

FORTY-FIFTH DAY

Monday, April 4, 1988

The Senate of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1988, convened at 2:30 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by Chaplain Dale D. Ellens, Schofield Barracks, after which the Roll was called showing all Senators present.

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

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

The Senate reconvened at 2:33 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 229 and 230) were read by the Clerk and were placed on file:

Gov. Msg. No. 229, transmitting copies of the "Master Plan for Distributed Information and Information Resource Management," prepared by the Department of Budget and Finance, pursuant to Section 165, Act 216, SLH 1987, the General Appropriations Act.

Gov. Msg. No. 230, transmitting copies of the report, "School to Work Transition Center Program," prepared by the administrator of the Office of Special Programs, Department of Labor and Industrial Relations.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 38 from the Department of Transportation, transmitting copies of the report "A Review of Proposed Light Rail Transit (LRT) Systems for Honolulu," prepared by Robert W. Behnke, Aegis Transportation Information Systems, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

By unanimous consent, action on House Communication Nos. 437 to 456 was deferred to the end of the calendar.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 101 and 102) were read by the Clerk and were referred to committees:

Senate
Concurrent
Resolution

No. 101 "SENATE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT S. 1697 CONCERNING DISCLOSURES BY FOREIGN INVESTORS."

Offered by: Senators Tungpalan, Blair, Chang, Cobb, Fernandes Salling, Hee, Young.

Referred to: Jointly to the Committee on Consumer Protection and Commerce and the Committee on Government Operations.

No. 102 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONDUCT A STUDY ON THE FEASIBILITY OF ADOPTING A STATE SUGGESTION PROGRAM."

Offered by: Senator Wong, R.

Referred to: Committee on Government Operations.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 111 and 112) were read by the Clerk and were referred to committees:

Senate
Resolution

No. 111 "SENATE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT S. 1697 CONCERNING DISCLOSURES BY FOREIGN INVESTORS."

Offered by: Senators Tungpalan, Blair, Chang, Cobb, Fernandes Salling, Hee, Young.

Referred to: Jointly to the Committee on Consumer Protection and Commerce and the Committee on Government Operations.

No. 112 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONDUCT A STUDY ON THE FEASIBILITY OF ADOPTING A STATE SUGGESTION PROGRAM."

Offered by: Senator Wong, R.

Referred to: Committee on Government Operations.

ORDER OF THE DAY

THIRD READING

House Bill No. 2274, H.D. 1, S.D. 1:

On motion by Senator Tungpalan, seconded by Senator Hagino and carried, H.B. No. 2274, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMBLEMS AND SYMBOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Hee).

House Bill No. 3464, H.D. 1, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator McMurdo and carried, H.B. No. 3464, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Young). Excused, 2 (Aki, Hee).

House Bill No. 2282, H.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 2282, H.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, 23. Noes, none. Excused, 2 (Aki, Hee).

House Bill No. 2276, H.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 2276, H.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, 23. Noes, none. Excused, 2 (Aki, Hee).

House Bill No. 416, S.D. 1:

On motion by Senator Young, seconded by Senator J. Wong and carried, H.B. No. 416, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2437, H.D. 1:

On motion by Senator Young, seconded by Senator Hagino and carried, H.B. No. 2437, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ATTORNEY GENERAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2067, H.D. 2, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Hagino and carried, H.B. No. 2067, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROTECTION OF ENVIRONMENTAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2706, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Blair and carried, H.B. No. 2706, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION AND WATER UTILIZATION PROJECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At this time, the President introduced to the members of the Senate, United States Senate sergeant-at-arms Henry Giugni.

House Bill No. 2271, H.D. 2, S.D. 1:

On motion by Senator Matsuura, seconded by Senator Blair and carried, H.B. No. 2271, H.D. 2, S.D. 1, 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, 24. Noes, none. Excused, 1 (Aki).

House Bill No. 3291, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3291, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3529, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3529, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENGINEERS, ARCHITECTS, SURVEYORS AND LANDSCAPE ARCHITECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3528, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3528, 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, 24. Noes, none. Excused, 1 (Aki).

House Bill No. 3306, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3306, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM SECURITIES ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2521:

On motion by Senator Young, seconded by Senator Hagino and carried, H.B. No. 2521, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2268, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, H.B. No. 2268, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2467 (H.B. No. 2638, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2467 was adopted and H.B. No. 2638, S.D. 2, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ARRIVAL OF OKINAWANS TO HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2468 (H.B. No. 2028, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2468 was adopted and H.B. No. 2028, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR A SPACE PORT IN HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2469 (H.B. No. 2027, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2469 was adopted and H.B. No. 2027, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS AND ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2470 (H.B. No. 2146, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2470 was adopted and H.B. No. 2146, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE STOCK OWNERSHIP PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2471 (H.B. No. 2390, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2471 was adopted and H.B. No. 2390, S.D. 1, 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, 24. Noes, none. Excused, 1 (Aki).

Stand. Com. Rep. No. 2472 (H.B. No. 3441, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2472 was adopted and House Bill No. 3441, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2473 (H.B. No. 2071, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2473 was adopted and House Bill No. 2071, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RENOVATION OF BUILDINGS OR CONSTRUCTION OF EMERGENCY SHELTERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2474 (H.B. No. 3515, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2474 was adopted and House Bill No. 3515, 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, 24. Noes, none. Excused, 1 (Aki).

Stand. Com. Rep. No. 2475 (H.B. No. 2059, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2475 was adopted and House Bill No. 2059, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RESIDENT ASSISTANTS IN OLDER ADULT HOUSING FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2476 (H.B. No. 3496, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2476 was adopted and House Bill No. 3496, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2477 (H.B. No. 2054, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2477 was adopted and House Bill No. 2054, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2478 (H.B. No. 2050, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2478 was adopted and House Bill No. 2050, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LIBRARY REVOLVING FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2479 (H.B. No. 2053, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2479 was adopted and House Bill No. 2053, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN AREA STUDIES IN THE DEPARTMENT OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 839, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 839, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (George, Herkes, Ikeda, Reed). Excused, 1 (Aki).

House Bill No. 2038, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 2038, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN EMERGENCY AND BUDGET STABILIZATION FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (George, Herkes, Reed). Excused, 1 (Aki).

Stand. Com. Rep. No. 2482 (H.B. No. 842, H.D. 2, S.D. 4):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2482 was adopted and House Bill No. 842, H.D. 2, S.D. 4, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3523, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 3523, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX REFUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3533, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 3533, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PETTY CASH FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3514, H.D. 1, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 3514, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3521, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 3521, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATION OF TAXES," having been read

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

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

House Bill No. 3501, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 3501, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF BONDS BY THE STATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3457, H.D. 1, S.D. 1:

On motion by Senator Hagino, seconded by Senator Nakasato and carried, H.B. No. 3457, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3454, H.D. 1, S.D. 1:

On motion by Senator Hagino, seconded by Senator Nakasato and carried, H.B. No. 3454, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3208, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 3208, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 3611, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3611, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BANKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2785, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 2785, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3159, H.D. 2:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3159, 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, 24. Noes, none. Excused, 1 (Aki).

House Bill No. 2353, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 2353, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2878:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 2878, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2162, S.D. 1:

On motion by Senator Holt, seconded by Senator McMurdo and carried, H.B. No. 2162, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAIKIKI," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2501, S.D. 1:

By unanimous consent, action on H.B. No. 2501, S.D. 1, was deferred to the end of the calendar.

House Bill No. 3534, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 3534, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER SAFETY ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2090, H.D. 1, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 2090, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEAT BELTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2231, H.D. 1, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 2231, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3456, H.D. 1, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, H.B. No. 3456, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2385, H.D. 2, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, H.B. No. 2385, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEENAGE HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3151, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, H.B. No. 3151, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIV ANTIBODY TESTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3158, H.D. 1, S.D. 1:

On motion by Senator Solomon, seconded by Senator Fernandes Salling and carried, H.B. No. 3158, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BOARD ON GEOGRAPHIC NAMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2078, H.D. 1, S.D. 1:

On motion by Senator Solomon, seconded by Senator Blair and carried, H.B. No. 2078, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OHANA ZONING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3451, S.D. 1:

On motion by Senator Solomon, seconded by Senator Fernandes Salling and carried, H.B. No. 3451, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (George, Herkes, Ikeda, Kobayashi, A., Reed). Excused, 1 (Aki).

House Bill No. 3561, H.D. 1, S.D. 1:

On motion by Senator Solomon, seconded by Senator Fernandes Salling and carried, H.B. No. 3561, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2273, H.D. 1, S.D. 1:

On motion by Senator Tungpalan, seconded by Senator Hagino and carried, H.B. No. 2273, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

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

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

House Bill No. 2974, H.D. 1, S.D. 1:

On motion by Senator Solomon, seconded by Senator Fernandes Salling and carried, H.B. No. 2974, 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, 21. Noes, 3 (George, Ikeda, McMurdo). Excused, 1 (Aki).

House Bill No. 2428, H.D. 1:

On motion by Senator Solomon, seconded by Senator Fernandes Salling and carried, H.B. No. 2428, H.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, 24. Noes, none. Excused, 1 (Aki).

House Bill No. 2364, H.D. 1, S.D. 1:

On motion by Senator Tungpalan, seconded by Senator Hagino and carried, H.B. No. 2364, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC SITES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2512 (H.B. No. 3238, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2512 was adopted and H.B. No. 3238, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A STATEWIDE TRAIL AND ACCESS SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2513 (H.B. No. 2535, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2513 was adopted and H.B. No. 2535, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2514 (H.B. No. 3593, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2514 was adopted and H.B. No. 3593, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2515 (H.B. No. 3596, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2515 was adopted and H.B. No. 3596, S.D. 2, 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, 24. Noes, none. Excused, 1 (Aki).

Stand. Com. Rep. No. 2516 (H.B. No. 2068, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2516 was adopted and H.B. No. 2068, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A METHANOL-FROM-BIOMASS PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2517 (H.B. No. 2151, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2517 was adopted and H.B. No. 2151, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A REVOLVING LOAN PROGRAM FOR BUSINESS OPPORTUNITIES ON MOLOKAI," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2518 (H.B. No. 2179, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2518 was adopted and H.B. No. 2179, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR NORI RESEARCH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2519 (H.B. No. 2691, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2519 was adopted and H.B. No. 2691, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CENTER FOR APPLIED AQUACULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2520 (H.B. No. 2876, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2520 was adopted and H.B. No. 2876, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A HYPERBARIC TREATMENT CHAMBER SYSTEM,"

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

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

Stand. Com. Rep. No. 2521 (H.B. No. 2591, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2521 was adopted and H.B. No. 2591, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DEVELOP AND IMPLEMENT ENVIRONMENTAL EDUCATION PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2522 (H.B. No. 3452, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2522 was adopted and H.B. No. 3452, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STATE REVOLVING FUND FOR WATER POLLUTION CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2523 (H.B. No. 2532, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2523 was adopted and H.B. No. 2532, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2524 (H.B. No. 3562, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2524 was adopted and H.B. No. 3562, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2525 (H.B. No. 2627, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2525 was adopted and H.B. No. 2627, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO FUND THE STATEWIDE COLLECTION AND DISPOSAL OF HAZARDOUS WASTES PRODUCED BY FARMERS AND HOUSEHOLDERS IN HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2526 (H.B. No. 2197, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2526 was

adopted and H.B. No. 2197, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2527 (H.B. No. 2553, H.D. 1, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. 2527 be adopted and H.B. No. 2553, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Herkes rose to speak on the measure as follows:

"Mr. President, I will vote for this bill but I just want to point out something. Your committee also wishes to emphasize, reading from the committee report, emphatically point out that liability insurance premiums for OB-GYN practitioners have risen a whopping 66 percent since August 1, 1987, making it an immediate public need that this subject bill be approved.

"Mr. President, we have recently been enlightened by the chairman of Ways and Means Committee that perhaps insurance companies must shoulder some of this blame. Whatever it is, Mr. President, it seems to me that we should get to the root of the problem rather than just throwing money at the problem.

"Thank you, Mr. President."

At 2:55 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:02 o'clock p.m.

Senator A. Kobayashi then rose to speak in support of the measure and remarked:

"Mr. President, I'd like to say a few words, in support of the bill.

"Mr. President, the Women's Caucus had a similar bill, asking for an appropriation for the liability insurance premiums, and to help solve the root of the problem, we asked also for a study to be done in the rural areas so that we could find out what the problem is out there and how we could solve it. However, this bill was sent to the House and was never seen again. Had that bill passed, maybe we could have gotten to the root of the problem.

"Thank you."

Senator Solomon also spoke for the measure and said:

"Mr. President, in support of the previous speaker, I'd like to make an inquiry of the chairman of Health, if I may at this time."

The Chair posed the question to the chairman of the Committee on Health and the chairman having responded in the affirmative, Senator Solomon asked:

"Mr. President, we were informed by HMA that a resolution was to be submitted by them to the chairman that would address this problem. I would like to ask the Health Committee if this has been submitted by HMA."

Senator B. Kobayashi, chairman of the Committee on Health, responded:

"Mr. President, such a resolution has not yet been submitted."

Senator Hee then interjected:

"Mr. President, I believe the resolution that Senator Solomon speaks of will be forwarded to the Committee on Judiciary. However, that resolution has not been submitted to me, but Dr. Winn called me to do a study on OB-GYN's."

"But, as far as getting to the root of the problem, it's spelled 'i-n-s-u-r-a-n-c-e.' That's the root of the problem."

"Thank you, Mr. President."

Senator A. Kobayashi then added:

"Mr. President, the Women's Caucus will be introducing a resolution, asking for that."

The Chair remarked:

"That's what I thought you'd do. Thank you very much."

"Senator Hee, they will be introducing a resolution."

Senator Hee answered:

"Mr. President, when it reaches the desk, it will be heard."

The Chair remarked:

"That is up to the chairman of the respective committees."

Senator Hee thanked the Chair.

At 2:55 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:02 o'clock p.m.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2527 was adopted and H.B. No. 2553, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LIABILITY INSURANCE PREMIUMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Chang).

Stand. Com. Rep. No. 2528 (H.B. No. 2092, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2528 was adopted and H.B. No. 2092, H.D. 2, 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, 23. Noes, none. Excused, 2 (Aki, Chang).

Stand. Com. Rep. No. 2529 (H.B. No. 3242, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2529 was adopted and H.B. No. 3242, 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, 23. Noes, none. Excused, 2 (Aki, Chang).

Stand. Com. Rep. No. 2530 (H.B. No. 2035, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2530 was adopted and H.B. No. 2035, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Chang).

Stand. Com. Rep. No. 2531 (H.B. No. 3304, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2531 was adopted and H.B. No. 3304, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Chang).

Stand. Com. Rep. No. 2532 (H.B. No. 2851, H.D. 3, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2532 was adopted and H.B. No. 2851, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Chang).

Stand. Com. Rep. No. 2533 (H.B. No. 2055, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2533 was adopted and H.B. No. 2055, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Chang).

Stand. Com. Rep. No. 2534 (H.B. No. 2006, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2534 was adopted and H.B. No. 2006, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STATEWIDE FAIR ACCESS COMMISSION AND MAKING AN APPROPRIATION THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Chang).

Stand. Com. Rep. No. 2535 (H.B. No. 3408, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2535 was

adopted and H.B. No. 3408, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A CIVIL RIGHTS COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Chang).

Stand. Com. Rep. No. 2536 (H.B. No. 1700, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2536 was adopted and H.B. No. 1700, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2537 (H.B. No. 2093, H.D. 2, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 2537 be adopted and H.B. No. 2093, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Herkes then rose to speak against the measure as follows:

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

"For two years we have been trying to get the Department of Transportation to justify these rules and regulations and they have been unable to do that. Now, this bill proposes to put the regulations and the fee-setting in the hands of the administration without any input from elected officials, be they county councils or the legislature. And I think that what we are going to end up with are more stringent regulations without cause and higher fees, and I just would urge people to vote against this.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2537 was adopted and H.B. No. 2093, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY INSPECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (George, Herkes, Ikeda, Kobayashi, A., Reed). Excused, 1 (Aki).

Stand. Com. Rep. No. 2538 (H.B. No. 3558, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2538 was adopted and H.B. No. 3558, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS INVOLVING THE STATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Ikeda). Excused, 1 (Aki).

Stand. Com. Rep. No. 2539 (H.B. No. 3008, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2539 was

adopted and H.B. No. 3008, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2540 (H.B. No. 3414, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2540 was adopted and H.B. No. 3414, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL SERVICE SECRETARIAL COMPENSATION PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 2004, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 2004, H.D. 1, 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, 24. Noes, none. Excused, 1 (Aki).

House Bill No. 2119, H.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 2119, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2543 (H.B. No. 2195, H.D. 1):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 2543 was adopted and H.B. No. 2195, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COVENANTS IN LEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Chang, Cobb, George, Herkes, Ikeda, Kobayashi, A., Reed). Excused, 1 (Aki).

House Bill No. 2242:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 2242, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2764:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 2764, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2906:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 2906, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2547 (H.B. No. 3060, H.D. 1, S.D. 1):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 2547 was adopted and H.B. No. 3060, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR AND OTHER VEHICLE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (George, Ikeda, Kobayashi, A.).

House Bill No. 3068, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 3068, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL PEER REVIEW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3567, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 3567, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE TORT LIABILITY ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3635:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 3635, entitled: "A BILL FOR AN ACT RELATING TO FORGERIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3571, H.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 3571, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3570, H.D. 1, S.D. 1:

Senator Hee moved that H.B. No. 3570, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Menor.

Senator Cobb rose to speak on the measure as follows:

"Very briefly, Mr. President, at the bottom of page 2 and the top of page 3 on the bill is an item that should be called to the members' attention for conference and that is, beginning on line 20 of page 2 and going on to page 3, it specifies: 'In any case where child support is an

issue, and an order for child support is established or modified, and the obligor receives income on a periodic basis, the court shall concurrently enter an order' and continuing on.

"The explanation needs to be elaborated in conference committee to specify that it would have to be on the finding of either a court order or the request of another state based on the court order so as not to proceed on the supposition that such an income withholding could take place without a clear court order.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 3570, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUPPORT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3568, H.D. 2, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 3568, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCESS TO ESTABLISH AND ENFORCE CHILD SUPPORT OBLIGATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3348, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 3348, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3164:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 3164, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTIONS 4, 5 AND 6 OF THE CONSTITUTION OF THE STATE OF HAWAII TO REPEAL MINIMUM REPRESENTATION FOR BASIC ISLAND UNITS AND TO CHANGE THE BASIS USED FOR REAPPORTIONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2280, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 2280, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ikeda).

House Bill No. 2523, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 2523, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL

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

Ayes, 25. Noes, none.

House Bill No. 3321, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3321, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 3:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:19 o'clock p.m.

House Bill No. 3308, S.D. 1:

Senator Cobb moved that H.B. No. 3308, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Blair.

Senator A. Kobayashi rose to speak against the measure and said:

"Mr. President, I will be voting against this bill not because of the substance of the bill but because an issue was added to the bill that was never in bill form. I feel that if we are going to have a bill cutoff, we should not be able to add things to a conference committee bill and, therefore, I will be voting against this bill.

"Thank you."

Senator Cobb responded:

"Very briefly, Mr. President. I assume the material being alluded to is the findings on the bylaws that grew out of a discussion in terms of proxies with the blue ribbon panel, where they had pointed out that a normal practice of soliciting proxies is with the proxy solicitation being done on behalf of the board, and that if proxy solicitation were done by the president only that's an extremely archaic, seldom used practice, but it does entitle the board president to cast the proxies without consulting the other members or in any form exercising any type of democracy on the board.

"The other item relating to AIDS was heard in several other bills and was addressed to the concerns of numerous realtors who had felt very strongly that since AIDS is confidential and since there are non-disclosure provisions and non-discrimination provisions regarding AIDS that it should not be a material fact. And having checked with the realtors, that particular measure does have their support. I think it's been heard in several other bills as well.

"In addition, this material is not being added in conference. It's being put in on the Senate side for discussion in conference committee where we will have all ideas on the table.

"Thank you."

Senator A. Kobayashi then said:

"Mr. President, I believe it came out in a public hearing that the AIDS material was not included in the bill, that is my point. It was not in the bill form and is

being added to this bill and the public has no chance to testify on it. They don't even know it's here. So, that's why I'm voting against the bill."

The motion was put by the Chair and carried, and H.B. No. 3308, 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, 14. Noes, 11 (Blair, Chang, Hee, Herkes, Holt, Kobayashi, A., Matsuura, McMurdo, Reed, Tungpalan, Young).

House Bill No. 2519, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 2519, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPEECH PATHOLOGISTS AND AUDIOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3265, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3265, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BANKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3602, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3602, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRANCHISE INVESTMENT LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 412, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 412, 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. 2961, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 2961, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2788, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 2788, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2036, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 2036, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3277, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3277, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VARIABLE ANNUITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Ayes, 23. Noes, 2 (Kobayashi, B., Matsuura).

House Bill No. 3324, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Aki and carried, H.B. No. 3324, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES ON CONDOMINIUM AND COOPERATIVE APARTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3494, H.D. 2, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3494, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Chang, Hagino).

House Bill No. 3601, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3601, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2352, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 2352, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALVAGED MOTOR

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

Ayes, 25. Noes, none.

House Bill No. 2345, H.D. 2, S.D. 1:

Senator Cobb moved that H.B. No. 2345, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Blair.

Senator Herkes rose to speak against the measure and said:

"Mr. President, I rise to speak against this bill as it will circumvent the county zoning laws. And there's no description of what a pet is that you could conceivably have -- an elephant, a goat, a pig, chickens, dogs, or whatever in your room. I think that that's a mistake.

"Thank you, Mr. President."

Senator Cobb responded:

"Very briefly, Mr. President. A pet will track the federal definition since this provision is already in the federal law and applies to all federal housing where there is any type of subsidy received by any level of government. Thank you."

The motion was put by the Chair and carried, and H.B. No. 2345, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ROOMING HOUSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Herkes).

House Bill No. 2499, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 2499, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2522, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 2522, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES OF REAL PROPERTY OR FIXTURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3283, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3283, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSES ISSUED BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS OR ANY BOARD OR COMMISSION THEREUNDER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3287, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3287, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3261, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3261, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2783, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator B. Kobayashi and carried, H.B. No. 2783, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

By unanimous consent, action on H.B. No. 2002, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2581 (H.B. No. 2346, H.D. 2, S.D. 2):

On motion by Senator Blair, seconded by Senator Young and carried, Stand. Com. Rep. No. 2581 was adopted and H.B. No. 2346, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2220, H.D. 1, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 2220, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE VEHICLE PERMIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill 3481, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 3481, H.D. 1, S.D. 1, was deferred to the end of the calendar.

House Bill No. 3536, H.D. 2, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 3536, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 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. 3286, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3286, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF PSYCHOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3323, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3323, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3301, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3301, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3297, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3297, 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, 22. Noes, 3 (Herkes, Ikeda, Reed).

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

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

Ayes, 22. Noes, 3 (George, Herkes, Reed).

House Bill No. 3613, H.D. 1, S.D. 1:

On motion by Senator Cobb, seconded by Senator Blair and carried, H.B. No. 3613, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3581, S.D. 1:

On motion by Senator Menor, seconded by Senator Hee and carried, H.B. No. 3581, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF CORRECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2048, H.D. 2, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, H.B. No. 2048, H.D. 2, 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, 22. Noes, 3 (Kobayashi, A., Mizuguchi, Nakasato).

House Bill No. 2201, H.D. 1, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, H.B. No. 2201, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 1038, H.D. 1, S.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Matsuura and carried, H.B. No. 1038, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFECTIOUS DISEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2595 (H.B. No. 3150, H.D. 1, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 2595 and H.B. No. 3150, H.D. 1, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2596 (H.B. No. 2037, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2596 was adopted and H.B. No. 2037, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEW MOTOR VEHICLE WARRANTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2597 (H.B. No. 2046, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2597 was adopted and H.B. No. 2046, H.D. 1, 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.

Stand. Com. Rep. No. 2598 (H.B. No. 2330, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2598 was adopted and H.B. No. 2330, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NURSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2599 (H.B. No. 3173, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2599 was adopted and H.B. No. 3173, H.D. 2, 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.

Stand. Com. Rep. No. 2600 (H.B. No. 2022, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2600 was adopted and H.B. No. 2022, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS PERMITS SERVICE CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2601 (H.B. No. 2096, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2601 was adopted and H.B. No. 2096, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George).

Stand. Com. Rep. No. 2602 (H.B. No. 3416, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 2602 and H.B. No. 3416, H.D. 2, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2603 (H.B. No. 2127, H.D. 2, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2603 was adopted and H.B. No. 2127, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2604 (H.B. No. 2379, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2604 was adopted and H.B. No. 2379, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HEARING IMPAIRED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2605 (H.B. No. 3396, H.D. 1, S.D. 1):

Senator Yamasaki moved that Stand. Com. Rep. No. 2605 be adopted and H.B. No. 3396, H.D. 1, S.D. 1,

having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator McMurdo rose to speak against the measure as follows:

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

"I recognize that there are certain good features of this bill, but I am still compelled to speak out against it.

"I would like to commend the Senate Tourism Committee chairman for his sensitivity toward the International Marketplace merchants. He is quite right in stating that our committee 'does not wish to have on its conscience elimination of the source of livelihood for the dependents of those small businesses.' For that reason, and also because the Marketplace was an abominable choice as a convention center, I applaud its removal from consideration.

"However, I think it's most unfortunate that the committee chose to retain the Magoon Estates as a possible site. It has the same objectionable features as the Marketplace.

"I also question the choice of Aloha Motors because it is located at the intersection of Kapiolani and Kalakaua, the busiest and most dangerous in our entire state.

"The Tourism Committee chairman should be praised for the proviso in the bill that would require at least 60 percent of the residential units developed in a 'convention center district' be affordable to and reserved for low and moderate income persons.

"However, I'm still opposed to the continued support of the Ala Wai Golf Course as a possible convention center site. This location is still in or near Waikiki and Moiliili and Kapahulu and, for that reason, I cannot condone it.

"I'm against the use of taxes from the general fund to build a facility which will not be used by Hawaii residents or taxpayers.

"Additionally, I strongly object to the superseding of any county land use zoning planning, development, construction law and rules for the construction of any building, including a convention center. And, certainly, I see no reason why such laws and rules should be superseded for one possible convention center site and not another.

"Also, it seems to me to be a dangerous precedent to include the following statement in the bill: '...the withdrawal of public lands required ... for the Hawaii convention center shall not be subject to legislative disapproval of this section.'

"I don't know about the rest of you, but as a legislator I want to retain the right of approval and or disapproval on anything to do with funding or establishment of a convention center.

"There are alternatives for the development of a center. There are locations which will neither adversely affect residents nor displace small businesses. There are sites which would be of benefit to all the peoples of Hawaii. Had this bill left the door open for consideration of these superior sites, it would have been far more acceptable.

"As this bill now stands, I must vote no on it.

"Thank you."

Senator Holt rose to speak in support of the measure and remarked:

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

"As you know, we have another vehicle that is still in conference, carried over from last year. That bill calls for the Senate's position on just the Ala Wai Golf Course and the House position was to do some studies.

"But after evaluating the administration's convention center studies, after evaluating a lot of the reports and information that have been provided to us in the past year, the Senate felt compelled to try and address the option of having a privately built convention center, and is willing to compromise with the version that we have prepared for adoption today.

"With due respect to the previous speaker's remarks and neither reports that the Senate, and myself particularly, is handcuffing developers and the House ... Mr. President, I am a graduate of the Mamoru Yamasaki school of bill drafting ... and the House has sent over a dinghy and we are sending back an aircraft carrier.

"Thank you."

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

"Speaking in favor with reservations, Mr. President. I cannot resist the analogy to the aircraft carrier since there was a previous bill that engendered some discussion on it.

"Nevertheless, I would like to express my reservation about the continuation of the position with respect to the Ala Wai golf center since the major thrust of this session of the convention center site seems to be towards the direction of a combination of private financing with some public financing. The continued thrust and positioning of the bill in favor of the Ala Wai Golf Course in effect puts us back at last year's position.

"But I do recognize the good work of the chairman and of the committee with respect to the International Marketplace, as well as being able to keep their options open for conference committee. I'm just hoping, when it comes back from conference, we do not have the Ala Wai in the same position that we had last year.

"Thank you."

Senator McMurdo then asked:

"Mr. President, would it be possible to consider a new site for the convention center like the Battleship Missouri?" (Laughter.)

Senator Holt responded:

"Mr. President, in response to the previous speaker's, before this last speaker, comments on the Ala Wai.

"We did a lot of work in the committee on the governor's administration studies and we did analyses of their economic trends that they did using data which they collected. As we indicated earlier when we met to pass the bill out of subject matter committee to Ways and Means, a rerun of the model put Ala Wai Golf Course at the top of the list, above the International Marketplace and above Magoon.

"And for that reason alone, rather than abandon the Ala Wai as a preferred site, we decided to keep it in the

bill, allow the private developers to go ahead and come up with a proposal. We're not sure if that's going to work, but we're willing to give it a chance and if we can be shown that a private developer can build a convention center at free or very little cost to the state, then we are willing to back off of our position on Ala Wai.

"Thank you."

Senator B. Kobayashi spoke on the measure as follows:

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

"I believe that the Senate and the House have taken a good position in seeking to build a convention center privately financed. But as they say, there is no such thing as a free lunch. We may not pay with taxpayers' monies, but a convention center built with private funds will entail other costs. These include social costs and locational costs.

"Specifically, I might mention that one plan presented to us by a proponent of the Magoon site listed as a possibility, yet to be worked out, that the Magoon site will include a privately financed convention center with 7,400 parking stalls, with approximately 3,900 hotel and condominium rooms on an area of approximately ten acres. When you consider that the Sheraton Waikiki, which is the largest, single hotel building in Waikiki, that is a single structure hotel building, has approximately 1500 hotel rooms you can see that trying to put 7,400 parking stalls plus approximately 3,900 rooms, hotel and condos, on a single piece of property between two of the busiest streets in Waikiki will be a bit of a problem.

"Nonetheless, I think that we are still in the early stages of getting solid proposals in for a privately financed convention center. Should those proposals perhaps be less dense or intense in terms of the amount of infrastructure and buildings to be placed on the site, then I think these matters deserve additional consideration.

"As of now, I am concerned that we have accepted a good path, that of a privately financed and/or operated convention center. But as I said, there are other costs associated with it and we should look to what the specific proposals from the private developers might be before considering the final product.

"Thank you."

The motion was put by Chair and carried, Stand. Com. Rep. No. 2605 was adopted and H.B. No. 3396, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVENTION CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (McMurdo).

Stand. Com. Rep. No. 2606 (H.B. No. 2914, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2606 was adopted and H.B. No. 2914, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GROUND MOVEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2607 (H.B. No. 2391, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2607 was adopted and H.B. No. 2391, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3518, S.D. 1:

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, H.B. No. 3518, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2609 (H.B. No. 2774):

By unanimous consent, action on Stand. Com. Rep. No. 2609 and H.B. No. 2774 was deferred until final passage of the state budget (H.B. No. 2081).

House Bill No. 3535, H.D. 1, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 3535, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AERONAUTICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 479, S.D. 1:

On motion by Senator Aki, seconded by Senator Solomon and carried, H.B. No. 479, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3560:

On motion by Senator Aki, seconded by Senator Solomon and carried, H.B. No. 3560, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 3205, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 3205, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2614 (H.B. No. 3563, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 2614 and H.B. No. 3563, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2615 (H.B. No. 3190, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2615 was adopted and H.B. No. 3190, H.D. 1, 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.

Stand. Com. Rep. No. 2616 (H.B. No. 3404, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2616 was adopted and H.B. No. 3404, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION FOR STATE SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2617 (H.B. No. 2550, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 2617 and H.B. No. 2550, S.D. 2, was deferred to the end of the calendar.

At 3:47 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:50 o'clock p.m.

House Bill No. 3377, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 3377, H.D. 1, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2619 (H.B. No. 2031, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 2619 and H.B. No. 2031, H.D. 2, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2620 (H.B. No. 2957, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2620 was adopted and H.B. No. 2957, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2621 (H.B. No. 3137, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2621 was adopted and H.B. No. 3137, H.D. 2, S.D. 2, 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.

Stand. Com. Rep. No. 2622 (H.B. No. 3012, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2622 was adopted and H.B. No. 3012, H.D. 1, S.D. 2, entitled:

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2623 (H.B. No. 2604, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2623 was adopted and H.B. No. 2604, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ASSIST THE MENTALLY ILL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2624 (H.B. No. 2797, H.D. 1, S.D. 1):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2624 was adopted and H.B. No. 2797, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2625 (H.B. No. 3548, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2625 was adopted and H.B. No. 3548, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2626 (H.B. No. 2278, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2626 was adopted and H.B. No. 2278, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIMINAL JUSTICE COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2627 (H.B. No. 2032, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2627 was adopted and H.B. No. 2032, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS AND INFORMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2628 (H.B. No. 3009, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2628 was adopted and H.B. No. 3009, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JUNIOR POLICE ORGANIZATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2629 (H.B. No. 3041, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2629 was adopted and H.B. No. 3041, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DIAMOND HEAD STATE MONUMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2003, S.D. 1:

On motion by Senator Chang, seconded by Senator Cobb and carried, H.B. No. 2003, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL ARBITRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2631 (H.B. No. 2715, H.D. 1, S.D. 2):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 2631 was adopted and H.B. No. 2715, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2632 (H.B. No. 2688, H.D. 1, S.D. 2):

Senator Hee moved that Stand. Com. Rep. No. 2632 be adopted and H.B. No. 2688, H.D. 1, S.D. 2, pass Third Reading, seconded by Senator Menor.

Senator Menor rose to speak on the measure as follows:

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

"I will vote in favor of H.B. 2688, H.D. 1, because I am basically supportive of the intent behind the legislation which is to afford students meaningful participation in the formulation of policies and decisions by the Board of Education. However, I believe that H.B. 2688, H.D. 1, raises constitutional issues that the Legislature will have to address before enacting this bill into law.

"First of all, this bill proposes an amendment to our state constitution which, if adopted by the voters of Hawaii, might violate the one person/one vote requirement and the Equal Protection Clause of the federal constitution. Under this bill, the voters are going to be asked to ratify a state constitutional amendment

which would allow the Hawaii State Student Council to select a public high school student to serve as a non-voting member on the Board of Education. This method for selecting a member to the Board of Education, may present inherent constitutional problems because it would permit students to vote for their own representative while denying eligible adult voters the right to vote for this representative. Moreover, this system would permit a particular class of individuals or population group within the community to select one of its own members to the Board of Education while depriving other interested groups or organizations of the same opportunity. For example, one might ask why teachers or PTA members should not similarly be assigned membership on the Board of Education. Finally, the system outlined by this bill as drafted would create inequity among public school students themselves by restricting the right to help select a student member to the board to those students who serve as members of the Hawaii State Student Council.

"These potential constitutional problems were also outlined in a copy of a letter I received from Representative Rod Tam's office. This letter was written by Professor John Van Dyke, who teaches constitutional law at the University of Hawaii Law School. His letter responded to concerns raised by the Senate Judiciary Committee on the constitutional issues that I have been discussing. Professor Van Dyke indicated that the bill might violate the one person/one vote approach. Professor Van Dyke proposed solutions in his letter to resolve these constitutional concerns, but unfortunately none of these are adopted in this bill as drafted.

"The committee report for the previous bill which we have just passed, H.B. 2715, H.D. 1, S.D. 1, indicates that the attorney general's office also has concerns about the constitutionality of establishing a student member position on the Board of Education. To be sure, the bill that is now before us has been amended from the original version to specify that the student member shall not be a voting member of the Board of Education. However, I do not think that this provision would necessarily cure the constitutional defect because public high school students would still be afforded the right to select one of their members to the Board of Education, a right which would not be available to all adult eligible voters. In effect, the inequities present in the original H.B. 2688 would not be eliminated by this amended bill.

"There are, of course, other concerns that all of you may have which do not reflect the constitutional issues that I have been discussing. I do not believe that these concerns are insurmountable to the extent that they cannot be further addressed and resolved in the House-Senate conference committee on this bill. Finally, for those who would argue that this bill does not enact a constitutional amendment but merely refers the issue for voter approval, I would respond by saying that we as legislators have a responsibility to insure that measures that we recommend to the public are not constitutionally invalid. Accordingly, I am hopeful that this legislation will be given the full and careful attention that it deserves.

"Thank you."

By unanimous consent, action on Stand. Com. Rep. No. 2632 and H.B. No. 2688, H.D. 1, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2633 (H.B. No. 3292, H.D. 1, S.D. 2):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 2633 was adopted and H.B. No. 3292, H.D. 1, S.D. 2, entitled: "A BILL

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2634 (H.B. No. 3595, H.D. 1, S.D. 2):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 2634 was adopted and H.B. No. 3595, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DIRECTORS AND OFFICERS LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (George, Herkes, Reed).

Stand. Com. Rep. No. 2635 (H.B. No. 3338):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 2635 was adopted and H.B. No. 3338, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR OR DECEPTIVE ACTS OR PRACTICES IN TRADE OR COMMERCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

House Bill No. 2080, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Menor and carried, H.B. No. 2080, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2637 (H.B. No. 2483, H.D. 2, S.D. 2):

On motion by Senator Hee, seconded by Senator Menor and carried, Stand. Com. Rep. No. 2637 was adopted and H.B. No. 2483, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2638 (H.B. No. 3102, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2638 was adopted and H.B. No. 3102, H.D. 1, S.D. 2, 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. 2081, H.D. 1, S.D. 1:

Senator Yamasaki moved that H.B. No. 2081, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Yamasaki rose to speak on the measure as follows:

"Mr. President, I just want to point out that in the decision-making meeting of the Ways and Means Committee, there was one item that was proposed by the chair and that was for the Department of Human Services. A joint venture has been recommended with the Smart Card International by the Department of Human Services and it was decided that \$175,000 be placed in the bill, although it was not in the computer run. So this item does not appear in the budget but we expect to pursue this matter in conference."

The motion was put by the Chair and carried and H.B. No. 2081, 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.

Stand. Com. Rep. No. 2640 (H.B. No. 2209, S.D. 1):

Senator Blair, for the Committee on Government Operations, presented a report (Stand. Com. Rep. No. 2640) recommending that House Bill No. 2209, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2640 and H.B. No. 2209, S.D. 1, was deferred to the end of the calendar.

At 4:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

NIGHT SESSION

The Senate reconvened at 6:20 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 437 to 456) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 437, returning Senate Bill No. 1170, S.D. 2, which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 1170, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RISK MANAGEMENT AND INSURANCE ADMINISTRATION," was deferred until Thursday, April 7, 1988.

Hse. Com. No. 438, returning Senate Bill No. 2328 which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2328, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," was deferred until Thursday, April 7, 1988.

Hse. Com. No. 439, returning Senate Bill No. 2955, S.D. 2, which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2955, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING

TO ADULT RESIDENTIAL CARE HOMES," was deferred until Thursday, April 7, 1988.

Hse. Com. No. 440, returning Senate Bill No. 2988, S.D. 2, which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2988, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT AMENDMENT AND APPROPRIATION TO THE STATE RENT SUPPLEMENT PROGRAM," was deferred until Thursday, April 7, 1988.

Hse. Com. No. 441, returning Senate Bill No. 3164 which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 3164, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," was deferred until Thursday, April 7, 1988.

Hse. Com. No. 442, returning Senate Bill No. 3206, S.D. 1, which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 3206, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MATERNAL AND CHILD HEALTH SERVICES," was deferred until Thursday, April 7, 1988.

Hse. Com. No. 443, returning Senate Bill No. 2041, S.D. 1, which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, was placed on file.

Hse. Com. No. 444, returning Senate Bill No. 2190, S.D. 1, which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, was placed on file.

Hse. Com. No. 445, returning Senate Bill No. 2756, S.D. 1, which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, was placed on file.

Hse. Com. No. 446, returning Senate Bill No. 118, S.D. 2, which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 118, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A JUVENILE JUSTICE INFORMATION SYSTEM," was deferred until Thursday, April 7, 1988.

Hse. Com. No. 447, returning Senate Bill No. 3151, S.D. 1, which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 3151, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO FINANCE A HIGH TECHNOLOGY DEVELOPMENT PROJECT IN THE CITY AND COUNTY OF HONOLULU," was deferred until Thursday, April 7, 1988.

Hse. Com. No. 448, returning Senate Bill No. 3207, S.D. 1, which passed Third Reading in the House of

Representatives on Thursday, March 31, 1988, was placed on file.

Hse. Com. No. 449, returning Senate Bill No. 2815 which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, was placed on file.

Hse. Com. No. 450, returning Senate Bill No. 2816 which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, was placed on file.

Hse. Com. No. 451, returning Senate Bill No. 2817 which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, was placed on file.

Hse. Com. No. 452, returning Senate Bill No. 2890, S.D. 1, which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, was placed on file.

Hse. Com. No. 453, returning Senate Bill No. 3227 which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, was placed on file.

Hse. Com. No. 454, returning Senate Bill No. 3190, S.D. 1, which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 3190, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred until Thursday, April 7, 1988.

Hse. Com. No. 455, returning Senate Bill No. 3210, S.D. 1, which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 3210, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," was deferred until Thursday, April 7, 1988.

Hse. Com. No. 456, returning Senate Bill No. 3287 which passed Third Reading in the House of Representatives on Thursday, March 31, 1988, in an amended form, was placed on file.

On motion by Senator Aki, seconded by Senator Solomon and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3287, and S.B. No. 3287, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was placed on the calendar for Final Reading on Tuesday, April 5, 1988.

THIRD READING

House Bill No. 3208, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 3208, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LITTERING," was recommitted to the Committee on Planning and Environment.

House Bill No. 2501, S.D. 1:

By unanimous consent, action on H.B. No. 2501, S.D. 1, was deferred to the end of the calendar.

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

On motion by Senator Blair, seconded by Senator Young and carried, H.B. No. 2002, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

House Bill No. 3481, H.D. 1, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, H.B. No. 3481, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HIGHWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2595 (H.B. No. 3150, H.D. 1, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2595 was adopted and H.B. No. 3150, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTY/STATE HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 6:24 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:25 o'clock p.m.

Stand. Com. Rep. No. 2602 (H.B. No. 3416, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 2602 and H.B. No. 3416, H.D. 2, S.D. 1, was deferred to the end of the calendar.

House Bill No. 3205, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 3205, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLDS," was recommitted jointly to the Committee on Consumer Protection and Commerce and the Committee on Housing, Hawaiian Programs and Natural Resources.

Stand. Com. Rep. No. 2614 (H.B. No. 3563, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2614 was adopted and H.B. No. 3563, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE OFFICES OF THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (George, Ikeda, Kobayashi, A.).

Stand. Com. Rep. No. 2617 (H.B. No. 2550, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 2617 be adopted and H.B. No. 2550, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Solomon rose to speak against the bill as follows:

"Mr. President, I'll be voting 'no' on this bill and the reason why I'm voting 'no' is I have some concerns about the situation ... the realities on the Big Island. We have many, many roads that are within subdivisions, roads that are not dedicated to the county. I just want to state for the record that my concern is I do not want to see the police department stretch their resources to a point where it cannot address the real problems that do occur on the public highways that are under the jurisdiction of the county and the state.

"Thank you."

The motion was put by Chair and carried, Stand. Com. Rep. No. 2617 was adopted and H.B. No. 2550, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Cobb, Matsuura, Solomon).

House Bill No. 3377, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 3377, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," was recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 2619 (H.B. No. 2031, H.D. 2, S.D. 2):

On motion by Senator Yamasaki, seconded by Senator Mizuguchi and carried, Stand. Com. Rep. No. 2619 was adopted and H.B. No. 2031, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2632 (H.B. No. 2688, H.D. 1, S.D. 2):

Senator Yamasaki moved that Stand. Com. Rep. No. 2632 be adopted and H.B. No. 2688, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Mizuguchi.

Senator Mizuguchi, in support of the measure, requested as follows:

"Mr. President, may I be able to insert in the Journal the letter from the Attorney General that stipulates some of the concerns associated with the House draft of this bill?"

The Chair responded in the affirmative.

The letter from the Attorney General follows:

"March 31, 1988

The Honorable Norman Mizuguchi
Chairman, Senate Committee on Education
The Fourteenth Legislature
State of Hawaii
State Capitol, Room 219
Honolulu, Hawaii 96813

Dear Senator Mizuguchi:

Re: Student Member on the Board of Education;
H.B. No. 2688, H.D. 1, and H.B. No. 2715, H.D. 1

We are responding to your letter dated March 14, 1988, requesting our legal advice regarding the constitutional validity of H.B. No. 2688, H.D. 1, and H.B. No. 2715, H.D. 1, which propose to amend the State Constitution and statutes to add a voting student member to the Board of Education.

Specifically, you requested our legal advice on the following questions:

1. Would the bills require an amendment to article II, section 1 of the State Constitution which sets the voting age at eighteen as the bills arguably allow persons younger than eighteen to vote in a local election?

2. Because the bills restrict voting for one member of the Board of Education to a certain class of persons, would the bills violate article I, section 5 of the State Constitution and the fourteenth amendment to the United States Constitution by denying equal protection of the laws?

We answer the first question in the affirmative. An express exception to the 'voting age' of eighteen years would avoid any legal question about the student's qualification to vote in a state election. Regarding the second question, there are two divergent lines of cases from the U.S. Supreme Court, one of which makes it questionable whether the bills satisfy the equal protection clause of the U.S. Constitution, and we believe there would be a fair to good chance of the bills being found unconstitutional.

We understand that House Bill No. 2715, H.D. 1, provides for election of the voting student member to the Board in the following manner:

1. Applications are taken from interested students in grades 9-11 at each public high school, but only those who will be juniors or seniors during the term of service are eligible.
2. The Hawaii State Student Council selects ten candidates from among these applicants.
3. The student member is then selected at an annual statewide caucus by elected student representatives from each of grades 9-11 at each public high school.

Our understanding is that only public school students in grades 9-11 will be permitted to participate in the process for selecting a student member of the Board of Education under H.B. No. 2715, H.D. 1, as drafted. Public school students in grade 12, all private school students, and adults cannot participate in the process.

Whether these restrictions violate the equal protection clause of the U.S. and Hawaii Constitutions is difficult to predict, but there is certainly a possibility that they might.

On the one hand, the U.S. Supreme Court has held that the right to vote is a fundamental right. Any state statute which restricts that right (except for those relating to age, citizenship, or residency) must demonstrate a compelling state interest and pass a strict scrutiny standard. Harper v. Virginia Board of

Elections, 383 U.S. 663 (1966). A New York statute that restricted voters in school district elections to only those residents who owned or leased taxable real property in the district or who had children enrolled in the local public schools was held to be invalid. Kramer v. Union School District, 395 U.S. 621 (1969).

On the other hand, the Court has also recognized that not all government offices require selection by election, that state elections are generally a matter for the state to determine, and that local government organizations require innovation and flexibility. Sailors v. Kent Board of Education, 387 U.S. 105 (1967).

This conflict puts these bills in a questionable status constitutionally, and although we believe that a court could uphold these measures as a legitimate effort to increase student participation in educational matters, it could just as easily, and perhaps more probably, find them constitutionally defective.

Should you have any further questions, please give us a call.

Sincerely,

/s/ Gordon D. Lee
Gordon D. Lee
Deputy Attorney General

APPROVED:

/s/ Warren Price, III
Warren Price, III
Attorney General"

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2632 was adopted and H.B. No. 2688, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2640 (H.B. No. 2209, S.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Chang and carried, Stand. Com. Rep. No. 2640 was adopted and H.B. No. 2209, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ESTABLISHMENT OF MAINTENANCE ASSESSMENT DISTRICTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Chang).

MATTERS DEFERRED FROM
EARLIER ON THE CALENDAR

THIRD READING

House Bill No. 2501, S.D. 1:

Senator Fernandes Salling moved that H.B. No. 2501, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chang.

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

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

"I understand the concerns of my colleagues and would like to assure them that we just got notice that the House

has agreed to put this bill into conference so that we can address the major concern which has to do with school busses. We plan on proposing that we do exempt very clearly school busses, so I believe that that should take care of most of the problems that the members had with this bill.

"Thank you."

Senator Chang, also on the measure, stated:

"Mr. President, I'd just like to express my reservation that such side exhaust systems could be feasibly required of existing busses as the bill would require. I do know that there is a compliance period of two years. Perhaps in conference or within the two years permitted that the people who are affected by this bill will make their concerns known.

"Thank you."

Senator Reed spoke against the measure and said:

"Mr. President, I rise to reluctantly speak against this piece of legislation.

"I introduced a very similar bill last year which would have required pollution control devices for all diesel engine busses. Unfortunately, they are not available on the market yet. This bill would not require installation of pollution control devices. It would simply require retrofitting devices at an estimated cost of \$25,000 per bus. Worse, the people who would do such things maintain that the retrofitting would have no impact on pollution control. So, with regrets, I vote against this one."

Senator Tungpalan also spoke on the measure and remarked:

"Mr. President, while I speak in favor of the bill, I do have one request to make of school bus owners and that is, while they are transporting our students and waiting for them, I do hope that they turn off their engines. The air that they pollute belongs to our children as well as the elderly who use our parks and places that they are touring. In consideration for their livelihood and the fact that they need to survive, we are exempting them, but I do hope that they also get the message to turn off their engines so that we can go on having the clean air that we deserve."

Senator Fernandes Salling responded:

"Mr. President, this is a problem in our state which has much more to do with the tour busses that all of you recognize and it's an attempt to short off the expensive catalytic converter method to try and deal with this exhaust problem by directing that they do direct the exhaust up, as opposed to providing for these catalytic converter methods."

"With respect to what Senator Reed mentioned about the cost, this is news to your committee chairman and we will definitely be looking at this when this matter is taken up in conference.

"Thank you."

The motion was put by the Chair and carried and H.B. No. 2501, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 6:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:36 o'clock p.m.

Stand. Com. Rep. No. 2602 (H.B. No. 3416, H.D. 2, S.D. 1):

On motion by Senator Solomon, seconded by Senator Matsuura and carried, Stand. Com. Rep. No. 2602 was adopted and H.B. No. 3416, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Hee introduced Mr. Sam Caldwell to the members of the Senate and said, "He is one of the beneficiaries of the action just taken by the Senate ... people don't know it but he is the 'hanai' brother of Francis Morgan."

Senator Hee then rose to speak on a point of personal privilege and remarked:

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

"Mr. President, we have just acted upon a bill regarding privacy, the functions of privacy, what is public record, what shall be determined not to be public record, and it is on that note that I would like to offer a few remarks regarding the Judiciary and their apparent lack of sensitivity regarding public records.

"In January 1987 the Judiciary branch of government sent out a request for proposals, what we know here as an RFP, for an organizational review of administrative support functions of the Judiciary. Ultimately, this bid price at \$32,500 was secured by Arthur Young & Company over the services of three others.

"Among the requests that were included in the Judiciary this year were two division chiefs, two secretaries, data processing systems analysts, an audit clerk, an accountant, and a purchasing specialist, of which in final action on your Judiciary budget the committee denied \$341,720 and approved \$70,000.

"Future requests would include: a second deputy, a planner, a court staff attorney and secretary - at \$139,728.

"During the course of a five-hour deliberation in a public hearing on January 22, 1988, your Committee on Judiciary had requested of the Judiciary, a preliminary draft of the Arthur Young report, revised drafts and any other working documents before the final report was issued. We requested notes from interview with Judiciary personnel, summaries of interviews, and the notes. If the notes were to identify specific personnel in the Judiciary branch of government we were not interested in the names per se. We were interested in all data or documents sent to Arthur Young. We were interested in the executed copy of the contract between Arthur Young and the Judiciary. We were interested in all correspondence between the Judiciary and Arthur Young. We have not received any of the initial preliminary drafts, the interviews and documentation. This information, in a letter dated March 11, was again requested and not received.

"In that letter dated March 11th I said and I quote: 'Arthur Young continues to refuse to release the above requested information until they obtain approval from their legal counsel. This is totally unreasonable since the Judiciary is 'the client' and therefore the information should be released to you (meaning Janice Wolf) upon request.'

"On March 18th I received a letter from Miss Wolf, the administrative director of the courts which said: 'For your information pursuant to your written memorandum received on March 14th for notes, documents and data concerning the study entitled 'An Organization Review of the Administrative Support Functions' the Judiciary executed the attached letter of release to Arthur Young & Company.'

"The attached letter said to Arthur Young & Company, in attention of Mr. Ed Andrews: 'The Judiciary, State of Hawaii, by Janice Wolf, Administrative Director of the Courts, hereby releases Arthur Young & Company from the provisions contained in Section 14, Confidentiality of the Contract, for an organizational review of administrative support functions of the Judiciary, State of Hawaii, dated 16 April 1987, except that Arthur Young & Company shall continue to hold in confidence notes and interviews which may identify individuals.'

"On March 24th I received a letter from Miss Janice Wolf again that said very briefly, 'Pursuant to a request transmitted herewith is a copy of correspondence from Arthur Young to Miss Janice Wolf dated March 21.'

"And this is what Arthur Young had said in request from the Judiciary Committee for documents paid with taxpayers' money regarding public information:

"While your letter does not request' (and this is Miss Wolf's letter that Arthur Young is referring to) 'copies of any documents, the implication is that you are requesting that documents be released to the Senate Judiciary Committee with the exception of all notes from interviews which may identify individuals specifically or indirectly. While I can certainly understand and appreciate your caution in this regard, I must point out that it is virtually impossible to ascertain which documents may permit indirect identification and thus Arthur Young cannot agree to accept responsibility for making a determination of which documents are required to be maintained. Arthur Young must also be concerned about shielding itself from potential allegations. Arthur Young would be willing to consider your request if the Judiciary would indemnify Arthur Young in a manner acceptable to Arthur Young's counsel.'

"In that section of the contract which has been referred to Section 14, it says, 'All such material prepared under this agreement will remain the property of the Judiciary.'

"Also, Mr. President, in a letter dated March 18th to my chief budget analyst Garrett Toguchi, Ms. Abelina Shaw, the court staff attorney said in a brief statement: 'This is to confirm in writing that we do not have any copies of the preliminary draft of the Arthur Young report.'

"Mr. President, the report which was spent by taxpayers' monies called for a half-million-dollar increase in the budget and in some ways similar to what we are requesting of the \$10 million farm loan, that being the working documents and the preparation of justification for a second deputy and many other positions that the Arthur Young & Company recommends, the Judiciary is refusing to disclose to the committee the working documentation

and is refusing to disclose to the committee the justification.

"Your Committee on Judiciary is inclined to reopen the public hearings, subject to our legal counsel and with your concurrence. We cannot allow public documents to be withheld from the legislative prerogative when making policy. This is not the first time that something like this has happened. It has happened with regard to the convention center. It has happened with regard to the contract to the Hilo Hospital, and unless the legislature takes swift and decisive action this kind of action will continue to occur with legislation we have acted upon this evening and with legislation which we will act upon during the closing days of this session.

"Thank you, Mr. President."

Senator Herkes also rose to speak on a point of personal privilege and remarked:

"Mr. President, last Friday, Good Friday, in Kona there was a young man and a young lady, brother and sister, Joe and Leinaala were their names, playing with their dog under the guidance of their mother on a public thoroughfare in a quiet residential neighborhood in Kona, when suddenly without provocation and without warning a neighbor's pit bull attacked this little dog, tore it apart and killed it in front of the eyes of these terrified children.

"Their mother was unable to stop that. The owner of the dog was in the house. His wife was unable to stop the incident. I thank the Good Lord that one of those two children were not killed, Mr. President.

"What frightens me, Mr. President, is that the house where this dog lives is two doors away from Kahakai Elementary School and it frightens me to think of what might happen if that dog gets loose and attacks one of the many children on their way to and from school.

"I know this incident well, being the children in question were my daughter-in-law's children. And they are still in a state of shock.

"Mr. President, I would urge that the county councils of this state do something to curb this growing menace, and hopefully in the next session of the legislature we will do something to control this menace.

"The pot growers have taken our forests away from us, and now these dogs, Mr. President, are even taking our neighborhood roads away from us, our streets. Mr. President, we must do something. Thank you."

ADJOURNMENT

At 6:50 o'clock p.m., on motion by Senator Blair, seconded by Senator A. Kobayashi and carried, the Senate adjourned until 11:00 o'clock a.m., Tuesday, April 5, 1988.