, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 1796, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, H.B. No. 1796, H.D. 1, 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.

Stand. Com. Rep. No. 1120 (H.B. No. 81, H.D. 1, S.D. 1):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 1120 was adopted and H.B. No. 81, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIENS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1121 (H.B. No. 1079, S.D. 1):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 1121 was adopted and H.B. No. 1079, S.D. 1, entitled: "A BILL FOR AN

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

Ayes, 25. Noes, none.

House Bill No. 1726, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 1726, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1123 (H.B. No. 37, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1123 and H.B. No. 37, H.D. 1, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 1124 (H.B. No. 775, H.D. 1, S.D. 2):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 1124 was adopted and H.B. No. 775, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1251, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 1251, H.D. 1, 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. 1126 (H.B. No. 853, S.D. 1):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 1126 was adopted and H.B. No. 853, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY AND HOUSEHOLD MEMBERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1127 (H.B. No. 5, H.D. 1, S.D. 1):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 1127 was adopted and H.B. No. 5, H.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 1128 (H.B. No. 1688, S.D. 1):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 1128 was adopted and H.B. No. 1688, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM AERONAUTICS ACT (MODIFIED)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 4, H.D. 2, S.D. 1:

Senator Hee moved that H.B. No. 4, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Menor.

Senator Chang, in support of the measure, remarked:

"Mr. President, during the recent elections I noted the large number of incidents where there were some questionable tactics being perpetrated by different candidates. I commented at that time that I thought it was a sickness that had invaded the state for which we had to heal ourselves.

"I want to thank the chairman of the Judiciary Committee for taking this matter seriously and advancing a proposal that hopefully will enable the State of Hawaii to heal itself of this sickness. Thank you."

Senator Hee then responded and said:

"Mr. President, I want to thank Senator Chang for prevailing through the last election which this sickness had embodied itself on the good Senator. It is I who should thank him. Thank you, Senator Chang.

"Thank you, Mr. President."

The motion was put by the Chair and carried, and H.B. No. 4, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3, H.D. 2, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 3, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECTIONS 701-107, 701-108, 706-606.5, 706-610, 706-640, 706-656, 707-700, 707-702, 707-711, 707-730, 707-731, AND 707-732," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1907, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 1907, H.D. 1, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 1132 (H.B. No. 1486, H.D. 1, S.D. 1):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 1132 was adopted and H.B. No. 1486, H.D. 1, S.D. 1, 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.

Stand. Com. Rep. No. 1133 (H.B. No. 62, H.D. 1, S.D. 1):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 1133 was adopted and H.B. No. 62, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENTLY OBTAINED TELECOMMUNICATIONS OR CABLE TELEVISION SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1134 (H.B. No. 250, H.D. 2, S.D. 2):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 1134 was adopted and H.B. No. 250, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAIR INFORMATION PRACTICE (CONFIDENTIALITY OF PERSONAL RECORD)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 903, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 903, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1136 (H.B. No. 1487, S.D. 2):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 1136 was adopted and H.B. No. 1487, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1002, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 1002, 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, 25. Noes, none.

House Bill No. 922, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 922, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

The Senate reconvened at 1:55 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

House Bill No. 211, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 211, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 46, H.D. 2, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, H.B. No. 46, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," 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. 993 (H.B. No. 16, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 993 was adopted and H.B. No. 16, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CONVENTION CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (McMurdo). Excused, 1 (Young).

House Bill No. 817, H.D. 1, S.D. 1:

Senator Yamasaki moved that H.B. No. 817, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Hee, against the measure, remarked:

"Mr. President, as I indicated earlier, before this bill was rolled to the end of the calendar, I will vote 'no.'"

Senator Hee then asked if the chairman of the Committee on Transportation would yield to a question. The Chair posed the question and Senator Fernandes Salling having answered in the affirmative, Senator Hee inquired:

"Will this bill affect the deputies, as articulated in the language of the bill, that being second deputies of the Department of Transportation?"

Senator Fernandes Salling answered:

"As I understand it, yes, it will."

Senator Hee further inquired:

"Are there vacancies which presently exist at the first deputy level in the Department of Transportation?"

Senator Fernandes Salling answered:

"To the best of my knowledge, I believe there may be two or three vacancies at the first deputy level."

By unanimous consent, action on H.B. No. 817, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 842, H.D. 2, S.D. 1:

Senator Yamasaki moved that H.B. No. 842, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Chang rose on a point of parliamentary privilege regarding the measure and stated:

"Mr. President, the bill before us has a Senate companion bill and that companion bill had been referred to your Committee on Business Development and Pacific Relations. A hearing was held on the Senate companion bill and no one appeared. The Senate bill was therefore held in committee for further study. Subsequently, the House bill crossed over and was not referred to your Committee on Business Development and Pacific Relations but instead was referred to your Committee on Ways and Means and now appears before us today for final passage.

"To my mind, this is a circumvention of the legislative process established by our arrangement and agreement, established in January 1987. However, substantial sums of money are involved for the industry, the insurance industry, and it is too late at this time to establish obstacles for further consideration of this proposal.

"Therefore, your Committee on Business Development and Pacific Relations has not chosen to request the Committee on Ways and Means to recommit the bill. However, and in subsequent discussions of this proposal, your Committee on Business Development and Pacific Relations would request that the committee members and the chairman be involved in the discussion and review, and hopefully reach agreement on the appropriate disposition of the measure. Thank you very much."

At 2:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:09 o'clock p.m.

By unanimous consent, action on H.B. No. 842, H.D. 2, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 1021 (H.B. No. 586, H.D. 1, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 1021 be adopted and H.B. No. 586, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Henderson, in support of the measure, said:

"Mr. President, the chairman of the Agriculture, Energy and Ocean Resources Committee has explained to me the 200-pound limitation on algae, so it's fine with me."

The motion was put by the Chair and

carried, Stand. Com. Rep. No. 1021 was adopted and H.B. No. 586, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1050 (H.B. No. 1365, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 1050 was adopted and H.B. No. 1365, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 854, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 854, H.D. 1, 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, 25. Noes, none.

House Bill No. 1499, H.D. 2, S.D. 1:

Senator Nakasato moved that H.B. No. 1499, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator B. Kobayashi.

Senator Hee rose to speak against the measure as follows:

"Mr. President, I'll vote 'no' on this bill simply because the governor has ample flexibility to recruit and hire whomever the governor wants for special projects or unique projects and events such as the America's Cup, if that is deemed important by the chief executive.

"What this bill does would be to, among other things, recruit someone, then exempt that person from civil service coverage to make that person now eligible for work compensation, unemployment insurance and other kinds of fringe benefits.

"The governor has ample flexibility by contract and should pursue that means, and not come with this vehicle to broaden his, or in this case, his reach, so I will vote 'no.' Thank you."

The motion was put by the Chair and carried, and H.B. No. 1499, H.D. 2, 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, 24. Noes, 1 (Hee).

House Bill No. 1587, S.D. 1:

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, H.B. No. 1587, 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, 2 (Hee and Henderson).

Stand. Com. Rep. No. 1090 (H.B. No. 220, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 1090 be adopted and H.B. No. 220, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

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

"Mr. President, I rise to speak in favor of this measure and in doing so, I'm very cognizant of the committee report which has six 'noes' and four 'WR's' on it.

"But more to the point, Mr. President, I'm cognizant of the fact that in the nine years I've been privileged to serve as chairman of your Committee on Consumer Protection and Commerce, throughout that period of time, the medical community, in general, and physicians, medical doctors, in particular, have opposed virtually every alternative form of insurance for other health care providers and all those who oppose it are medical doctors. They have opposed it for chiropractors, naturopaths, osteopaths, even for psychiatrists. They've wanted it all to themselves.

"I would like to read to you and the members of the Senate a letter I received from William Tsushima, Ph.D., of Straub Clinic and Hospital, and then discuss a few of the issues that Dr. Tsushima raises in this letter in terms of the equality, the democracy and the justice of health care.

'Since 1968 under Worker's Compensation, the term "physician" has included medical doctors, osteopaths, dentists, optometrists, chiropractors and naturopaths. House Bill 220 proposes that psychologists be included so that their services to injured workers can be more readily provided.

'Psychologists perform several important functions for the injured

worker: diagnosis and rehabilitation of brain injured persons, treatment of chronic pain disorders, alleviation of anxiety disorders following work accidents like falling, explosions and electrocutions, and perhaps most important of all, encouraging emotionally disturbed injured workers to return to work.

'Those who oppose this bill appear to cite (1) possible increasing cost and (2) the lack of medical training among psychologists.

'Legislators have been provided some HMSA data that suggest psychologists cost more than psychiatrists. The data, which only provide costs per patient, are highly deficient and misleading, as they do not take into account different disorders and different services provided. Using only cost per patient as a criterion, one would conclude neurosurgeons and heart surgeons are more costly (ergo more inefficient?) than neurologists and cardiologists.

'In any event, given the total picture, mental health costs have always been miniscule. Data from health insurance programs which permit the independent practice of psychologists indicate mental health bills comprise 1% to 3% of the total medical costs. In 1986, HMSA's payments to psychologists were less than 1% of the total paid for medical expenses. Furthermore, psychologists have produced data that suggest inclusion of mental health benefits decrease overall medical utilization and costs (since many overusers of medical care have a primary emotional problem).

'Psychologists indeed are not medical school graduates, but neither are the other "physician" providers under workers' compensation law. We see no data indicating that those who are not M.D.'s mistreat or injure their patients, as some seem to fear. In fact, over the past 15 years, psychologists have practiced independently with HMSA and CHAMPUS patients without any recorded incident of mistreatment of an unrecognized medical illness.

'House Bill 220 will allow injured workers greater accessibility to psychologists if and when they develop serious psychological problems.'

"Recently, Mr. President, members of this body received a lobbying packet against the passage of this bill from the Hawaii Medical Association, and it alluded to their respect of the tradition of law and the legislative process and the tradition of Hippocrates going back 2,500 years.

"I found this to be an extremely self-serving document, Mr. President, because when I looked at the data that were cited by the opponents of this measure, I agreed with the psychologists that the presentation of it was extremely misleading. That data, highlighted on pink sheets, which every Senator presumably received, broke down the percentage of total cases, the average visits per case, the average benefit costs per case, and the percentage of cases reaching the \$500 maximum. What it failed to point out as a percentage was most revealing and that was the per capita cost of psychologists versus psychiatrists, depending on their caseload.

"That critical data was omitted from this presentation, and computing it on a percentage basis, I find that the cost of psychologists is lower, not higher, than that of psychiatrists, which is the very argument the medical community has used against this bill.

"Mr. President, we have deferred another matter which I would like to call to the members' attention, and that is House Bill 211, H.D. 1, S.D. 1, 'A Bill for an Act Relating to Medical Malpractice Insurance.'

"In this, the medical community is asking that we exempt their self-insurance company, MIEC, from the requirements of the insurance roll-backs scheduled to take effect on October 1, 1987 and October 1, 1988. That's a perfectly understandable request since they have only one insurance company and it's a doctor-owned, supposedly nonprofit, insurance group.

"But consider, if you will, Mr. President, the other hypocrisy of the positions as outlined on these two bills. One, their argument against any kind of justice or equality in terms of health care providers as contained in the argument against House Bill 220, and on the other hand, their request for an exemption from the insurance roll-backs contained in House Bill 211, H.D. 1, S.D. 1.

"In short, Mr. President, they want it both ways. They want to deny medical equality; they want to deny those who are licensed and recognized by the state the same rights they have as health care providers and at the same time they want an exemption for their insurance. I find that utterly unconscionable.

"More to the point, Mr. President, House Bill 220 was precisely the same bill that the Senate passed last year and that the previous governor vetoed. In the previous governor's veto message, there was a promise of a cost analysis and case study to be conducted during the interim with a report back to the Legislature. I recall that veto message very clearly because this

Senate then took action to unanimously override that governor's veto, and did so by a vote of 25 to nothing, as one of three bills that we overrode the governor's veto on last year.

"That promise, Mr. President, of cost analysis remains to this day a promise unfulfilled. I have asked for it and I have not received it. So what are we to do in the case of psychologists because of a promise unfulfilled. Vote them down to support medical tradition? Vote them down to support 2,500 years of Hippocratic oath? Vote them down and wait another year for another study when the case has clearly been made it is not going to cost more? Vote them down because while we insist they be licensed and regulated and trained in clinical psychology, we are not willing to give them the same credence when it comes to the health care provision of insurance?

"If we vote down House Bill 220, ladies and gentlemen, that is precisely what we're doing. We have an issue here of fundamental justice and fundamental equality before this Senate. That if we require people to be licensed and trained then we should also be willing to provide for them the same level of recognition in terms of insurance that we provide for osteopaths, chiropractors, naturopaths and optometrists, none of whom are graduates of an accredited medical school unless accreditation is granted by the American Medical Association.

"That is the issue before us on this bill, Mr. President.

"I strongly urge the members to reconsider and support House Bill 220. Thank you."

Senator Yamasaki also spoke in support of the measure and stated:

"Mr. President, during the course of our public hearing, the director of the Department of Labor came before the committee and provided testimony in regard to this bill.

"The department said that the federal law refers to 'clinical psychologists' while the California law requires psychologists to have at least two years of clinical experience in a recognized health setting and, in addition, requires appropriate medical collaboration when requested by the employer. These requirements were apparently included as a means of cost-containment.

"We also received, during the course of the hearing, a copy of the California law passed in 1977 which provides that this bill, in addition, include licensed psychologists with a doctorate degree in psychology and

either two years of clinical experience in a recognized health setting, or meeting specified standards as being within the definition of physician for such purposes, and would require that when treatment or evaluation for an injury is provided by a psychologist provision be made for appropriate medical collaboration upon request of the employer or the insurer.

"Mr. President, the bill before us this afternoon provides that psychologist means a licensed clinical psychologist with a doctorate degree in psychology and who either has at least two years of clinical experience in a recognized health setting, or has met the standards of the National Register of Health Service Providers in Psychology. When treatment or evaluation for an injury is provided by a psychologist, provision shall be made for appropriate medical collaboration when requested by the employer or the insurer, as provided by rules adopted in conformance with chapter 91.

"Mr. President, the federal law and also the California law provide this type of definition for a psychologist under the workers' compensation law, therefore, Mr. President, I urge members of this body to consider this. We are complying with the federal law, and also we are in conformance with the California law and that this is a much more palatable bill than we had in the previous session.

"Thank you."

Senator Chang then rose on a point of information and said:

"Mr. President, would the chairman of the subject matter committee or the chairman of the second committee know what the prospects of this bill entering conference would be and the prospect of the bill subsequently being returned to this body for final vote?"

The Chair posed the question and Senator Cobb interjected:

"Mr. President, on last year's referral, this bill did come to your Committee on Consumer Protection and Commerce, however, in this particular case the House bill did not. I have no way of knowing exactly what the prospects are for a conference. I do know that it's an improvement over even last year's bill which we passed and which makes it very clear that in accordance with the federal standards a psychologist with a M.A. degree cannot practice clinically. But I have no way of knowing precisely what the conference is, I would have to defer to your chairman on Ways and Means."

The Chair then posed the question to the chairman of the Ways and Means

Committee and Senator Yamasaki answered:

"Mr. President, I have no way of determining what the fate of this bill might be in conference."

Senator Nakasato then responded:

"Mr. President, there is only one vehicle. The Senate version of the bill died in Ways and Means. This is the only vehicle right here."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1090 was adopted and, Roll Call vote having been requested, H.B. No. 220, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKER'S COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Aki, George, Henderson, Ikeda, A. Kobayashi, B. Kobayashi, Matsuura, Menor, Reed and Solomon).

Stand. Com. Rep. No. 1093 (H.B. No. 1138, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 1093 be adopted and H.B. No. 1138, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

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

"Mr. President, I have had the chance to look this bill over and talked to somebody and I'm voting 'aye' on it."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1093 was adopted and H.B. No. 1138, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1095 (H.B. No. 1421, H.D. 1, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 1095 be adopted and H.B. No. 1421, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator McMurdo spoke in support of the measure as follows:

"Mr. President, I am reluctantly voting 'aye' for this measure. As you know, I thought the original appropriation was large and when the second one came back in, it was even larger than the first. The project

has changed and keeps growing and growing. Since the chairman of the Tourism Committee put it very firmly that this will be the last time any money will be coming from the Legislature for this particular project, as I said, I am reluctantly voting 'aye.'"

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1095 was adopted and H.B. No. 1421, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KALAKAUA AVENUE SAFETY AND BEAUTIFICATION PROJECT, OAHU," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

Senator Yamasaki moved that H.B. No. 1740, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

At 2:32 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:43 o'clock p.m.

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

"Mr. President, because of the concerns raised by the members of the Senate during last night's caucus, I have been in contact with my counterpart in the House and he has reassured me that this matter will be brought to conference and that he has grave reservations about the artificial reefs in the bill."

Senator Hagino spoke for the measure and remarked:

"Mr. President, I'm going to vote for this bill but with great reluctance. As the previous speaker mentioned, I am concerned about the inclusion of artificial reefs and I also hope, in conference, the language about other uses of a similar nature will be taken out. If that's done then, hopefully, I will vote for it. Thank you."

Senator Blair, in support of the bill, said:

"Mr. President, I'm voting for the bill and I like the artificial reefs. Thank you."

The motion was put by the Chair and carried, and H.B. No. 1740, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1357, H.D. 1, S.D. 1:

Senator Aki moved that H.B. No. 1357, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Solomon.

Senator Hee rose to speak against the measure and said:

"Mr. President, I'm speaking against this bill.

"This bill should have come to the Committee on Judiciary. It changes the procedures of the judicial system. It puts new language in the adjudicatory process. It speaks directly to the supreme court. This bill impinges on First Amendment rights of native Hawaiians. This bill is probably unconstitutional; probably will, if tested, be thrown out (of court).

"This bill, in short, circumvents and guts the judicial process and leads one to believe that an appeal process would be intact relative to the state Supreme Court overturning a decision rendered through a public hearing process.

"Mr. President and members, there should be no surprise, this is a yearly 'save the geothermal' expression.

"Let me state at the outset as I do every year, I have no personal bad feelings about the industry and in fact I think that it is a good industry whose potential is limitless. Nonetheless, we are here to protect a process and what this would do is remove the evidentiary hearing; would remove the adversary nature of a contested case proceeding and in its place insert a second public hearing.

"Mr. President and members, this bill would preclude a process like I have here on my right, which is a contested proceeding of the Molokai cattle case. Without this, Mr. President and members, without this documentation I could not be in court today. Without this, Mr. President, I would have said and I did say at the public hearing that my cattle have no tuberculosis; that I'm willing to slaughter my herd -- cut their rib cages open with a chain saw, pull out their lungs, throw 'um on the table and tell Calvin Lum to open 'um up. No tuberculosis, give me your house. Tuberculosis, I give you my house.

"That is the nature of a public hearing. There is no evidentiary proceeding; no cross-examination proceeding; no rules upon which the supreme court could make a recommendation relative to an appeal.

"What we have today, Mr. President, as a result of this contested case proceeding is that regardless of the fact that my herd has been depopulated, I'm still in court today. And, believe me, I'm not in court by choice but because I have to be.

"In short, that is what a contested case proceeding protects — the right to a day in court.

"By gutting out the contested case proceeding, Mr. Matt Goodbody, a state Supreme Court staff attorney, whom I wrote to and who replied in a memo to me dated March 31, 1987, I quote on page 3:

'There is no denying that the contested case procedure under the Hawaii Administrative Procedure Act is tried and tested. And it is thorough. All kinds of issues can be fully tried in an adversary, contested case hearing, so that when an appeal is eventually taken to the Supreme Court, just about every issue connected with that geothermal permit will already have been fully litigated. Thus almost everything can be finally determined by the Supreme Court on that first appeal.'

'To complicate matters, if the bill is passed, it might be argued by someone that, because the Legislature has deliberately eliminated a contested case hearing in geothermal matters and has not specifically authorized separate court actions, the Legislature thereby implicitly intended to forbid subsequent litigation.'

"I will not be so bold as to say that the proponents are really trying to fool us; that they really know that this could not occur. But, apparently, the Supreme Court staff attorney would be, in his letter to me.

'... if in connection with a particular permit application a claim is raised by an opponent raising genuine conflicting evidence on a crucial factual issue (particularly if the factual issue involves the credibility of witnesses) and if the agency's rules do not allow for cross-examination in such circumstances, then it may well be, as suggested in your letter, that the claim could not be adequately litigated at the public hearing.'

"That is to say (and I am quoting here, Mr. President), '... at a public hearing anyone could get up and say anything, at anytime, for any reason, without cross-examination relative to the nature of the authenticity of that person and of that information that person may espouse.'

"You ask, and I quote again, Mr. President, Mr. Matt Goodbody in his letter, 'You ask whether the elimination of a contested case hearing would entail

elimination of cross-examination of witnesses. It would, unless the agency's rules provided otherwise.'

'Finally, with reference to the standards of review on pages 8 and 9 of the bill, which are copied from the Hawaii Administrative Procedure Act, you ask "how the Supreme Court could realistically find anything clearly erroneous without the cross-examination, qualification of expert witnesses, and other safeguards which would be present in a contested case hearing (and not in a public hearing)?" I think you have put your finger on the advantages and completeness of a contested case hearing.'

"Admittedly, Mr. President, this letter did not specifically address the bill before us. However, without question, the letter did address the bill in its intent, relative to replacing a contested case proceeding with a public hearing.

"Mr. President and members, I have in my hand an article written by 'The Honolulu Advertiser,' when its then reporter was Gerald Kato, and that article spoke relative to the supreme court which revoked two developers' shoreline permits. While this article did not speak to a geothermal permit procedure, this article did speak to a contested case procedure and in it the title was 'Supreme Court revokes two developers' shoreline permits.' This article is written as a result of a contested case proceeding by native Hawaiians of the organization Hui Ala Loa when condominiums were proposed at Kawakui Bay.

"I would like to quote a part of the article by Mr. Kato where he said: '... instead, the commission granted the permits and added conditions that the developers follow-up with archaeological survey and excavation of sites. "We hope that imposing these self-serving conditions without requiring a hearing to review the additional study and survey by the commission is in error, Associate Justice Wakatsuki said."

"As a result of the developers not following their own recommendations as stipulated in the contested case proceeding, the supreme court revoked the permits.

"Clearly, Mr. President and those of you who will vote for the bill, do so with full conscience that while you may advocate geothermal development, in this process, the advocacy also extends to the circumvention of a fundamental procedure in the judicial system of the bedrock of the adjudicatory process and will only add to more court costs when this bill, should it pass, be taken and ruled on as unconstitutional.

"Again, I have no ax to grind with the

geothermal developers, in fact, I support the projects because of the limitless potential. On the other hand, of greater importance to me is upholding the institution we represent, the judicial system we live within and, equally important, the right of those who choose to dissent regardless of whether we agree. And in this case, Mr. President and members, that right is being exercised by native Hawaiians.

"Thank you."

(Memorandum dated March 31, 1987 to Senator Clayton Hee from Matt Goodbody, Supreme Court Staff Attorney, re: S.B. 1196, S.D. 1, is quoted in its entirety:

'I am submitting this memorandum in response to your letter of March 27, 1987, in which you raise a number of questions about the elimination of contested case hearings in geothermal permit cases, as proposed in S.B. 1196, SD 1. Although that particular bill seems dead, you are apparently asking me about it because of its relevance to the companion House bill, HB 1357, HD 1.

'I will try to assist you with a full response to your questions, with the understanding that my legal analyses and conclusions cannot be binding on the Supreme Court or any other judges of the Hawaii court system. As you know, judges can only decide cases and legal issues when they properly come before their respective courts; and of course only the five justices of the Supreme Court can decide any issue definitively. The Judiciary as a branch of government cannot itself render a legal opinion outside a proper court proceeding.

'At the same time, I do speak for the Judiciary Administration, in the sense that the Judiciary Administration takes the position that amendments to appeals statutes should clarify, when not obvious from their context, the standards and procedures to be applied by the appellate courts. Sometimes appellate standards and issues are obvious from the context of an appeals statute (for example, in the Environmental Impact Statement statute, where the issues are clearly set out elsewhere in the statute). However the Judiciary opposed the initial draft of S.B. 1196 because the bill left much procedural uncertainty as to what the Supreme Court was expected to do when reviewing a geothermal appeal. I spoke on behalf of the Judiciary Administration in opposing the initial draft, and I also spoke for the Judiciary in indicating that the Judiciary no longer opposed the bill after changes were made in Senate Draft 1 and the changes were illuminated by the committee reports.

'You further enquire whether my informal memorandum of March 12, 1987 represented my personal opinion or the opinion of the Judiciary. Most of it was my personal opinion. My opinion had been solicited by committee staffers and so I gave an informal opinion.

'However I did speak for the Judiciary Administration to the extent that I indicated that the Judiciary is not opposed to the bill as modified in Senate Draft 1 and as clarified in the committee report.

'I also spoke for the Judiciary in indicating that we take no position on the question of whether the bill should ultimately be enacted so as to eliminate contested case hearings in geothermal cases. That is a policy determination for the Legislature. So long as the bill clarifies appellate procedures, the Judiciary is unopposed to the bill, but it should be made clear that the Judiciary is not an actual supporter or proponent of the bill. The Judiciary has not given its imprimatur to the bill. So long as the bill spells out appellate procedures, we do not oppose it, but we are in no position to defend the wisdom or overall soundness of the bill.

'Please note that the Judiciary had not been consulted about the initial draft of the bill. We were consulted only after we filed written objections: At the Capitol, in the hours prior to my testifying on the bill, its proponents argued vigorously to me that the bill was extremely important for the economic welfare of the State, and asked me whether modifications of the bill might satisfy the Judiciary's basic objections. I had to make a decision on behalf of the Judiciary. I concluded that the Judiciary should not reject the possibility of ameliorating amendments, and I so indicated at the public hearing.

'Before taking your specific questions in order, I would like to first generally address what I see as your underlying concerns about eliminating contested case hearings.

'There is no denying that the contested case procedure under the Hawaii Administrative Procedure Act (HAPA) is tried and tested. And it is thorough. All kinds of issues can be fully tried in an adversary, contested case hearing, so that when an appeal is eventually taken to the Supreme Court, just about every issue connected with that geothermal permit will already have been fully litigated. Thus almost everything can be finally determined by the Supreme Court on that first appeal.

'On the other hand, proponents of S.B. 1196 argue vigorously that permits should be issued more expeditiously, that contested case hearings literally add years to the permit process, that the public's interest in developing energy resources and economic growth outweighs other considerations.

'The bill proposes a shorter public hearing procedure under which certain types of claims might not be capable of adequate litigation at the ordinary public hearing, for example, certain claims of violations of personal rights where an adversary proceeding might be necessary. The unstated assumption of the bill is that those issues which cannot be litigated adequately at a public hearing might be raised in subsequent, separate court cases seeking to set aside the permits (such as independent actions in Hawaii State Circuit Court or United States District Court seeking injunctive or declaratory relief). The proponents of the bill apparently realize that there might be additional litigation, but still believe it is better to get the permit expeditiously, subject to the possibility that a separate court action might ultimately result in revocation of the permit after the fact. In other words, they believe getting the permit quickly is the most important thing, even though there may be an element of risk, as opposed to the situation where the Supreme Court has definitively affirmed the issuance of a permit after a full-blown contested case hearing.

'To complicate matters, if the bill is passed, it might be argued by someone that, because the Legislature has deliberately eliminated a contested case hearing in geothermal matters and has not specifically authorized separate court actions, the Legislature thereby implicitly intended to forbid subsequent litigation. However if this theory were advocated by the administrative agency and the energy developers, the theory might backfire, and the courts might throw out the whole geothermal permit procedure as unconstitutional on the ground that adequate relief is not available for purposes of litigating those types of personal rights requiring adversary proceedings. (It would be possible to clarify this potential problem by amending the bill or committee reports to state that the remedy by way of appeal is not the exclusive remedy for setting aside a geothermal permit in those situations where a public hearing fails to provide an adequate forum for litigation of a particular claim; and to further provide that in such situations appropriate actions for injunctive and declaratory relief would not be barred. However the Judiciary takes no position on whether

this potential problem should be dealt with. As stated earlier, the Judiciary's only position on this bill is that appellate standards and procedures should be spelled out.)

'For example, if in connection with a particular permit application a claim is raised by an opponent raising genuine conflicting evidence on a crucial factual issue (particularly if the factual issue involves the credibility of witnesses), and if the agency's rules do not allow for cross-examination in such circumstances, then it may well be, as suggested in your letter, that the claim could not be adequately litigated at the public hearing. A separate court action might be necessary to determine the issue.

'To be practical, I doubt that many geothermal appeals will involve genuine disputes as to crucial facts. Usually such permits involve situations where there already are elaborately documented surveys and where all the relevant facts are easily verifiable from the document submitted by the applicant.

'As you may know, two geothermal appeals are due to be argued before the Hawaii Supreme Court on April 22, 1987. Those appeals involve claims of first amendment freedom of religion rights. I am not certain whether those particular claims could have been adequately presented at a public hearing as proposed under SB 1196. Some constitutional claims can be determined without an elaborate adversary proceeding. Others may require adversary hearings.

'To turn now to your specific questions, you first enquire about the elimination, at page 6, line 20 of SB 1196, SD 1, of the phrase "applicant has demonstrated by a preponderance of the evidence." I do not know why that phrase was eliminated. My personal opinion is that the elimination makes no real difference, because section (h) on p. 9 requires "reliable, probative, and substantial evidence" to support the agency decision. That standard is clearly defined in the case law and is not inconsistent with the "preponderance of the evidence" standard.

'You ask whether the elimination of a contested case hearing would entail elimination of cross-examination of witnesses. It would, unless the agency's rules provided otherwise. The agency could provide in its rules that in certain situations cross-examination would be permitted. The agency could also provide for rebuttal in certain situations.

'You ask, "If there is no adversarial proceeding would not the record to be

reviewed consist mainly of statements made at the public hearing?" It would depend in part on what the agency's rules provide. Presumably the initial detailed documentation in support of the application would also be made part of the record. Written memoranda from applicants and any responses from opponents might also be made part of the record if permitted under the agency's rules.

'You ask me to "explain the effect of the word 'substantial'" on page 8, line 20 (I believe you mean line 16) "as it clarifies the term 'rights of the appellants.'" The phrase "substantial rights" is copied directly from the Hawaii Administrative Procedure Act. The phrase has been applied in many cases by appellate courts, and although I don't have a watertight definition, I think it is fairly clear that it means legal rights that have substance, as opposed to trivial or insubstantial rights.

'Finally, with reference to the standards of review on pages 8 and 9 of the bill, which are copied from the Hawaii Administrative Procedure Act, you ask "how the Supreme Court could realistically find anything clearly erroneous without the cross-examination, qualification of expert witnesses, and other safeguards which would be present in a contested case hearing (and not in a public hearing)?" I think you have put your finger on the advantages and completeness of a contested case hearing. But in fairness to the other side, there are at least some things that can be decided by an appellate court even if there is no cross-examination and no expert witnesses (assuming that the agency's rules do not allow for cross-examination and expert witnesses). There may be constitutional and statutory violations that can be determined, as a matter of law, on the basis of undisputed facts in the permit application (for example, there may be a question whether the type of development proposed is a "geothermal" development within the meaning of the statute; or there may be a question whether Hawaiian Homes Lands can legally be used for geothermal development, etc. etc.). There can be many legal issues that can be determined by an appellate court as a matter of law, on the basis of undisputed facts, without necessity for resolution of any factual issues. I think the proponents of the bill believe that there rarely are any genuine factual disputes in geothermal appeals.

'As for application of the "clearly erroneous" test to factual evidence, the appellate court can reverse if it is left with "the definite and firm conviction that a mistake has been made," even though there may be evidence in support

of the agency decision. But admittedly, as discussed above, if an opponent should raise a genuine factual question on a material issue, and if the agency's rules do not allow for cross-examination, it may be impossible for that issue to be fully litigated at the public hearing. There may then have to be a separate "collateral attack" on the permit in a separate court proceeding, as discussed above.

'The bill's supporters, as I understand it, apparently believe that in the great majority of instances a full contested case hearing will be unnecessary. Also, please note that the bill and its committee report leave open the possibility that the agency's own rules could permit cross-examination and expert witnesses and so forth.

'In conclusion, as indicated earlier, the Judiciary has not sponsored this legislation and is not a proponent of the bill. The Judiciary believes it is the responsibility of the proponents to demonstrate to you that the bill is sound. It is true that the Judiciary no longer opposes the bill, so long as appellate standards are spelled out as they are in S.B. 1196, S.D. 1. However, the Judiciary takes no position on the ultimate policy question whether it would be wise to eliminate contested case hearings in geothermal cases.

'I hope this somewhat lengthy response casts light on the questions raised in your letter.'

Senator Matsuura spoke in support of the measure and said:

"Mr. President, the previous speaker quoted a lot of statements made by Mr. Goodbody and I will be the first to agree with all the statements he made. The reason is because Mr. Goodbody was reacting to House Bill 1357, H.D. 1.

"It is for this very reason that the Senate came up with Senate draft 1, to address all of the concerns that the previous speaker mentioned. We made certain that some of these provisions would be included in the Senate draft so if you were to read on page 10, the eight items to be included in the public hearing and I'm not going to read all of that, but there are eight items that must be included in the public hearing.

"One of the reasons for this measure is that it is a policy decision. In the states of California, Oregon, Nevada, Utah and New Mexico where geothermal energy resources are available, there is no such thing as a contested case.

"We, in Hawaii, have tried to encourage

the development of geothermal resources. Unfortunately, the developments have been delayed primarily because of some of these contested cases. We are five years down the line and we are still in court.

"We are trying to change the contested cases in terms of adding another public hearing but you must understand the procedure as it is today — you have an application; then a public hearing; you have mediation if you don't agree with it; another public hearing; then you have the decision by the administration; then if you appeal the decision, you go to the supreme court. There is ample time in which one can express his concerns.

"I personally feel that this measure is a good measure, primarily as it is written in the committee report on page 3; that this has already been done ... information that was obtained in public hearing has been brought up on appeal. So it's not that we are doing something that we're circumventing that procedure.

"So with all of those comments, I urge the members to vote in favor of this measure. Thank you."

Senator Blair also spoke against the measure as follows:

"Mr. President, I rise to speak against this bill. In doing so, I'd like to point out that the remarks of Senator Hee, quoting from Mr. Goodbody's letter, apply equally to the Senate draft because the amendments which remove the contested case hearing remain in the Senate draft 1.

"Once the contested case hearing is taken out, we have the risk of arbitrary findings of fact. These arbitrary findings could cut either way, either in favor of the developer or against the developer. In many cases, the developer has the burden of establishing certain facts before he can proceed.

"We shouldn't look at this bill just in terms of geothermal development. In fact, if you go back to where all of this contested case hearing came up, it came up because the developers were tired of all the people showing up before the Land Use Commission and they wanted a contested case hearing because they thought it would expedite matters. Often we find that when we try to do substantive things by amending the procedure, it comes back to haunt us.

"I'm afraid that the proponents of this bill will see it come back to haunt them when, in response to community efforts, arbitrary findings are made by the hearings officers which make it impossible for the permit to be granted. On appeal, the proponent will find that he has no factual record to present to an appellate court.

"We shouldn't look at this as a bill either for development or against development. We should look at it as a bill, despite good intentions, sets up a procedure which appears to grant a right of review by the Supreme Court but limits that right of review to matters other than factual questions. Once it goes up, there won't be a record for the finding that the facts as found by the county commission are clearly erroneous. You won't have a complete review process, so I would urge the members to vote against the bill and keep the procedures that we have. Thank you."

Senator Hee then added:

"Mr. President, just a short response to my good friend Senator Matsuura, and that is that with all due respect to his testimony today, there's no question in my mind that page 10 and page 11, those eight articles upon which he referred to (and if any of the members have their bill in front of them), there is no provision for cross-examination, no provision for evidentiary proceeding other than the written transcripts of the public hearing which in and of itself is not sufficient to be ruled on by appeal by the Supreme Court.

"In fact, let me restate that Senator Blair is precisely correct because in the response of the attorney general against the petitioners in the Molokai cattle case, Article No. 34, the attorney general specifically rebutted according to the contested case proceeding, and that is to say, the attorney general said, 'One of the treaties is introduced by the petitioners themselves during the contested case stated the following opinion.'

"It's not important what the opinion was. What is important is to say that the government in this case heavily relied on the cross-examination and evidentiary proceeding of the contested case, and that in the response to the judge at the appeal, the attorney general repeatedly referred back to the contested case.

"For example, 'Since many of the petitioners in the contested case have never had their cattle tested for bovine tuberculosis, ...' etc, etc.

"Without this proceeding, I'm certain and I'm convinced that the staff attorney of the Supreme Court is correct. And although I did not call the staff attorney in the last 24 hours, I doubt very much that this opinion has changed. Thank you."

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

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

Senator Chang then spoke against the bill as follows:

"Mr. President, I will be voting against this bill. Although I recognize the good intentions of all of the parties working on this measure, the innovation and value of their approach recommended in the Senate draft and the tremendous economic benefits to be derived from geothermal development, I fear that the proposal is yet deficient and will result in record insufficient for adequate judicial review and, perhaps more importantly, will result in a process that will actually lengthen future disputes.

"If this bill does pass, I would urge the proponents to continue to refine this measure and clear these deficiencies. Thank you."

Senator B. Kobayashi also spoke against the measure as follows:

"Mr. President, the concern for public hearing versus contested case raises in my mind the possibilities such as this. It would seem that a person might be able to contend in a public hearing without cross-examination that the person's freedom of religion were being compromised and that that person's freedom of religion had to do with the Goddess Pele of the volcano. The person's standing with regard to this matter might be fully accepted by someone who knows that person well, but for people who did not know that person well that might be called in question.

"Without a contested case hearing, it seems to me, you would not have a good basis to understand the nature of this person's religious belief and the nature of this person's religion. So, I would suggest that we could get into a situation in which perhaps an unusual claim might be made in a public hearing that could not be fully resolved later on down the road without some sort of cross-examination.

"I should also point out on another matter that we already have a very unusual situation in which a decision from the county level goes directly to the State Supreme Court. If this procedure is used in a good many other cases, it would set, I would think, an uncomfortable precedent in which the whole court process, that of review and appeal, would be shortcircuited.

"I would ask members of this body to consider that, perhaps, we might be able to devise other means by which this very long contested case process could be shortened by some sort of batching process of issues, by some sort of consolidation of issues so that in certain circumstances they might go to a contested case but in certain other circumstances they might not.

"I would call for some sort of thought in this direction for the purposes of reexamining the issue during another year. Thank you."

Senator Solomon, in support of the bill, said:

"Mr. President, I am going to vote in favor of this bill, with reservation.

"I believe this bill is an improvement of Senate Bill 1196, S.D. 1, however, even if in its present form it still leaves unanswered questions as to if constitutional claims can be determined without an elaborate adversary proceeding.

"The elimination of a contested case hearing would entail the elimination of cross-examination of witnesses unless the agency's rules provided otherwise and could provide in its rules that in certain situations cross-examination would be permitted. The agency could also provide for rebuttal in certain situations."

The motion was put by the Chair and carried and, Roll Call vote having been requested, H.B. No. 1357, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTED CASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Blair, Chang, Cobb, Fernandes Salling, Hee, Holt, B. Kobayashi, McMurdo, Menor and Yamasaki).

Stand. Com. Rep. No. 1123 (H.B. No. 37, H.D. 1, S.D. 2):

Senator Hee moved that Stand. Com. Rep. No. 1123 be adopted and H.B. No. 37, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Menor.

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

"Mr. President, should this bill become law, the native Hawaiians can begin to sue for the bill we just passed.

"This bill, Mr. President, like the bill before us, goes to the bedrock of civil rights by those people who were here long before any of us. It insures, Mr. President, that these native Hawaiians, some of whom have been aggrieved through many procedures, will have their right to redress.

"Like the bill which preceded us, Mr. President, this bill would allow that native Hawaiian to do it. Unlike the bill before us, this bill will allow the native Hawaiian to do it in a court of law.

"While recognizing the concerns of the

attorney general relative to the amount of which the state may be liable to pay, it creates an interesting dichotomy by number one, should not the state reconcile its negligence to the native Hawaiian versus how much should the state in money reconcile the aggrieved party.

"To deal with that manufactured demon of the attorney general, this bill sets forth an arbitration and mediation procedure of which the total sum awarded by the arbitrator or subsequently by the judge would be paid according to policy set forth by the Legislature, and compensation under this bill could be allowed through land or money.

"Mr. President, this bill is a compromise bill which we trust will be taken to conference and would set forth the reconciling of negligence on behalf of the state. It is not by any means the perfect bill, Mr. President, and concerns have been risen relative to a contingent waiver regarding the payment or partial payment or structured payment thereof. These and other matters raised in the caucus will be deliberated in conference. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1123 was adopted and H.B. No. 37, H.D. 1, 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, 24. Noes, 1 (Matsura).

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

House Bill No. 211, H.D. 1, S.D. 1:

Senator Cobb moved that H.B. No. 211, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Blair.

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

"Mr. President, this particular bill, House Bill 211, was deferred to make a point which was alluded to in my previous remarks with respect to House Bill 220. At this time, I would like to take this opportunity to thank the members of the Senate, all of them, for their vote on House Bill 220 because when I stood on that bill I was aware that we did

not have sufficient votes to pass it.

"Your willingness to listen, your compassion, your understanding, your support, your willingness to change minds right here on the floor illustrated the value of debate and made me extremely proud to be a member of this body. For that, I want to say thank you, personally, from the bottom of my heart, even to those who voted 'no.'

"Mr. President, I am reminded of a sign in your office that says in effect, 'thank you for having a different opinion,' because without the contrast my opinion would have no meaning. So to every member of this Senate, Mr. President, my sincere thanks.

"The bill before us provides not only for the exemption for MIEC but requires the filing of a full disclosure report as to what the rates would have been and that information will be made available to the insurance commissioner and to interested parties. Accordingly, I feel comfortable in recommending passage of the bill and urge all members to vote 'aye.' Thank you."

The motion was put by the Chair and carried, and H.B. No. 211, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL MALPRACTICE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 817, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 817, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARY LEVELS OF DEPUTIES TO DEPARTMENT HEADS," was recommitted to the Committee on Ways and Means.

House Bill No. 842, H.D. 2, S.D. 1:

By unanimous consent, H.B. No. 842, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was recommitted to the Committee on Ways and Means.

ADJOURNMENT

At 3:26 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., Tuesday, April 7, 1987.