

SIXTY-FIRST DAY

Tuesday, April 28, 1987

The Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, convened at 12:18 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by The Honorable Patsy K. Young, State Senator, after which the Roll was called showing all Senators present.

The President announced that he had not read and approved the Journal of the Sixtieth Day.

At 12:20 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:05 o'clock a.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 1008 to 1013) were read by the Clerk and were disposed of as follows:

Hse. Com. Nos. 1008 to 1012, returning the following Senate Concurrent Resolutions which were adopted by the House of Representatives on April 24, 1987, were placed on file:

Hse. Com. No. 1008 - S.C.R. No. 26;
Hse. Com. No. 1009 - S.C.R. No. 51;
Hse. Com. No. 1010 - S.C.R. No. 93, S.D. 1;
Hse. Com. No. 1011 - S.C.R. No. 113; and
Hse. Com. No. 1012 - S.C.R. No. 145.

Hse. Com. No. 1013, returning Senate Concurrent Resolution No. 58, S.D. 1, which was adopted by the House of Representatives on April 27, 1987, in an amended form, was placed on file.

On motion by Senator Matsuura, seconded by Senator Aki and carried, the Senate agreed to the amendments proposed by the House and S.C.R. No. 58, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OCEAN RESOURCES BRANCH OF THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO STUDY THE FEASIBILITY OF CONSOLIDATING UNDER A SINGLE ADMINISTRATIVE DEPARTMENT OR AGENCY, RESPONSIBILITY FOR STATE FUNCTIONS AND ACTIVITIES RELATING TO THE OCEAN," was finally adopted.

At 1:07 o'clock a.m. the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:08 o'clock a.m.

Hse. Com. No. 1014, returning Senate Concurrent Resolution No. 184, S.D. 1, which was adopted by the House of Representatives on April 27, 1987, in an amended form, was placed on file.

On motion by Senator Aki, seconded by Senator Fernandes Salling and carried, the Senate agreed to the amendments proposed by the House and S.C.R. No. 184, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO PLAN, DESIGN AND NEGOTIATE WITH PRIVATE DEVELOPERS FOR THE DEVELOPMENT OF MARINE AND YACHT BERTHING FACILITIES AT HEEIA-KEA BOAT HARBOR, OAHU," was finally adopted.

MATTERS DEFERRED FROM
MONDAY, APRIL 27, 1987

FINAL READING

Conf. Com. Rep. No. 78 (H.B. No. 1244, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Blair and carried, Conf. Com. Rep. No. 78 was adopted and H.B. No. 1244, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 79 (S.B. No. 242, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Aki, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 79 was adopted and S.B. No. 242, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 81 (S.B. No. 548, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 81 and S.B. No. 548, S.D. 2, H.B. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESCHEAT OF

KULEANA LANDS," was deferred until Wednesday, April 29, 1987.

Conf. Com. Rep. No. 82 (S.B. No. 348, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Blair and carried, Conf. Com. Rep. No. 82 was adopted and S.B. No. 348, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESPIRATORY CARE SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 1:10 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:13 o'clock a.m.

Conf. Com. Rep. No. 83 (S.B. No. 1660, H.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 83 was adopted and S.B. No. 1660, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

STANDING COMMITTEE REPORTS

Stand. Com. Rep. No. 1503 (H.C.R. No. 255, H.D. 1):

On motion by Senator Blair, seconded by Senator George and carried, Stand. Com. Rep. No. 1503 was adopted and H.C.R. No. 255, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO STUDY THE FEASIBILITY OF ESTABLISHING A PUBLIC LIBRARY ON THE NORTH SHORE OF KAUAL," was adopted.

Stand. Com. Rep. No. 1504 (H.C.R. No. 68, H.D. 1):

On motion by Senator Blair, seconded by Senator George and carried, Stand. Com. Rep. No. 1504 was adopted and H.C.R. No. 68, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY THE ESTABLISHMENT OF A SECOND HIGH SCHOOL AND OTHER PUBLIC SCHOOL FACILITIES INCLUDING A SECOND DISTRICT OFFICE IN WEST HAWAII," was adopted.

Stand. Com. Rep. No. 1505 (H.C.R. No. 152, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1505 and H.C.R. No. 152, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND/OR THE DEPARTMENT OF TRANSPORTATION TO DEVELOP THROUGH PRIVATE DEVELOPERS AND CAPITAL CERTAIN FAST AND SUBMERGED LANDS TO ACCOMMODATE THE NEXT AMERICA'S CUP YACHT RACE," was deferred until Wednesday, April 29, 1987.

Stand. Com. Rep. No. 1506 (H.C.R. No. 151, H.D. 1):

On motion by Senator Blair, seconded by Senator George and carried, Stand. Com. Rep. No. 1506 was adopted and H.C.R. No. 151, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND/OR THE DEPARTMENT OF TRANSPORTATION TO DEVELOP THROUGH PRIVATE DEVELOPERS AND CAPITAL CERTAIN FAST AND SUBMERGED LANDS TO ACCOMMODATE THE NEXT AMERICA'S CUP YACHT RACE," was adopted.

Stand. Com. Rep. No. 1507 (H.C.R. No. 139, H.D. 1):

On motion by Senator Blair, seconded by Senator George and carried, Stand. Com. Rep. No. 1507 was adopted and H.C.R. No. 139, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND/OR THE DEPARTMENT OF TRANSPORTATION TO DEVELOP THROUGH PRIVATE DEVELOPERS AND CAPITAL CERTAIN FAST AND SUBMERGED LANDS FOR CERTAIN ENUMERATED PURPOSES," was adopted.

Stand. Com. Rep. No. 1508 (H.C.R. No. 53, H.D. 1, S.D. 1):

On motion by Senator Blair, seconded by Senator George and carried, Stand. Com. Rep. No. 1508 was adopted and H.C.R. No. 53, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING A SCHOOL BUS PROGRAM FOR STUDENTS ATTENDING SCHOOLS IN THE LEEWARD, WINDWARD, CENTRAL, AND HONOLULU SCHOOL DISTRICTS OF OAHU," was referred to the Committee on Legislative Management.

Stand. Com. Rep. No. 1509 (H.C.R. No. 128, H.D. 1):

On motion by Senator Blair, seconded by Senator George and carried, Stand. Com. Rep. No. 1509 was adopted and H.C.R. No. 128, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE CONSTRUCTION OF A PERMANENT SIXTEEN CLASSROOM BUILDING AT KAIMILOA ELEMENTARY SCHOOL," was adopted.

Stand. Com. Rep. No. 1510 (H.C.R. No. 150):

On motion by Senator Blair, seconded by Senator George and carried, Stand. Com. Rep. No. 1510 was adopted and H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO IMPROVE PROGRAMS RELATED TO FOOD AND DRUG INSPECTION," was adopted.

MATTER DEFERRED FROM
MONDAY, APRIL 27, 1986

Stand. Com. Rep. No. 1486 (H.C.R. No. 180, H.D. 1):

On motion by Senator Blair, seconded by Senator George and carried, Stand. Com. Rep. No. 1486 was adopted and H.C.R. No. 180, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES TO DISPOSE OF CERTAIN GOVERNMENT WATER RIGHTS FOR THE PURPOSE OF CONSTRUCTING HYDRO-ELECTRIC POWER FACILITIES ON THE ISLAND OF KAUAI," was adopted.

At 1:15 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:19 o'clock a.m.

FINAL READING

Senate Bill No. 767, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 767, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATIVE DIRECTOR OF THE COURTS," was deferred until Wednesday, April 29, 1987.

Conf. Com. Rep. No. 41 (H.B. No. 1841, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Aki and carried, Conf. Com. Rep. No. 41 was adopted and H.B. No. 1841, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND AND NATURAL RESOURCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ikeda).

At 1:20 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:21 o'clock a.m.

Conf. Com. Rep. No. 76 (H.B. No. 369, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 76 and H.B. No. 369, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE," was deferred until Wednesday, April 29, 1987.

MATTER DEFERRED
FROM MONDAY, APRIL 27, 1987

Stand. Com. Rep. No. 1377 (H.C.R. No. 40, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1377 and H.C.R. No. 40, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A LEGISLATIVE AGENCY STUDY," was deferred until Wednesday, April 29, 1987.

CONFERENCE COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 706, H.D. 1, presented a report (Conf. Com. Rep. No. 121) recommending that H.B. No. 706, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 121 and H.B. No. 706, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS," was deferred for a period of 48 hours.

Senator Nakasato, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 445, H.D. 1, presented a report (Conf. Com. Rep. No. 122) recommending that H.B. No. 445, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 122 and H.B. No. 445, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," was deferred for a period of 48 hours.

Senator Nakasato, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the

Senate to House Bill No. 444, H.D. 1, presented a report (Conf. Com. Rep. No. 123) recommending that H.B. No. 444, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 123 and H.B. No. 444, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT SECURITY," was deferred for a period of 48 hours.

RECONSIDERATION OF ACTIONS TAKEN

Senate Bill No. 515, S.D. 2, H.D. 1:

Senator Yamasaki moved that the Senate reconsider its action taken on April 9, 1987 to disagree on S.B. No. 515, S.D. 2, H.D. 1, seconded by Senator Mizuguchi.

Senator Yamasaki then explained:

"Mr. President, the amendment provides for innovative projects and appropriates \$400,000."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 515, S.D. 2, and that S.B. No. 515, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS FOR CHILD ABUSE AND NEGLECT PREVENTION," was placed on the calendar for Final Reading on Wednesday, April 29, 1987.

Senate Bill No. 1399, S.D. 1, H.D. 1:

Senator Nakasato moved that the Senate reconsider its action taken on April 9, 1987 on S.B. No. 1399, S.D. 1, H.D. 1, seconded by Senator Blair and carried.

On motion by Senator Nakasato, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1399, S.D. 1, and that S.B. No. 1399, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS ON PUBLIC WORKS," was placed on the calendar for Final Reading on Wednesday, April 29, 1987.

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

Senator Hee moved that the Senate reconsider its action taken on April 9, 1987 on S.B. No. 797, S.D. 1, H.D. 1, seconded by Senator Chang.

Senator Hee then explained:

"Mr. President, basically, Senate Bill 797 is relating to the Penal Code to make technical and grammatical changes to several sections of the Hawaii Penal Code. We have reconciled our differences."

Senator Henderson then rose to inquire:

"Mr. President, what were the differences?"

Senator Hee responded:

"I'm glad you asked.

"Mr. President, Section 707 changes 'sexual intercourse' to 'sexual penetration' to conform with the changes in definitions of sexual crimes. (Shall I go on? So that was okay, eh? Okay.) Section 706-610, crimes of first and second degree murder; Section 351-32 conforms with the current statutes of the kinds of crimes for which victims are eligible for compensation; 708-831 makes the statute gender-neutral, and adds taking the equine species as one of the possible crimes of theft in the second degree."

Senator Henderson further inquired:

"Mr. President, could the chairman explain to me what crimes are compensable? I'd like to know that."

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

The Senate reconvened at 1:32 o'clock a.m.

The Chair then posed the question to the chairman and Senator Hee responded:

"Mr. President, in answer to the Minority Leader's question, that section has been deleted. That is one of the amendments we agreed to. So, if the Minority Leader is truly interested in finding out our current statutes for the kinds of crimes for which victims are eligible for compensation, I suggest that he consult his Minority Attorney.

"Section 351-32"

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Hee, seconded by Senator Chang and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 797, S.D. 1, and that S.B. No. 797, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," was placed on the calendar for Final Reading on Wednesday, April 29, 1987.

At 1:34 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:45 o'clock a.m.

Senate Bill No. 1201, S.D. 1, H.D. 1:

Senator Hee moved that the Senate reconsider its action taken on April 9, 1987 on S.B. No. 1201, S.D. 1, H.D. 1, seconded by Senator Menor and carried.

On motion by Senator Hee, seconded by Senator Menor and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1201, S.D. 1, and that S.B. No. 1201, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MONETARY LAUNDERING," was placed on the calendar for Final Reading on Wednesday, April 29, 1987.

Senate Bill No. 792, H.D. 2:

Senator Yamasaki moved that the Senate reconsider its action taken on April 9, 1987 on S.B. No. 792, H.D. 2, seconded by Senator Mizuguchi.

Senator Yamasaki then explained:

"Mr. President, the House amends statutes for the definition of injuries compensation to comply with the changes in the Penal Code."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 792 and that S.B. No. 792, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION FOR CRIMINAL INJURIES," was placed on the calendar for Final Reading on Wednesday, April 29, 1987.

Senate Bill No. 1143, H.D. 1:

Senator Yamasaki moved that the Senate reconsider its action taken on April 9, 1987 on S.B. No. 1143, H.D. 1, seconded by Senator Mizuguchi.

Senator Yamasaki then explained:

"Mr. President, the amendments proposed by the House increases the per diem of the Board of Registration members from \$45 to \$70."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1143, and that S.B. No. 1143, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF

REGISTRATION," was placed on the calendar for Final Reading on Wednesday, April 29, 1987.

Senate Bill No. 1424, S.D. 1, H.D. 1:

Senator Yamasaki moved that the Senate reconsider its action taken on April 9, 1987 on S.B. No. 1424, S.D. 1, H.D. 1, seconded by Senator Mizuguchi.

Senator Yamasaki then explained:

"Mr. President, the amendments proposed by the House increased the court fees from \$40 to \$60 per hour and also increased the out-of-court fees from \$30 to \$40 and made an appropriation of \$1.5 million for each of the fiscal years."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1424, S.D. 1, and that S.B. No. 1424, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT-APPOINTED ATTORNEYS AND GUARDIANS AD LITEM," was placed on the calendar for Final Reading on Wednesday, April 29, 1987.

Senate Bill No. 1443, S.D. 1, H.D. 2:

Senator Yamasaki moved that the Senate reconsider its action taken on April 9, 1987 on S.B. No. 1443, S.D. 1, H.D. 2, seconded by Senator Mizuguchi.

Senator Yamasaki explained:

"Mr. President, this relates to the appointment of counsel for indigents. The House increases the court fees from \$40 to \$60 per hour and also increases out-of-court fees from \$30 to \$40 per hour. And there is an appropriation \$879,263 for the first fiscal year and also \$728,709 for the second year."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1443, S.D. 1, and S.B. No. 1443, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE APPOINTMENT OF COUNSEL FOR INDIGENTS," was placed on the calendar for Final Reading on Wednesday, April 29, 1987.

Senate Bill No. 1500, S.D. 1, H.D. 2:

Senator Yamasaki moved that the Senate reconsider its action taken on April 9, 1987 on S.B. No. 1500, S.D. 1, H.D. 2, seconded by Senator Mizuguchi.

Senator Yamasaki explained:

"Mr. President, the amendment is identical. It sets the investment yield at 8 percent for each year of the fiscal years 1987 and 1988."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1500, S.D. 1, and that S.B. No. 1500, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was placed on the calendar for Final Reading on Wednesday, April 29, 1987.

Senate Bill No. 1673, S.D. 1, H.D. 1:

Senator Yamasaki moved that the Senate reconsider its action taken on April 9, 1987 on S.B. No. 1673, S.D. 1, H.D. 1, seconded by Senator Mizuguchi.

Senator Yamasaki explained:

"Mr. President, the House deleted the members whose salaries are set forth in Chapter 26-54, which are county appointments, from consideration as class A contributing members of the Retirement System."

Senator Henderson then said:

"Mr. President, I don't quite understand that provision."

Senator Yamasaki responded:

"Mr. President, the Senate amendments included both the state-appointed officials and county-appointed officials, department heads. The amendment deletes the county department heads."

Senator Henderson then inquired:

"Mr. President, I understand what the chairman is saying, but you're telling me that the resolution of the bill is to delete the counties from the provisions of the law?"

Senator Yamasaki answered:

"It excludes the counties."

Senator Henderson further inquired:

"It excludes the counties, from the provisions of the law?"

Senator Yamasaki answered:

"Mr. President, it just covers only the state department appointees."

Senator Henderson thanked the chairman for his response.

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1673, S.D. 1, and that S.B. No. 1673, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM," was placed on the calendar for Final Reading on Wednesday, April 29, 1987.

Senate Bill No. 1751, S.D. 2, H.D. 2:

Senator Yamasaki moved that the Senate reconsider its action taken on April 9, 1987 on S.B. No. 1751, S.D. 2, H.D. 2, seconded by Senator Mizuguchi.

Senator Yamasaki then said:

"Mr. President, the bill establishes the new Department of Human Services and the House made some technical amendments to the bill."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1751, S.D. 2, and that S.B. No. 1751, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF HUMAN SERVICES," was placed on the calendar for Final Reading on Wednesday, April 29, 1987.

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

Senator B. Kobayashi moved that the Senate reconsider its action taken on April 9, 1987 on S.B. No. 1126, S.D. 1, H.D. 1, seconded by Senator Matsuura.

Senator B. Kobayashi then said:

"Mr. President, the House removed language that the Senate had added, which provided that sufficient resources would be available before marriage license information would be circulated. The Department of Health has said that they would make sufficient resources available since they regard this information as vital."

The motion to reconsider the action was put by the Chair and carried.

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1126, S.D. 1, and that S.B. No. 1126, S.D. 1, H.D. 1,

entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE LICENSE," was placed on the calendar for Final Reading on Wednesday, April 29, 1987.

Senate Bill No. 994, S.D. 1, H.D. 2:

Senator B. Kobayashi moved that the Senate reconsider its action taken on April 9, 1987 on S.B. No. 994, S.D. 1, H.D. 2, seconded by Senator Mizuguchi.

Senator B. Kobayashi and remarked:

"Mr. President, the House added an appropriation of \$200,000 per year for the purposes of epidemiological research and testing related to AIDS. This money would be used for both research, as well as a very important source of testing for AIDS cases as involved in regular testing by the Department of Health."

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 994, S.D. 1, and that S.B. No. 994, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was placed on the calendar for Final Reading on Wednesday, April 29, 1987.

At 1:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:57 o'clock a.m.

Senator Cobb then rose to request of the Chair:

"Mr. President, we received a number of resolutions from the House that I'm going to move to agree with and since we had already conducted hearings on either companion or identical resolutions, I'm going to request the Chair to waive the referral and have the matter placed before the body for action on Wednesday so that the members will have ample opportunity to review each of the resolutions and the concurrent resolution may be adopted by this Legislature prior to adjournment. I would very briefly like to explain each and indicate that I have checked with a number of members of my committee on both sides of the aisle."

At 1:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:01 o'clock a.m.

At this time, Senator Cobb, chairman of the Committee on Consumer Protection and Commerce, requested a waiver of the referral to said committee of H.C.R. No. 23, H.D. 1, H.C.R. No. 99, H.D. 1, H.C.R.

No. 155, H.C.R. No. 258, H.D. 1, and H.C.R. No. 259, and the Chair, noting that there were no objections, granted the waiver.

By unanimous consent, the following:

H.C.R. No. 23, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING THE POSTING OF THE PRICE OF GASOLINE BY THE GALLON";

H.C.R. No. 99, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE HAWAII ASSOCIATION OF REALTORS AMEND THEIR PROPERTY CONDITION TERMS TO PROVIDE NOTICE OF THE TERMS OF ANY REVERSIONARY OR SURRENDER CLAUSE";

H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO AN INTERIM STUDY BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS REGARDING COMPLIANCE WITH PL 99-660 THE HEALTH CARE QUALITY IMPROVEMENT ACT OF 1986";

H.C.R. No. 258, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ENFORCEMENT OF STATE DEPARTMENT OF TRANSPORTATION INSURANCE COVERAGE REQUIREMENTS"; and

H.C.R. No. 259, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ADVISABILITY OF STATUTORILY REQUIRING REAL ESTATE LICENSEES AND NON-LICENSEES TO ASCERTAIN AND DISCLOSE PERTINENT FACTS, AND DEFINING PERTINENT FACTS",

were placed on the calendar for further consideration on Wednesday, April 29, 1987.

Senator Holt then rose on a point of personal privilege and remarked as follows:

"Just for a point of clarification for the record, I understand that the House conferees have already made press releases regarding the status of negotiations on the convention center and with Senator Yamasaki's blessings I'd like to say that the Senate went into conference with the Ala Wai site effective July 1 of this year to take immediate action. It came back to the table with Ala Wai and a Fort DeRussy trigger mechanism which would allow for questions to be answered regarding cost and availability of DeRussy.

"The House insisted that we do social impacts so the Senate proceeded to add provisions to address the social impact questions on Ala Wai. Fort DeRussy was also going to be under consideration and

notification was given to the governor that that site was available.

"All during this time, the House maintained their position on setting the issue, and just for clarification with regard to the House's final position tonight which is not my understanding over what was presented to the Conference Committee, but is being presented to the public, the House position is that they wanted to tentatively designate Ala Wai as the convention center site.

"Essentially what they were going to do was have studies done of five sites, including the Ala Wai, again, wanting to look at four sites that are unnamed, that was not identified to your conference committee. They wanted to do some EIS studies, market orientation analysis, and then proceeded to inform your committee that if the House did not choose a site, Ala Wai would be finalized, and that is the only information that was presented to your committee.

"In other words, if the House, based on the information that was provided to them next session, decided on a site, Ala Wai would no longer be the designated site.

"Basically, Mr. President, the House position was just buying time to pick the site. Once they picked the site, Ala Wai would cease to be the site selected by this Legislature.

"It appears to me, Mr. President, that this is nothing more than a smokescreen to escape public pressure for not selecting a site this session, and wanting to study this issue to death and further delay decision on this matter. I think it's not fair to the conferees who worked hard to try and come to a settlement on this issue. The indication is that the House is reporting to the public that they were willing to come and back off the authority position to agree on Ala Wai.

"This tentative designation doesn't make sense, and basically the Senate conferees thought that this was nothing more than a delay tactic to study the issue more. Basically, to allow the House who as of yet has not selected any site or sites, or named any site or sites, to go and study this issue during the interim and then come back next year, and then, maybe, Mr. President, maybe they'll pick a site.

"In the interest of the state and in the interest of the committee, your conferees felt that it's not fair to the conferees and to the Senate and to the people who put a lot of work into this matter that the House is taking a position which is not in the best interest of the state. And, I just want to make those statements for the record.

"Thank you."

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

"Mr. President, today on the news there was an announcement that American Airlines had terminated its discriminatory mileage practices. When I say discriminatory, the kind of practices that required Hawaii residents or travelers to fly more miles to and from Hawaii in order to qualify for mileage upgrades than their counterparts on the Mainland. Within four hours of American Airlines' announcement, a similar announcement was made by United Airlines, ending their discriminatory practice, first, of requiring 75,000 instead of 50,000 miles for a free ticket, and second, ending their equally discriminatory practice of requiring 30,000 miles as opposed to 10,000 for an upgrade to first class.

"What the action of the two airlines has done is to restore the equality of Hawaii residents and travelers enjoyed prior to December 31, 1986, when there was no discrimination in terms of mileage travelled in order to receive an upgrade. It has made us equal with our fellow travellers on the Mainland.

"Mr. President, this is a tremendous victory not for me personally but for every consumer who is an air traveller and every Hawaii resident and every traveller to and from Hawaii. I want to express my personal thanks to all members of the Senate as the only legislative body in this state which took any kind of action against this kind of unequal treatment.

"I want to express my personal thanks on behalf of the Committee on Consumer Protection and Commerce and the members of the Senate, to our consumers and our air travellers who voted with their pocketbook, to end this kind of unequal treatment. And I want to express my personal thanks, as well, to the management of both American and United Airlines for seeing the light and changing their minds in the face of competition and in the face of a tremendous amount of public sentiment that said that what they did was not right or fair or just.

"It's not often, Mr. President, that the consumer wins a big one. Tonight, they did. Thank you."

Senator Henderson then rose on a point of information and asked:

"Mr. President, I would like to ask the Senator from the 18th District, does he mean that we do not have a convention center?"

The Chair posed the question to Senator Holt and he answered:

"Mr. President, unless the conferees in the House and the Senate can get together tomorrow and get closer to agreement and deck a bill which might be an additional extension that means ... (CHAIR: There might be a possibility.) that might be possible."

Senator Henderson further asked:

"You mean that there's no way at all we're going to have a convention center?"

The Chair responded:

"I think the chairman answered the question. If there is a possibility, it will be decked."

Senator Henderson continued:

"It requires a one-day extension."

The Chair responded:

"We will cross that bridge when we come to it, Senator Henderson."

At 2:11 o'clock a.m., on motion by Senator Blair, seconded by Senator George and carried, the Senate stood in recess subject to the call of the Chair.

ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 10:00 o'clock p.m., Wednesday, April 29, 1987.