

## SIXTY-SECOND DAY

Wednesday, April 29, 1992

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 7:33 o'clock p.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Bob Fraser, First Unitarian Church of Honolulu, after which the Roll was called showing all Senators present.

The Chair announced that he had read and approved the Journal of the Sixty-First Day.

Senator Tungpalan introduced to the members of the Senate, "good friend and neighbor," Mr. Dan Boylan, who was seated in the audience.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 352 to 359) were read by the Clerk and were placed on file:

Gov. Msg. No. 352, informing the Senate that on April 27, 1992, he signed the following bills into law:

Senate Bill No. 1151 as Act 40, entitled: "RELATING TO INTRAGOVERNMENTAL TRANSFERS";

House Bill No. 2835 as Act 41, entitled: "RELATING TO HEALTH";

House Bill No. 2302 as Act 42, entitled: "RELATING TO ROADWORK";

House Bill No. 2820 as Act 43, entitled: "RELATING TO TRAFFIC OFFENSES";

House Bill No. 3003 as Act 44, entitled: "RELATING TO EXTRADITION";

House Bill No. 3021 as Act 45, entitled: "RELATING TO MOTOR VEHICLE INDUSTRY LICENSING";

House Bill No. 3239 as Act 46, entitled: "RELATING TO PERSONS WITH DISABILITIES";

House Bill No. 3266 as Act 47, entitled: "RELATING TO ATTORNEYS' FEES";

House Bill No. 3306 as Act 48, entitled: "RELATING TO THE EXECUTIVE DIRECTOR OF HAWAII BROADCASTING AUTHORITY"; and

House Bill No. 3314 as Act 49, entitled: "RELATING TO TESTAMENTARY ADDITIONS TO TRUSTS."

Gov. Msg. No. 353, dated April 20, 1992, transmitting the "Family Planning in Hawaii 1990-1991 Annual Report - Office of Family Planning," prepared by the Department of Health.

Gov. Msg. No. 354, dated April 20, 1992, transmitting the 1991 Annual Report of the Hawaii Aquaculture Advisory Council, Department of Land and Natural Resources.

Gov. Msg. No. 355, dated April 21, 1992, transmitting a report prepared by the Housing Finance and Development, Department of Budget and Finance, in response to H.C.R. No. 3 (1991), urging HFDC to implement provisions of Act 337, SLH 1987, mandating the establishment of the housing information system.

Gov. Msg. No. 356, dated April 27, 1992, transmitting a report of the Long Term Care Financing Advisory Board, Executive Office on Aging.

Gov. Msg. No. 357, dated April 24, 1992, transmitting a report on the continued implementation of the Market-based Recruitment Plan, in response to Section 155 of Act 296, SLH 1991.

Gov. Msg. No. 358, transmitting his statement of objections to Senate Bill No. 2227 which he has returned to the Senate without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
April 29, 1992

**STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2227**

Honorable Members  
Sixteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2227, entitled 'A Bill for an Act Relating to Elections.'

Senate Bill No. 2227 is an omnibus elections bill, the purpose of which is to increase voter participation and improve the administration of the election process. Some provisions of this bill accomplish this purpose and should be enacted. Unfortunately, however, other provisions severely hamper both the elections process and the jury selection process.

Purging the lists of registered voters after two consecutive election cycles instead of after one cycle as the law currently provides, will result in the retention of a substantial number of people who no longer reside in a precinct or the State and are thus unable to vote. This unnecessarily increases the cost of administering elections.

Disallowing the release of registered voter lists for use in jury selection will severely limit the Judiciary's ability to create a pool of qualified jurors. This limitation on creating a qualified juror pool will make it difficult for the Judiciary to provide a jury of one's peers or a jury containing a representative cross-section of the population.

For the foregoing reasons, I am returning Senate Bill No. 2227 without my approval.

Respectfully,

/s/ John Waihee  
JOHN WAIHEE  
Governor of Hawaii"

Gov. Msg. No. 359, transmitting his statement of objections to Senate Bill No. 2897 which he has returned to the Senate without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
April 29, 1992

## STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2897

Honorable Members  
Sixteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2897, entitled 'A Bill for an Act Relating to Precursor Chemicals.'

The purpose of Senate Bill No. 2897 is to combine into one list all regulated precursor chemicals. In addition, the bill authorizes the disclosure of precursor chemical record information to county agencies as well as state and federal agencies.

To combine all regulated precursor chemicals into one list in part VI of chapter 329, Hawaii Revised Statutes, this bill will add to part VI the chemicals listed in part VII of chapter 329, Hawaii Revised Statutes, and repeal part VII. Part VII includes section 329-86(c), which imposes criminal liability for the unlawful distribution of precursor substances used for the manufacture of controlled substances. Since no corresponding provision is added to part VI, this bill will inadvertently decriminalize the presently unlawful distribution of precursor substances used to manufacture controlled substances.

For the foregoing reasons, I am returning Senate Bill No. 2897 without my approval.

Respectfully,

/s/ John Waihee  
JOHN WAIHEE  
Governor of Hawaii"

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 39 and 40) were read by the Clerk and were placed on file:

Dept. Com. No. 39, from the Department of Agriculture dated April 24, 1992, transmitting the 1992 Export Directory and Buyer's Guide of Hawaii's Floral and Nursery Products and of Hawaii's Agricultural Food Products.

Dept. Com. No. 40, from the Department of Agriculture dated April 22, 1992, transmitting the monthly independent audit of the milk processing plants in the Honolulu and the Hawaii milk sheds - Foremost (December); Meadow Gold (December) - prepared by Deloitte & Touche.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 1032 to 1056) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 1032, informing the Senate that the amendments proposed by the Senate to various House bills were agreed to by the House and said amended House bills, listed as follows, passed Final Reading in the House of Representatives on April 27, 1992:

H.B. No. 770, H.D. 2, S.D. 1;  
H.B. No. 1048, H.D. 2, S.D. 2;  
H.B. No. 2139, H.D. 1, S.D. 1;  
H.B. No. 2307, H.D. 1, S.D. 1;  
H.B. No. 2486, H.D. 2, S.D. 1;  
H.B. No. 2490, S.D. 1;

H.B. No. 2493, H.D. 1, S.D. 1;  
H.B. No. 2780, S.D. 1;  
H.B. No. 2843, S.D. 2;  
H.B. No. 3011, H.D. 1, S.D. 2;  
H.B. No. 3022, S.D. 1;  
H.B. No. 3040, H.D. 2, S.D. 2;  
H.B. No. 3071, H.D. 1, S.D. 2;  
H.B. No. 3090, H.D. 2, S.D. 1;  
H.B. No. 3163, H.D. 1, S.D. 1;  
H.B. No. 3400, H.D. 2, S.D. 1;  
H.B. No. 3698, S.D. 1;  
H.B. No. 3770, H.D. 1, S.D. 1; and  
H.B. No. 3898, S.D. 1,

was placed on file.

Hse. Com. No. 1033, returning S.B. No. 148, S.D. 1, which passed Third Reading in the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1034, returning S.B. No. 802, which passed Third Reading in the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1035, returning S.B. No. 1274, S.D. 1, which passed Third Reading in the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1036, returning S.B. No. 2200, which passed Third Reading in the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1037, returning S.B. No. 2203, S.D. 1, which passed Third Reading in the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1038, returning S.B. No. 2673, S.D. 1, which passed Third Reading in the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1039, returning S.B. No. 2706, which passed Third Reading in the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1040, returning S.B. No. 2883, which passed Third Reading in the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1041, returning S.B. No. 2898, which passed Third Reading in the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1042, returning S.C.R. No. 256, which was adopted by the House of Representatives on April 28, 1992, was placed on file.

At 7:41 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:42 o'clock p.m.

Hse. Com. No. 1043, returning S.C.R. No. 33, S.D. 1, which was adopted by the House of Representatives on April 27, 1992, in an amended form, was placed on file.

Senator Holt then moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 33, S.D. 1, seconded by Senator Solomon and carried.

On motion by Senator Holt, seconded by Senator Solomon and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 33, S.D. 1, and S.C.R. No. 33, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING A TIME EXTENSION TO THE BOARD OF LAND AND NATURAL RESOURCES AND THE

DEPARTMENT OF TRANSPORTATION TO LEASE CERTAIN FAST, TIDAL, AND SUBMERGED LANDS AT KE'EHU LAGOON, HONOLULU, OAHU, HAWAII TO A PRIVATE DEVELOPER FOR COMMERCIAL, RECREATIONAL, EDUCATIONAL, RESEARCH, AND LIGHT INDUSTRIAL PURPOSES," was finally adopted.

Hse. Com. No. 1044, returning S.C.R. No. 189, S.D. 1, which was adopted by the House of Representatives on April 27, 1992, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 189, S.D. 1, H.D. 1, was deferred to the end of the calendar.

Hse. Com. No. 1045, returning S.C.R. No. 219, S.D. 1, which was adopted by the House of Representatives on April 28, 1992, in an amended form, was placed on file.

Senator Holt then moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 219, S.D. 1, seconded by Senator Solomon and carried.

On motion by Senator Holt, seconded by Senator Solomon and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 219, S.D. 1, and S.C.R. No. 219, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PLAN FOR THE PURCHASE WAIPIO VALLEY, HAWAII, FOR LAND BANKING PURPOSES," was finally adopted.

Hse. Com. No. 1046, returning S.C.R. No. 228, S.D. 1, which was adopted by the House of Representatives on April 28, 1992, in an amended form, was placed on file.

Senator Crozier moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 228, S.D. 1, seconded by Senator Fernandes Salling and carried.

Senator Crozier then moved that S.C.R. No. 228, S.D. 1, H.D. 1, be adopted, seconded by Senator Fernandes Salling.

Senator Solomon then rose to speak in support of the resolution and said:

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

"Mr. President, last week's hearing on the Hawaiian Homes Commission Act in Washington, D.C., served to make us all aware again of the federal government's failure to conform to the clear mandate of Congress in enacting the Hawaiian Homes Commission Act.

"The Bush Administration has stated its position to be that no trust relationship was ever established by the act. As can be seen from Hawaii's position, as expressed by Attorney General Price, the Bush Administration's position is simply not supportable as a matter of law or reason.

"Without a doubt, the federal government has present obligations under that act, both as to the payment of money and as to the return of lands, to the benefit of native Hawaiian people.

"This issue is a microcosm of something far more pervasive to the well-being of Hawaii and all its people. Not only does the federal government have obligations and duties to the native Hawaiians by congressional mandate, but it has a continuing and essential obligation to the state by the terms of the 10th Amendment to the

U.S. Constitution to avoid transgression of state sovereignty.

"The federal government has failed in its obligation to the people of Hawaii to refrain from interference in the powers reserved to them by the Bill of Rights.

"We who are on the firing line in protecting and maintaining state sovereignty are well aware that there has been an incredibly rapid erosion of state sovereignty in the recent past.

"Mr. President, I urge all my colleagues to vote in support of this resolution, and to remind them of the words of Anthony Lewis of the New York Times who characterized the contemporary centralization of state powers by the federal government as 'state-ism,' and he correctly, I think, draws a parallel with the breakdown of existing governmental structures in Russia and Eastern Europe as, in part, a reaction to such 'state-ism.'

"We are living in perhaps the most revolutionary period in world history in the last 150 years. George Kennan has stated that the changes now occurring in world affairs are certainly as, or more significant, as those of 1917 or 1848. Old patterns of thought won't do.

"A new paradigm is needed. In Hawaii that paradigm will question why a huge percentage of our lands must be committed to the control of the federal government for the purposes of national security when certainly there is not now, nor can we reasonably anticipate an issue of world military confrontation.

"Hawaii, as a state which maybe is the clearest example of the usurpation of state sovereignty by the federal government, should take the lead in organizing the various states by conference, compact, or convention to cause the creation of a new paradigm by which federal/state powers may be re-ordered by the restoration of state control over that which are properly matters of state sovereignty.

"Mr. President, this resolution will call on the governor to effectively organize the full power and resources available to him, both legal and political, to cause the prompt return of all lands being held or obtained by the federal government for the Hawaiian people. Mr. President, I remind you that this is an oft-stated concept where land must be kept for native people. Much of these lands will be returned and, of course, Hawaiian Home Lands can be developed for the benefit of native Hawaiian people notwithstanding the Bush Administration's demonstrated disregard of its obligations to them.

"I urge all of my colleagues to vote in the affirmative. Thank you."

Senator Holt, also in support of the resolution, said:

"Mr. President, I would like the Journal to reflect the remarks of the previous speaker as my own.

"Thank you."

The Chair so ordered.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 228, S.D. 1, and S.C.R. No. 228, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO INSTITUTE APPROPRIATE LEGAL PROCEEDINGS AGAINST THE UNITED STATES OF AMERICA AND TO SOLICIT A CONGRESSIONAL INVESTIGATION CONCERNING TRUST OBLIGATIONS OF THE

UNITED STATES OF AMERICA TO THE INHABITANTS OF HAWAII GENERALLY AND TO NATIVE HAWAIIANS PARTICULARLY," was finally adopted.

Hse. Com. No. 1047, returning S.C.R. No. 116, S.D. 1, which was adopted by the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1048, returning S.C.R. No. 119, S.D. 1, which was adopted by the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1049, returning S.C.R. No. 143, S.D. 1, which was adopted by the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1050, returning S.C.R. No. 166, S.D. 1, which was adopted by the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1051, returning S.C.R. No. 180, S.D. 1, which was adopted by the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1052, returning S.C.R. No. 215, which was adopted by the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1053, returning S.C.R. No. 238, which was adopted by the House of Representatives on April 27, 1992, was placed on file.

Hse. Com. No. 1054, informing the Senate that the House reconsidered its action taken on April 10, 1992, in disagreeing to the amendments proposed by the Senate to the following House bills:

- H.B. No. 3158, S.D. 1;
- H.B. No. 3564, H.D. 2, S.D. 1; and
- H.B. No. 3851, H.D. 2, S.D. 1,

was placed on file.

Hse. Com. No. 1055, informing the Senate that the House reconsidered its action taken on April 10, 1992, in disagreeing to the amendments proposed by the Senate to H.B. No. 2683, H.D. 2, S.D. 2, was placed on file.

Hse. Com. No. 1056, dated April 28, 1992, informing the Senate that the amendments proposed by the Senate to the following House concurrent resolutions were agreed to by the House and said resolutions were Finally Adopted in the House of Representatives:

- H.C.R. No. 78, S.D. 1;
- H.C.R. No. 81, S.D. 1;
- H.C.R. No. 85, H.D. 1, S.D. 1;
- H.C.R. No. 86, S.D. 1;
- H.C.R. No. 115, S.D. 1;
- H.C.R. No. 199, S.D. 1;
- H.C.R. No. 252, H.D. 1, S.D. 1;
- H.C.R. No. 280, S.D. 1;
- H.C.R. No. 284, S.D. 1; and
- H.C.R. No. 301, S.D. 1,

was placed on file.

#### STANDING COMMITTEE REPORTS

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 3022) recommending that H.C.R. No. 207 be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 207, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, IN CONJUNCTION WITH BISHOP MUSEUM, THE COUNTY OF HAWAII, AND HAMAKUA SUGAR COMPANY, INC., TO DEVELOP, ESTABLISH, AND IMPLEMENT MECHANISMS OF CONTROLLING PUBLIC AND COMMERCIAL USES OF WAIPIO VALLEY," was adopted.

Senator Tungpalan, for the Committee on Culture, Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 3023) recommending that H.C.R. No. 208 be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 208, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII COUNTY, IN CONJUNCTION WITH BISHOP MUSEUM, THE PUBLIC UTILITIES COMMISSION, THE WAIPIO TARO FARMERS ASSOCIATION, WAIPIO VALLEY TOUR OPERATORS, AND THE KUKUIHAELE-WAIPIO COMMUNITY ASSOCIATION, TO DEVELOP, ESTABLISH, AND IMPLEMENT MECHANISMS OF CONTROLLING PUBLIC ACCESS INTO WAIPIO VALLEY VIA WAIPIO VALLEY ACCESS ROAD," was adopted.

Senator Hagino, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 3024) recommending that H.C.R. No. 5 be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 5, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A COMPREHENSIVE REVIEW OF ISSUES RELATED TO THE SPECIAL CARE NEEDS OF ADULT RESIDENTIAL CARE HOME OPERATORS," was adopted.

Senator Hagino, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 3025) recommending that H.C.R. No. 65, H.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 65, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE IMPACTS OF UNACCREDITED DEGREE GRANTING AND NON-DEGREE GRANTING INSTITUTIONS ON THE STATE," was adopted.

Senator Hagino, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 3026) recommending that H.C.R. No. 403 be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 403, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE REVIEW OF THE COMMERCIAL PRACTICES AND REGULATION OF OUT-OF-STATE PHARMACIES," was adopted.

Senator Hagino, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 3027) recommending that H.C.R. No. 433, H.D. 2, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 433, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO STUDY AND REPORT ON THE COORDINATION OF MENTAL HEALTH SERVICES FOR CHILDREN AND ADOLESCENTS BETWEEN STATE AGENCIES," was adopted.

### ORDER OF THE DAY

#### MATTERS DEFERRED FROM TUESDAY, APRIL 28, 1992

#### ADOPTION OF RESOLUTIONS

S.C.R. No. 15, S.D. 1, H.D. 1 (Hse. Com. No. 1010):

Senator Ikeda moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 15, S.D. 1, seconded by Senator Iwase and carried.

On motion by Senator Ikeda, seconded by Senator Iwase and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 15, S.D. 1, and S.C.R. No. 15, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING MANUFACTURERS AND RETAILERS TO ADOPT AND ADHERE TO GUIDELINES FOR RESPONSIBLE ENVIRONMENTAL ADVERTISING," was finally adopted.

At 7:51 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:52 o'clock p.m.

S.C.R. No. 61, S.D. 1, H.D. 1 (Hse. Com. No. 1011):

By unanimous consent, action on S.C.R. No. 61, S.D. 1, H.D. 1, was deferred to the end of the calendar.

S.C.R. No. 195, H.D. 1 (Hse. Com. No. 1012):

Senator Chang moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 195, seconded by Senator Ikeda and carried.

On motion by Senator Chang, seconded by Senator Ikeda and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 195, and S.C.R. No. 195, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO SIGN AND THE SENATE OF THE UNITED STATES TO RATIFY THE ARTICLES OF THE 1976 CONVENTION ON CONSERVATION OF NATURE IN THE SOUTH PACIFIC ('APIA CONVENTION')," was finally adopted.

### THIRD READING

H.B. No. 2082, H.D. 2:

On motion by Senator Chang, seconded by Senator Ikeda and carried, H.B. No. 2082, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COOPERATIVE ASSOCIATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Stand. Com. Rep. No. 2908 (H.B. No. 3097, H.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2908 was adopted and H.B. No. 3097, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME RENTAL HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

H.B. No. 3295, H.D. 2:

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, H.B. No. 3295, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAX RELIEF FOR NATURAL DISASTER LOSSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

H.B. No. 3274, H.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, H.B. No. 3274, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Stand. Com. Rep. No. 2911 (H.B. No. 3642):

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2911 was adopted and H.B. No. 3642, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Stand. Com. Rep. No. 2912 (H.B. No. 3697, H.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2912 was adopted and H.B. No. 3697, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE SOURCE REVENUES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

H.B. No. 3155:

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, H.B. No. 3155, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAXATION OF FOREIGN MANUFACTURERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Stand. Com. Rep. No. 2914 (H.B. No. 3063):

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2914 was adopted and H.B. No. 3063, entitled: "A BILL FOR

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

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Stand. Com. Rep. No. 2915 (H.B. No. 2374):

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2915 was adopted and H.B. No. 2374, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

H.B. No. 3160:

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, H.B. No. 3160, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS FOR S CORPORATION SHAREHOLDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Stand. Com. Rep. No. 2917 (H.B. No. 3396):

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2917 was adopted and H.B. No. 3396, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

H.B. No. 3152:

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, H.B. No. 3152, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF INTEREST ON TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

H.B. No. 3154, H.D. 2:

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, H.B. No. 3154, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

H.B. No. 3159:

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, H.B. No. 3159, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX LIMITATION PERIODS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

H.B. No. 3110, H.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, H.B. No. 3110, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UNCLAIMED PROPERTY ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

H.B. No. 3156:

By unanimous consent, action on H.B. No. 3156 was deferred to the end of the calendar.

H.B. No. 2361, H.D. 1:

On motion by Senator Holt, seconded by Senator Solomon and carried, H.B. No. 2361, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTRICTIVE COVENANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

H.B. No. 3725:

On motion by Senator Holt, seconded by Senator Solomon and carried, H.B. No. 3725, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (George, Reed, Blair). Excused, 3 (Matsuura, Wong, R., Yamasaki).

Stand. Com. Rep. No. 3020 (H.B. No. 2680):

By unanimous consent, action on Stand. Com. Rep. No. 3020 and H.B. No. 2680 was deferred to the end of the calendar.

Stand. Com. Rep. No. 3021 (H.B. No. 3332):

On motion by Senator A. Kobayashi, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 3021 was adopted and H.B. No. 3332, entitled: "A BILL FOR AN ACT RELATING TO THE DISPERSAL REVIEW COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

## FINAL READING

S.B. No. 2730, H.D. 2:

By unanimous consent, S.B. No. 2730, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LAND FIRE PROTECTION LAW," was recommitted to the Committee on Planning, Land and Water Management.

Conf. Com. Rep. No. 2 (S.B. No. 1440, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator McMurdo and carried, Conf. Com. Rep. No. 2 was

adopted and S.B. No. 1440, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII TO CHANGE THE REQUIREMENT FOR THE OATH OF OFFICE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 3 (H.B. No. 2322, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Holt and carried, Conf. Com. Rep. No. 3 was adopted and H.B. No. 2322, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE DATE FOR CONSTITUTING THE REAPPORTIONMENT COMMISSION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 4 (H.B. No. 2123, H.D. 1, S.D. 1, C.D. 1):

Senator Hagino moved that Conf. Com. Rep. No. 4 be adopted and H.B. No. 2123, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Holt.

Senator Blair rose to speak against the measure and said:

"Mr. President, I'd like the journal to record the reasons why I'll be voting against this bill. They are three in number. The first is that it combines statutory amendments with a proposed constitutional amendment. This creates difficulties for the governor in determining whether he can veto the bill. However, I note that the governor has had notice of this bill for ten days and has not, at least to me, expressed any concern. Nonetheless, for future reference, I urge members to not combine statutory and constitutional material.

"The second reason is that both ballot questions are compound, in one case dealing with gubernatorial appointment of the superintendent, and limiting the powers of the board to policies, goals and standards and, in the other, combining those two items with an appointed school board. It's going to be either a two-element compound question or a three-element compound question that is placed on the ballot in November.

"The electorate has previously rejected proposals for an appointed school board. When you give them two or three elements and they disagree with even one of the elements, there is a strong possibility that they will vote against the constitutional amendment. Therefore, by presenting it in a compound fashion, we've increased the chance that there will not be sufficient votes in November. For that reason, if we actually support those proposals, I think we've made an error.

"My third reason is the most important. The way this bill is structured fails to recognize the difference, constitutionally, between the role of the Legislature to propose constitutional amendments and the role of the electorate to ratify the constitutional amendments. Providing for the electorate to determine, in the primary election, which of two proposals will go on to the general

election ballot interjects the electorate into the legislative role of proposing constitutional amendments. I believe this is constitutionally forbidden.

"There are, essentially, four ways to look at this constitutional issue. Four facets, if you will. First, this Legislature did not decide to put either proposal onto the general election ballot. Second, if the Legislature did decide to put them onto the ballot, Article XVII, Section 5 requires that both go onto the general election ballot. Third, Article XVII, Section 3 also requires that both be placed on the general election ballot. Fourth, this bill creates an unauthorized referendum process.

"As a result of this decision, this matter will probably go to the Supreme Court and we may not see it on the ballot in this form. My concern is that this bill will probably result in our coming back for a special session in order to do it correctly.

"In any event, I know the attorney general has opined that this is legal. This is not the first time the attorney general and I have disagreed and, like our other major disagreement, involving Article I, Section 17, I guess it will be up to the courts to decide who's right. But I want to record the reasons why I will be voting against this important and substantively appropriate bill.

"Thank you."

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

"Mr. President, I rise in support of this bill and would like to thank the previous speaker for his remarks.

"The Committee thoroughly reviewed those issues. We have an attorney general's opinion that I'd like to insert into the Senate Journal. And the attorney general felt comfortable with the bill and we will proceed on that. In fact, the conference committee did not make a final decision until the attorney general submitted a formal written opinion to us.

"Getting into the other merits of the bill, Mr. President, this is a good bill. This is educational reform. This is the first step that we took during conference committee to make major changes in the system. And on the issues of getting voters involved, if we believe in SCBM and if we believe in the public getting involved in our school system, and what greater way and better way to get them involved in a public referendum to make a decision on how the school board is to be structured. We're saying that it's their school system and we want them to be involved. That's what this bill does.

"This bill also restricts the governor's ability to restrict funds on education. He cannot just go unilaterally now and take money. He has to do it under two conditions: one, he has to do it when there is an anticipated revenue short-fall; and, two, he needs to give ten days' notice before doing so. That would give the Legislature an opportunity to decide if it wants to meet and go back into session to undo what he proposes to do.

"Finally and more importantly, we have a lump-sum budget provision to put into place and to put into motion a lump-sum plan, not to give money to the bureaucracy but to give money to students and schools and have direct expenditures going directly to them and not funnelled through the state bureaucracy.

"Mr. President, this is a good bill and I ask my colleagues to vote 'yes.'

"I thank the Judiciary chairman for his comments, although I disagree.

"Mr. President, I would like to submit the attorney general's opinion as part of the record. Thank you."

The Chair having so ordered, the Attorney General's Opinion is entered as Attachment "A."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 4 was adopted and H.B. No. 2123, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Blair). Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 5 (H.B. No. 1180, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 5 was adopted and H.B. No. 1180, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 6 (H.B. No. 2500, S.D. 1, C.D. 1):

On motion by Senator Nakasato, seconded by Senator A. Kobayashi and carried, Conf. Com. Rep. No. 6 was adopted and H.B. No. 2500, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THRILL CRAFT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 7 (H.B. No. 1715, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator B. Kobayashi, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 7 was adopted and H.B. No. 1715, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE UNIVERSITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (George). Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 8 (H.B. No. 1346, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Crozier, seconded by Senator Reed and carried, Conf. Com. Rep. No. 8 was adopted and H.B. No. 1346, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 9 (H.B. No. 1023, H.D. 1, S.D. 1, C.D. 1):

Senator Fernandes Salling moved that Conf. Com. Rep. No. 9 be adopted and H.B. No. 1023, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator George.

Senator Cobb rose to speak against the bill and said:

"Mr. President, the culmination of five years of federal blackmail, or in effect the Congress told the states, raise your drinking age to 21 or lose money. The basic reason we did five years ago and why it is being made permanent now is to avoid the loss of money. Never mind the loss of civil rights. Never mind the fact that a young person can be old enough to fight and die for his country and still not have a drink within its own borders.

"It really comes down to the fact that we're doing it for money, federal money. And yet federal money comes from us just as much as anyone else.

"For that reason, Mr. President, I'm going to be voting 'no' on this."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 9 was adopted and H.B. No. 1023, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Cobb). Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 10 (H.B. No. 2455, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 10 was adopted and H.B. No. 2455, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 11 (H.B. No. 3046, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 11 was adopted and H.B. No. 3046, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 12 (H.B. No. 3963, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 12 was adopted and H.B. No. 3963, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 13 (H.B. No. 2409, S.D. 1, C.D. 1):

On motion by Senator Crozier, seconded by Senator Reed and carried, Conf. Com. Rep. No. 13 was adopted and H.B. No. 2409, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 14 (H.B. No. 3533, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Koki and carried, Conf. Com. Rep. No. 14 was adopted and H.B. No. 3533, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 15 (H.B. No. 2818, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 15 was adopted and H.B. No. 2818, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF NURSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 16 (H.B. No. 3034, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 16 was adopted and H.B. No. 3034, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SALES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 17 (H.B. No. 3028, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 17 was adopted and H.B. No. 3028, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM LAND SALES PRACTICES ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 18 (H.B. No. 2811, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 18 was adopted and H.B. No. 2811, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL CLAIMS DIVISION OF THE DISTRICT COURT,"

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

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 19 (H.B. No. 3006, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 19 was adopted and H.B. No. 3006, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 20 (H.B. No. 3508, S.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Crozier and carried, Conf. Com. Rep. No. 20 was adopted and H.B. No. 3508, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RULE AGAINST PERPETUITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 21 (H.B. No. 2131, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 21 and H.B. No. 2131, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 22 (H.B. No. 3466, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Blair and carried, Conf. Com. Rep. No. 22 was adopted and H.B. No. 3466, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR EMPLOYMENT PRACTICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (George, Koki). Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 23 (H.B. No. 3157, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Crozier, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 23 was adopted and H.B. No. 3157, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL HOUSING ACCOUNT DEDUCTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 24 (H.B. No. 2504, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Crozier, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 24 was adopted and H.B. No. 2504, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL HOUSING," having been read throughout,

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

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 25 (H.B. No. 3558, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Crozier, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 25 was adopted and H.B. No. 3558, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 26 (H.B. No. 2505, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Crozier, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 26 was adopted and H.B. No. 2505, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 27 (H.B. No. 3563, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 27 was adopted and H.B. No. 3563, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 28 (H.B. No. 3673, S.D. 1, C.D. 1):

On motion by Senator McMurdo, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 28 was adopted and H.B. No. 3673, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Cobb, Mizuguchi). Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 29 (H.B. No. 1237, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Blair, seconded by Senator Crozier and carried, Conf. Com. Rep. No. 29 was adopted and H.B. No. 1237, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIME," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 30 (H.B. No. 2808, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Cobb, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 30 was adopted and H.B. No. 2808, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LICENSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 31 (H.B. No. 2724, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Crozier, seconded by Senator Reed and carried, Conf. Com. Rep. No. 31 was adopted and H.B. No. 2724, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 32 (H.B. No. 2391, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chang, seconded by Senator Levin and carried, Conf. Com. Rep. No. 32 was adopted and H.B. No. 2391, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL IMPACT STATEMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 33 (H.B. No. 3946, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chang, seconded by Senator Levin and carried, Conf. Com. Rep. No. 33 was adopted and H.B. No. 3946, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 34 (H.B. No. 3843, H.D. 2, S.D. 1, C.D. 1):

Senator Chang moved that Conf. Com. Rep. No. 34 be adopted and H.B. No. 3843, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Levin.

Senator McMurdo rose to speak in support of the bill and said:

"Mr. President, I want to commend the chair of the Committee on Agriculture and Environmental Protection for successfully seeing this bill through, and adding more bite to it. I think that's perhaps the best way we will send a message to the federal government that they'd better get busy too."

Senator Blair also rose to speak in support of the measure and stated:

"Mr. President, on behalf of the Irish caucus, since Americans of Irish heritage have the nation's highest rate of skin cancer, I thank the Chinese caucus. Thank you very much."

Senator B. Kobayashi also rose to support the measure and said:

"Mr. President, on behalf of my son who is part Chinese and part Irish, thanks to both of those caucuses."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 34 was adopted and H.B. No. 3843, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF CHLOROFUOROCARBONS, HALONS, AND OTHER SYNTHETIC COMPOUNDS THAT DESTROY THE EARTH'S PROTECTIVE OZONE LAYER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 35 (H.B. No. 2336, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chang, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 35 was adopted and H.B. No. 2336, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 36 (H.B. No. 3233, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chang, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 36 was adopted and H.B. No. 3233, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLED GLASS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 37 (H.B. No. 1930, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 37 and H.B. No. 1930, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 38 (H.B. No. 599, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 38 was adopted and H.B. No. 599, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 39 (H.B. No. 3121, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Iwase, seconded by Senator A. Kobayashi and carried, Conf. Com. Rep. No. 39 was adopted and H.B. No. 3121, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 40 (H.B. No. 2323, S.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Holt and carried, Conf. Com. Rep. No. 40 was adopted and H.B. No. 2323, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 41 (H.B. No. 3726, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator McMurdo and carried, Conf. Com. Rep. No. 41 was adopted and H.B. No. 3726, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 42 (H.B. No. 3303, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Reed and carried, Conf. Com. Rep. No. 42 was adopted and H.B. No. 3303, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INVESTIGATING POWERS OF THE ATTORNEY GENERAL AND THE COUNTY PROSECUTING ATTORNEYS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 43 (H.B. No. 2871, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 43 and H.B. No. 2871, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 44 (H.B. No. 3424, S.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Blair and carried, Conf. Com. Rep. No. 44 was adopted and H.B. No. 3424, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC RECORDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 45 (H.B. No. 2604, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 45 was adopted and H.B. No. 2604, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 46 (H.B. No. 2597, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Blair, seconded by Senator Chang and carried, Conf. Com. Rep. No. 46 was adopted and H.B. No. 2597, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

At 8:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:21 o'clock p.m.

Conf. Com. Rep. No. 47 (H.B. No. 3854, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 47 and H.B. No. 3854, H.D. 1, S.D. 1, C.D. 1, were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 48 (H.B. No. 1926, S.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Koki and carried, Conf. Com. Rep. No. 48 was adopted and H.B. No. 1926, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 49 (H.B. No. 2496, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Crozier, seconded by Senator Koki and carried, Conf. Com. Rep. No. 49 was adopted and H.B. No. 2496, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN REAL PROPERTY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 50 (H.B. No. 3032, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Crozier and carried, Conf. Com. Rep. No. 50 was adopted and H.B. No. 3032, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WARRANTIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 51 (S.B. No. 576, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Blair, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 51 was adopted and S.B. No. 576, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ACCIDENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 52 (S.B. No. 2592, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 52 was adopted and S.B. No. 2592, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 53 (S.B. No. 3157, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Blair, seconded by Senator Holt and carried, Conf. Com. Rep. No. 53 was adopted and S.B. No. 3157, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 54 (S.B. No. 1347, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Levin and carried, Conf. Com. Rep. No. 54 was adopted and S.B. No. 1347, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE AND WELFARE SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 55 (S.B. No. 3179, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Chang, seconded by Senator Levin and carried, Conf. Com. Rep. No. 55 was adopted and S.B. No. 3179, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 56 (S.B. No. 3098, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Crozier, seconded by Senator Reed and carried, Conf. Com. Rep. No. 56 was adopted and S.B. No. 3098, S.D. 1, H.D. 1, C.D. 1, entitled: "A

**BILL FOR AN ACT RELATING TO SOLAR ENERGY,"** having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 57 (S.B. No. 3354, S.D. 1, H.D. 1, C.D. 1):

Senator Blair moved that Conf. Com. Rep. No. 57 be adopted and S.B. No. 3354, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tungpalan.

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

"Mr. President, I rise to speak in favor of S.B. 3354 which addresses the need to stop harassment.

"Currently the law does not protect victims who are stalked. The offender usually is not charged until after physical violence occurs. Unfortunately, many acts of harassment lead to violence. Perhaps, just perhaps, this measure will help to prevent a Ganai - Touchette tragedy.

"This bill sends a clear message that this Legislature will not tolerate harassment. The first conviction for harassment could land you in jail for up to 30 days with a possible thousand dollar fine. Harass twice and you get a jail term for a year and a possible \$2,000 fine.

"Everyone has a right to live a life without harassment."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 57 was adopted and S.B. No. 3354, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 58 (S.B. No. 2896, H.D. 2, C.D. 1):

On motion by Senator Blair, seconded by Senator Koki and carried, Conf. Com. Rep. No. 58 was adopted and S.B. No. 2896, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Matsuura, Wong, R., Yamasaki).

Conf. Com. Rep. No. 59 (S.B. No. 2382, S.D. 1, H.D. 3, C.D. 1):

Senator McMurdo moved that Conf. Com. Rep. No. 59 be adopted and S.B. No. 2382, S.D. 1, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator B. Kobayashi.

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

"Mr. President, I rise to speak in favor of the bill but only with substantial reservations. The reasons for my reservations are stated on page 2 of the conference committee report.

"When the idea of a needle exchange program was first presented to the Legislature, it was sold as a balancing of interest. One-half of that balance was that it would cause a significant number of the drug abusers to go into rehabilitation programs. I'm distressed to see that it hasn't happened to the degree we were led to believe it would.

"I specifically refer to the last sentence on the first paragraph which reads, 'To significantly address the problem, however, your Committee finds that the sterile needle and syringe exchange program must be paired with a strong educational and counseling program. Accordingly, your Committee encourages all parties to look into the development of such a program.'

"I think it's unfortunate that at this stage we're still encouraging parties to look into the development of such programs. I'm distressed that the balance that we thought we would achieve has not yet been achieved. My support for this program is marginal at this point. I certainly hope that by making my concerns explicit I will be encouraging the Department of Health and others to work harder in this area.

"Thank you."

Senator B. Kobayashi rose to speak in support of the bill and remarked:

"Mr. President, the committee report perhaps glosses over some of the actual counseling that is occurring in this program. There is counseling on site at every opportunity where there is needle exchange, both in terms of a live person there as well as printed material. There have been, because of these efforts, a good number of people who have sought more intensive, more expensive treatment programs, including residential treatment programs. It is these more expensive harder to find programs that are causing difficulties in the placement of these individuals coming to the needle exchange.

"For the most part these programs are in short supply statewide, but because the programs have, shall we say, such a selective clientele and the number of organizations offering these programs are limited, there has been in some cases the need to put needle exchange clients on a waiting list. It is for this reason that the committee report was amended, so as to explicitly require that the administration tell the Legislature, either in the annual budget or by separate appropriation bill, what the estimated funding would be in order to provide the substance abuse treatment programs needed for needle exchange clients. This we hope will help remedy the situation, by putting the Legislature directly on notice that further treatment programs are required and the extent to which dollars are needed to support these treatment programs.

"I would suggest that the needle exchange has come a long way in fulfilling its mission. It has not done everything it could but the continuation of the program, I think, is supported by virtually everyone. I believe we did not have any negative testimony in the subject matter committee on the needle exchange bill.

"For this reason I would ask my colleagues to support the program. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 59 was adopted and S.B. No. 2382, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFECTIOUS AND COMMUNICABLE DISEASES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Tungpalan, Koki). Excused, 1 (Wong, R.).

Conf. Com. Rep. No. 60 (S.B. No. 276, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Chang, seconded by Senator Levin and carried, Conf. Com. Rep. No. 60 was adopted and S.B. No. 276, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONDEGRADABLE SOLID WASTE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 61 (S.B. No. 2229, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Holt and carried, Conf. Com. Rep. No. 61 was adopted and S.B. No. 2229, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII RULES OF EVIDENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 62 (S.B. No. 2674, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Blair, seconded by Senator McMurdo and carried, Conf. Com. Rep. No. 62 was adopted and S.B. No. 2674, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT AGENCY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 63 (S.B. No. 2729, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Crozier and carried, Conf. Com. Rep. No. 63 was adopted and S.B. No. 2729, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 64 (S.B. No. 2900, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Crozier and carried, Conf. Com. Rep. No. 64 was adopted and S.B. No. 2900, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORITY TO TRANSFER HAWAII STATE INMATES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 65 (S.B. No. 2653, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chang, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 65 was adopted and S.B. No. 2653, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 66 (S.B. No. 2420, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator McMurdo, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 66 was adopted and S.B. No. 2420, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A VOLUNTARY, CONSULTATIVE, AND EDUCATIONAL FOOD SAFETY ACTIVITY FOR THE FOOD SERVICE PERSONNEL OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 67 (S.B. No. 3271, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 67 and S.B. No. 3271, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 68 (S.B. No. 2922, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Cobb and carried, Conf. Com. Rep. No. 68 was adopted and S.B. No. 2922, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORMITY OF PROFESSIONAL AND VOCATIONAL LICENSING LAWS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 69 (S.B. No. 2454, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator McMurdo, seconded by Senator Levin and carried, Conf. Com. Rep. No. 69 was adopted and S.B. No. 2454, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG PRODUCT SELECTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 70 (S.B. No. 2678, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 70 was adopted and S.B. No. 2678, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WHOLESALE PRESCRIPTION DRUG DISTRIBUTORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 72 (S.B. No. 3109, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 72 and S.B. No. 3109, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 73 (S.B. No. 1526, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Matsuura, seconded by Senator Holt and carried, Conf. Com. Rep. No. 73 was adopted

and S.B. No. 1526, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 74 (S.B. No. 2228, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Holt and carried, Conf. Com. Rep. No. 74 was adopted and S.B. No. 2228, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 75 (S.B. No. 2231, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Holt and carried, Conf. Com. Rep. No. 75 was adopted and S.B. No. 2231, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 76 (S.B. No. 3145, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Holt and carried, Conf. Com. Rep. No. 76 was adopted and S.B. No. 3145, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 78 (S.B. No. 2253, S.D. 2, H.D. 2, C.D. 1):

Senator Yamasaki moved that Conf. Com. Rep. No. 78 be adopted and S.B. No. 2253, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Blair.

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

"Mr. President, very briefly, I'd like to speak in support of the bill.

"First of all, I'd like to thank my colleagues on the Conference Committee for helping us craft this bill and putting it together and to thank the members of the Senate for their input because many people not on the Conference Committee also provided input.

"You know, Mr. President, when we first started this session I didn't think that we'd be here today when I talked about having a special session on education. I never dreamed that I would be here on the Senate floor talking about this reform measure that is so comprehensive and a bold step forward. This was our special session on education.

"Mr. President, it is clear that we did a good job on education this year. The educational reform package submitted by the Legislature this year is not the end but

just the beginning. It clearly takes a bold step forward to empower schools to make the children the focal point of the system and the schools a focal point. It's a package we can be proud of that we can take back to our communities and say that we did not turn the clock back on reform, we moved forward.

"It's a comprehensive bill. Our package contains 14 different measures contained in this bill and other bills that clearly move to empower schools and move toward a new vision of educational reform.

"I think, Mr. President, this is an historic day for education because it's the dawn of a new era for education in Hawaii. I thank my colleagues for supporting this bill and urge all to vote 'yes.'

"Mr. President, I would like to have a copy of the letter that I sent to the PTSA inserted into the Journal for the record."

The Chair having so ordered, the letter to the Hawaii State PTSA dated April 28, 1992 is entered as Attachment "B."

Senator B. Kobayashi also rose to speak on the bill and stated:

"Mr. President, speaking in support of this bill.

"I think that the Education chair is to be commended for this effort and just persisting in what was many, many different drafts of this bill. I should note for the members' attention that among other things this bill specifies that certain provisions of Chapter 37 and Chapter 26, relating to Budget and Finance and to DAGS, respectively, will sunset unless the Legislature in 1993 specifically re-enacts or amends these particular chapters. This will help streamline the Department of Education, and certainly streamlining has been one of the themes of education reform.

"Other aspects of streamlining include the inventorying and reviewing of so-called add-on programs. The DOE, over many years, has had programs added on without necessary resources at times to support these add-on programs. The review of these add-on programs should hopefully more critically evaluate the benefits of some of these programs and, again, hopefully streamline them.

"In addition, the bill calls for support of Project Ke Au Hou which hopes to reduce the department from a three-layer system to a two-layer system. It has the potential of redirecting approximately 900 individuals currently serving in district and state offices toward the classroom level. We hope that this Project Ke Au Hou will be successful in doing so.

"Again, in keeping with the SCBM tradition, however, the Legislature has not selected which of these 900 people get designated to the schools. That will be made on a regional basis with participation from the schools by teachers and principals and also from the district offices. This decentralization will hopefully further add to the quality of education, and certainly the resources at the school level.

"For these and other reasons I would urge support of this bill. Thank you."

Senator Holt also supported the measure and remarked:

"Mr. President, I would like to commend the chairman for his hard work on this bill and I also congratulate him on putting together the longest committee report I ever saw in 14 years. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 78 was adopted and S.B. No. 2253, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 79 (S.B. No. 3432, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator McCartney, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 79 was adopted and S.B. No. 3432, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 80 (S.B. No. 3367, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Blair, seconded by Senator McMurdo and carried, Conf. Com. Rep. No. 80 was adopted and S.B. No. 3367, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 81 (S.B. No. 1528, H.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Matsuura and carried, Conf. Com. Rep. No. 81 was adopted and S.B. No. 1528, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 82 (S.B. No. 2432, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 82 was adopted and S.B. No. 2432, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 83 (S.B. No. 1843, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 83 and S.B. No. 1843, S.D. 2, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 84 (S.B. No. 2296, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 84 was adopted and S.B. No. 2296, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ADVERTISING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 85 (S.B. No. 1293, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 85 was adopted and S.B. No. 1293, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 86 (S.B. No. 2824, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Aki and carried, Conf. Com. Rep. No. 86 was adopted and S.B. No. 2824, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION FOR NEW VEHICLES AND OFFICIAL VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 87 (S.B. No. 2918, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Aki and carried, Conf. Com. Rep. No. 87 was adopted and S.B. No. 2918, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL VEHICLE SURCHARGE TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 88 (S.B. No. 2714, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Aki and carried, Conf. Com. Rep. No. 88 was adopted and S.B. No. 2714, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HANSEN'S DISEASE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 89 (S.C.R. 70, S.D. 1, H.D. 1, C.D. 1):

Senator Holt moved that Conf. Com. Rep. No. 89 be adopted and S.C.R. No. 70, S.D. 1, H.D. 1, C.D. 1, be adopted, seconded by Senator Ikeda.

Senator Blair rose to speak against the resolution and said:

"Mr. President, I rise to speak against the adoption of this resolution for two primary reasons. One is, I believe, that this marina will cause the home prices out there to be even less affordable than they would otherwise be. And Ewa is one of the few areas in our county that still has relatively affordable home prices.

"The second reason why I urge my colleagues to vote 'no' is that it will, I'm reliably informed, adversely impact on existing surfing sites.

"I urge all of my colleagues to preserve those lower home prices and the recreational opportunities for future generations and to vote 'no.' Thank you."

Senator Crozier rose to speak in support of the resolution and said:

"Mr. President, I'd like to speak in favor of the resolution.

"Just two points. First, the Ewa marina has been on the books for ten years or more like 20 years. Most of the homes that are going to be built there are for the affordable range. It is part of the general master plan for Kapolei area, and the people that will be living there are not only people that come from Ewa Beach, Makakilo, Waipahu, but the kids graduating from Kahuku High School, the kids graduating from Hawaii Kai, Kaiser and from Moanalua, from Leilehua, from points of Farrington (my colleague to my left just reminded me).

"We need to create opportunities for our next generation. We've done that at Kapolei. We've done that at Soda Creek, West Loch and other points. I think the marina is just an extension of that and I fully support that aspect.

"The other part about the surfing area that's going to be destroyed. No one's ever denied that there will be a surfing area destroyed but that surfing area is not a very popular surfing area. It has small waves. There is a more popular surfing beach called Cove's which is right down the road and HASEKO company has made sure that the primary surfing area will not be damaged.

"I ask my colleagues to support me on this resolution. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 89 was adopted and S.C.R. No. 70, S.D. 1, H.D. 1, C.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO GRANT AN EASEMENT OR TO LEASE CERTAIN SUBMERGED LANDS AT EWA TO HASEKO," was finally adopted on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 90 (S.B. No. 3247, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 90 and S.B. No. 3247, S.D. 2, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 91 (S.B. No. 2770, S.D. 1, H.D. 1, C.D. 2):

On motion by Senator Ikeda, seconded by Senator Chang and carried, Conf. Com. Rep. No. 91 was adopted and S.B. No. 2770, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 92 (S.B. No. 2758, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 92 and S.B. No. 2758, S.D. 2, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 93 (S.B. No. 2258, S.D. 1, H.D. 1, C.D. 2):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 93 was adopted and S.B. No. 2258, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Fernandes Salling). Excused, 1 (Wong, R.).

Conf. Com. Rep. No. 94 (S.B. No. 2288, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 94 and S.B. No. 2288, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 95 (S.B. No. 2894, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 95 was adopted and S.B. No. 2894, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 96 (S.B. No. 3371, H.D. 2, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 96 was adopted and S.B. No. 3371, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDER TREATMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 97 (S.B. No. 2964, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 97 and S.B. No. 2964, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 98 (S.B. No. 3004, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 98 and S.B. No. 3004, S.D. 1, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 99 (S.B. No. 3398, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 99 and S.B. No. 3398, S.D. 1, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 100 (S.B. No. 1419, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 100 and S.B. No. 1419, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 101 (H.B. No. 3960, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 101 and H.B. No. 3960, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

At 8:47 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:08 o'clock p.m.

Conf. Com. Rep. No. 103 (H.B. No. 2613, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Blair, seconded by Senator Crozier and carried, Conf. Com. Rep. No. 103 was adopted and H.B. No. 2613, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF FORCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 104 (H.B. No. 3164, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 104 was adopted and H.B. No. 3164, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chang, Kobayashi, B., Wong, R.).

Conf. Com. Rep. No. 105 (H.B. No. 3277, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 105 was adopted and H.B. No. 3277, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chang, Kobayashi, B., Wong, R.).

Conf. Com. Rep. No. 106 (H.B. No. 1509, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 106 was adopted and H.B. No. 1509, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL IMPROVEMENTS AND SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Chang, Kobayashi, B., Wong, R.).

At 9:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:11 o'clock p.m.

Conf. Com. Rep. No. 107 (H.B. No. 2313, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 107 was adopted

and H.B. No. 2313, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 108 (H.B. No. 2366, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 108 and H.B. No. 2366, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 109 (H.B. No. 3030, H.D. 1, S.D. 1, C.D. 2):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 109 was adopted and H.B. No. 3030, H.D. 1, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 110 (H.B. No. 3342, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 110 was adopted and H.B. No. 3342, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 111 (H.B. No. 2719, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 111 and H.B. No. 2719, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 112 (H.B. No. 3982, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 112 and H.B. No. 3982, H.D. 1, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 113 (H.B. No. 2959, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 113 and H.B. No. 2959, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 114 (H.B. No. 3944, H.D. 1, S.D. 1, C.D. 1):

Senator Holt moved that Conf. Com. Rep. No. 114 be adopted and H.B. No. 3944, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Iwase.

Senator Crozier rose to speak against the bill and said:

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

"Mr. President, I will not go into too much detail because in past debates I talked about this but extending leases for commercial properties I think is not the wise way to go. Having chaired the Housing and Hawaiian Programs Committee I've been bombarded with attempts to extend leases. I ask my colleagues to rethink their position and support me and vote 'no.' Thank you."

Senator Blair rose to speak against the measure and said:

"Mr. President, I don't have to rethink my position. I've previously supported the Senator from Makakilo on this issue. It's very easy to say when you want your lease extended, that you are going to take out a loan and go to the bank and request a loan. But it might very well be that the main purpose for the loan is to get the extension of the lease.

"From time to time our Board of Land and Natural Resources acts more like inside dealers than citizens with the best interest of the state at heart. I just don't feel this bill is needed or is right."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 114 was adopted and H.B. No. 3944, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 7 (Blair, Crozier, Levin, McMurdo, Reed, Koki, Fernandes Salling). Excused, 2 (Chang, Wong, R.).

Conf. Com. Rep. No. 115 (H.B. No. 3084, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 115 was adopted and H.B. No. 3084, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 116 (H.B. No. 2319, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Crozier, seconded by Senator Reed and carried, Conf. Com. Rep. No. 116 was adopted and H.B. No. 2319, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION OF ENERGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 117 (H.B. No. 3119, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 117 and H.B. No. 3119, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 119 (H.B. No. 2871, H.D. 1, S.D. 1, C.D. 2):

On motion by Senator Blair, seconded by Senator Crozier and carried, Conf. Com. Rep. No. 119 was adopted and H.B. No. 2871, H.D. 1, S.D. 1, C.D. 2,

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

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

Conf. Com. Rep. No. 120 (H.B. No. 2911, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 120 and H.B. No. 2911, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 121 (H.B. No. 3076, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 121 and H.B. No. 3076, H.D. 1, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 122 (H.B. No. 3854, H.D. 1, S.D. 1, C.D. 2):

On motion by Senator Blair, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 122 was adopted and H.B. No. 3854, H.D. 1, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 123 (H.B. No. 2614, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 123 and H.B. No. 2614, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 124 (H.B. No. 2431, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 124 and H.B. No. 2431, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 125 (H.B. No. 2917, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 125 was adopted and H.B. No. 2917, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 126 (H.B. No. 3857, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 126 was adopted and H.B. No. 3857, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CENTERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 127 (H.B. No. 3002, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 127 and H.B. No. 3002, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 128 (H.B. No. 2612, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 128 and H.B. No. 2612, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 129 (H.B. No. 3353, H.D. 3, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 129 and H.B. No. 3353, H.D. 3, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 130 (H.B. No. 3493, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 130 and H.B. No. 3493, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 131 (H.B. No. 3801, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 131 and H.B. No. 3801, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 132 (H.B. No. 2400, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 132 and H.B. No. 2400, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 133 (H.B. No. 3179, H.D. 2, S.D. 1, C.D. 1):

Senator Yamasaki moved that Conf. Com. Rep. No. 133 be adopted and H.B. No. 3179, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Blair.

Senator Koki rose to speak in support of the bill and said:

"I don't think I could let this one go by without me saying something.

"Mr. President, these past two sessions I've spoken against this bill and I'm glad to see this bill now. One of the things I do want to emphasize is that I did believe it was simply premature. I'm not saying that the electronic voting system is not a good system. It's just that it's in an infancy stage and maybe it might be a good idea to revisit this in a couple of years to see if technology has improved. For now I'm really glad that we are saving our money. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 133 was adopted and H.B. No. 3179, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING SYSTEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 134 (H.B. No. 3658, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 134 and H.B. No. 3658, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 135 (H.B. No. 1817, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 135 was adopted and H.B. No. 1817, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 136 (H.B. No. 2320, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 136 and H.B. No. 2320, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 137 (H.B. No. 3062, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 137 and H.B. No. 3062, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 138 (H.B. No. 3134, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 138 and H.B. No. 3134, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 139 (H.B. No. 602, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 139 and H.B. No. 602, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 140 (H.B. No. 2571, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 140 and H.B. No. 2571, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 141 (H.B. No. 3787, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 141 was adopted and H.B. No. 3787, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEE AUTHORIZATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 142 (H.B. No. 3457, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Mizuguchi, seconded by Senator Crozier and carried, Conf. Com. Rep. No. 142 was adopted and H.B. No. 3457, H.D. 1, S.D. 1, C.D. 1,

entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSAL OF STATE PERSONAL PROPERTY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 143 (H.B. No. 3838, H.D. 2, S.D. 2, C.D. 2):

On motion by Senator Yamasaki, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 143 was adopted and H.B. No. 3838, H.D. 2, S.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 144 (H.B. No. 3934, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Yamasaki, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 144 was adopted and H.B. No. 3934, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 145 (H.B. No. 521, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 145 and H.B. No. 521, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 146 (H.B. No. 2454, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 146 and H.B. No. 2454, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 147 (H.B. No. 3184, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 147 and H.B. No. 3184, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 148 (H.B. No. 736, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 148 and H.B. No. 736, H.D. 1, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 149 (H.B. No. 2705, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 149 and H.B. No. 2705, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 150 (H.B. No. 3974, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 150 was adopted and H.B. No. 3974, H.D. 1, S.D. 1, C.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 151 (S.B. No. 2423, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 151 and S.B. No. 2423, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF THE TRANSIENT ACCOMMODATIONS TAX REVENUES," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 152 (S.B. No. 2997, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 152 and S.B. No. 2997, S.D. 1, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 153 (S.B. No. 2882, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 153 and S.B. No. 2882, S.D. 2, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 154 (S.B. No. 2868, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 154 and S.B. No. 2868, S.D. 2, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 155 (S.B. No. 2867, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 155 and S.B. No. 2867, H.D. 2, C.D. 1, was deferred to the end of the calendar.

At 9:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:32 o'clock p.m.

Conf. Com. Rep. No. 156 (S.B. No. 2485, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 156 and S.B. No. 2485, S.D. 2, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 157 (S.B. No. 2638, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 157 and S.B. No. 2638, S.D. 1, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 158 (S.B. No. 2407, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 158 and S.B. No. 2407, S.D. 2, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 159 (S.B. No. 3116, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 159 and S.B. No. 3116, S.D. 1, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 160 (S.B. No. 2855, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 160 and S.B. No. 2855, S.D. 2, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 161 (S.B. No. 2361, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 161 and S.B. No. 2361, S.D. 2, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 162 (S.B. No. 2547, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 162 and S.B. No. 2547, S.D. 2, H.D. 1, C.D. 1, was deferred to the end of the calendar.

At 9:33 o'clock p.m., on motion by Senator Solomon, seconded by Senator Reed and carried, the Senate stood in recess until 11:00 o'clock p.m.

The Senate reconvened at 11:47 o'clock p.m. with the President in the Chair.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 360 and 361) were read by the Clerk and were placed on file:

Gov. Msg. No. 360, informing the Senate that on April 29, 1992, he signed the following bills into law:

House Bill No. 664 as Act 50, entitled: "RELATING TO SALES TO OWNER-OCCUPANTS";

House Bill No. 3096 as Act 51, entitled: "RELATING TO HOUSING";

Senate Bill No. 805 as Act 52, entitled: "RELATING TO THE SALARY OF THE EXECUTIVE DIRECTOR OF THE STATE ETHICS COMMISSION";

Senate Bill No. 806 as Act 53, entitled: "RELATING TO LOBBYISTS LAW EXEMPTIONS";

Senate Bill No. 1283 as Act 54, entitled: "RELATING TO THE PENAL CODE";

Senate Bill No. 1624 as Act 55, entitled: "RELATING TO MEDICAL TORTS";

Senate Bill No. 2596 as Act 56, entitled: "RELATING TO NONCOMPETITION AGREEMENT";

Senate Bill No. 2670 as Act 57, entitled: "RELATING TO THE PENAL CODE";

Senate Bill No. 2734 as Act 58, entitled: "RELATING TO KAHANA VALLEY";

Senate Bill No. 2735 as Act 59, entitled: "RELATING TO THE CONSERVATION DISTRICT";

Senate Bill No. 2738 as Act 60, entitled: "RELATING TO KALAWAHINE LANDS";

Senate Bill No. 2752 as Act 61, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

Senate Bill No. 2805 as Act 62, entitled: "RELATING TO DEPENDENT ADULT PROTECTIVE SERVICES";

Senate Bill No. 2877 as Act 63, entitled: "RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION";

Senate Bill No. 2892 as Act 64, entitled: "RELATING TO CONDITIONAL RELEASE CENTERS";

Senate Bill No. 2893 as Act 65, entitled: "RELATING TO PUBLIC SAFETY";

Senate Bill No. 2963 as Act 66, entitled: "RELATING TO FAMILY COURTS"; and

Senate Bill No. 3080 as Act 67, entitled: "RELATING TO WORKERS' COMPENSATION."

Gov. Msg. No. 361, dated April 29, 1992, transmitting the Executive Order providing for a further extension of the Regular Session of 1992 of the Sixteenth State Legislature, as follows:

#### EXECUTIVE ORDER

WHEREAS, Section 10 of Article III of the Constitution of the State of Hawaii provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor'; and

WHEREAS, pursuant to said Section 10 of Article III, the Regular Session of 1992 of the Sixteenth Legislature of the State of Hawaii has been extended; and

WHEREAS, the Governor has been requested to grant a further extension and it appears that such a further extension is necessary;

NOW, THEREFORE, I, JOHN WAIHEE, Governor of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby extend the Regular Session of 1992 of the Sixteenth Legislature of the State of Hawaii for a period of one hour following 12:00 midnight, April 29, 1992.

DONE at the State Capitol, Honolulu, State of Hawaii, this 29th day of April, 1992.

/s/ John Waihee  
JOHN WAIHEE  
Governor of Hawaii"

At 11:49 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock p.m.

#### MISCELLANEOUS MESSAGE

Misc. Com. No. 7, from the Interim Joint Committee to Review the Governor's Action Plan on the Hawaiian Home Lands Trust and the Public Land Trust Report, dated April 27, 1992, transmitting the committee report of the interim joint committee, was read by the Clerk and was placed on file.

**MATTERS DEFERRED FROM  
EARLIER ON THE CALENDAR**

**ORDER OF THE DAY****ADOPTION OF RESOLUTIONS**

S.C.R. No. 61, S.D. 1, H.D. 1 (Hse. Com. No. 1011):

On motion by Senator Solomon, seconded by Senator George and carried, the Senate disagreed to the amendments proposed by the Senate to S.C.R. No. 61, S.D. 1, and S.C.R. No. 61, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO AUDIT CERTAIN TELECOMMUNICATIONS SYSTEMS," was returned to the Clerk's desk and placed on file.

S.C.R. No. 189, S.D. 1, H.D. 1 (Hse. Com. No. 1044):

On motion by Senator Solomon, seconded by Senator George and carried, the Senate disagreed to the amendments proposed by the Senate to S.C.R. No. 189, S.D. 1, and S.C.R. No. 189, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE PRESERVATION AND REVITALIZATION OF THE NU'UPIA FISHPONDS AT KANEHOE BAY AND CALLING FOR THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ASSIST IN IMPLEMENTING A FEDERALLY FUNDED FISH STOCK ENHANCEMENT PROGRAM AT THAT SITE," was returned to the Clerk's desk and placed on file.

**FINAL READING**

There being no objections, the Senate took the following actions out of the Order of the Day, in the sequence printed:

Conf. Com. Rep. No. 121 (H.B. No. 3076, H.D. 1, S.D. 2, C.D. 1):

On motion by Yamasaki, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 121 was adopted and H.B. No. 3076, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR OPERATING EXPENSES FOR COMMUNITY HOSPITALS," having been read throughout, passed Final Reading, on the following Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 146 (H.B. No. 2454, H.D. 1, S.D. 1, C.D. 1):

Senator Yamasaki then moved that Conf. Com. Rep. No. 146 be adopted and H.B. No. 2454, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator A. Kobayashi.

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

"Mr. President, I'll be voting for his bill, but with grave reservation on one item. This is the item relating to the appropriation for the control of sharks in the State of Hawaii.

"Mr. President, I feel compelled to speak about this. As you know in the Hawaiian language the general term for shark is 'mano.' Ancient Hawaiians not only ate 'mano' they also used shark skin and teeth for making tools and other artifacts, and one of the very few surviving Hawaiian feather gods or 'aumakua hulu malu' has a mouth rimmed with shark's teeth.

"Sharks have played a very important role in Hawaiian religion and among the ancient Hawaiian, innumerable lesser gods were many who appeared in the form of sharks. So, Mr. President, this is regarded as 'aumakua,' the family of personal gods whom the ancient Hawaiians look to as guardian spirits, protecting the various members of the 'ohana' or extended family.

"It is said that such a shark 'aumakua' helped its ohana by guiding fish into the nets and by protecting many family members whose canoes were swamped or capsized. Hawaiian proverbs and poetic sayings about sharks appear in 'Olelo noeau," a book compiled by Mary Kawena Pukui, one of the foremost modern translators and interpreters of Hawaiian lore.

"But besides that, Mr. President, there's been scientific data that supports theories. It seems clear that from these many sources that far fewer sharks are around today than there were a hundred years ago to probably play an important role today in the balance of marine life in the world's oceans. Sharks turn out to be very much of their own best control as many of the larger species feed on baby sharks both of their own and other species.

"In conclusion, Mr. President, it says, 'According to a survey of shark incidents in Hawaii from 1979 to 1990, a total of 85 reported incidents occurred, resulting in 36 fatalities. Many, 32, involved people engaged in some form of fishing - 18 fatalities; others, and 22 involved swimmers or waders - 9 fatalities. Still others, 18 involved people engaged in board surfing, body surfing, or riding air-mattresses - 4 fatalities. A few, 8, involved divers - 5 fatalities. Overall, despite the innumerable number of Hawaii residents and visitors engaged in marine sports and work, shark incidents have averaged around 1.5 per year in the last 40 years, compared with the average of around 28 attacks per year, worldwide.

"So with all of this kind of information, Mr. President, I feel uneasy as a Hawaiian in supporting an appropriation where we are arbitrarily going to go out and control sharks by killing them, without any real documentation of knowing if that particular shark committed that attack against an individual. And it is unfortunate that this item was included in the budget and didn't come over to the Senate as a separate bill. Perhaps if it did, maybe we'd not be considering that appropriation at this time. Thank you."

By unanimous consent, action on Conf. Com. Rep. No. 146 and H.B. No. 2454, H.D. 1, S.D. 1, C.D. 1, was deferred until Thursday, April 30, 1992.

At 11:56 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock p.m.

**THIRD READING**

By unanimous consent, action on the following bills and standing committee report was deferred until Thursday, April 30, 1992:

H.B. No. 3156; and  
Stand. Com. Rep. No. 3020 and H.B. No. 2680.

**FINAL READING**

By unanimous consent, action on the following bills and conference committee reports was deferred until Thursday, April 30, 1992:

Conf. Com. Rep. No. 21 and H.B. No. 2131, S.D. 1, C.D. 1;

Conf. Com. Rep. No. 37 and H.B. No. 1930, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 67 and S.B. No. 3271, S.D. 1, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 72 and S.B. No. 3109, S.D. 1, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 83 and S.B. No. 1843, S.D. 2, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 90 and S.B. No. 3247, S.D. 2, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 92 and S.B. No. 2758, S.D. 2, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 94 and S.B. No. 2288, S.D. 1, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 97 and S.B. No. 2964, S.D. 1, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 98 and S.B. No. 3004, S.D. 1, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 99 and S.B. No. 3398, S.D. 1, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 100 and S.B. No. 1419, S.D. 1, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 101 and H.B. No. 3960, H.D. 1, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 108 and H.B. No. 2366, H.D. 2, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 111 and H.B. No. 2719, H.D. 2, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 112 and H.B. No. 3982, H.D. 1, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 113 and H.B. No. 2959, H.D. 2, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 117 and H.B. No. 3119, H.D. 2, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 120 and H.B. No. 2911, H.D. 2, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 123 and H.B. No. 2614, H.D. 2, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 124 and H.B. No. 2431, H.D. 2, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 127 and H.B. No. 3002, H.D. 2, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 128 and H.B. No. 2612, H.D. 2, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 129 and H.B. No. 3353, H.D. 3, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 130 and H.B. No. 3493, H.D. 2, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 131 and H.B. No. 3801, H.D. 2, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 132 and H.B. No. 2400, H.D. 2, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 134 and H.B. No. 3658, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 136 and H.B. No. 2320, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 137 and H.B. No. 3062, H.D. 2, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 138 and H.B. No. 3134, H.D. 2, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 139 and H.B. No. 602, H.D. 2, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 140 and H.B. No. 2571, H.D. 2, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 145 and H.B. No. 521, H.D. 1, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 147 and H.B. No. 3184, H.D. 2, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 148 and H.B. No. 736, H.D. 1, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 149 and H.B. No. 2705, H.D. 2, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 152 and S.B. No. 2997, S.D. 1, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 153 and S.B. No. 2882, S.D. 2, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 154 and S.B. No. 2868, S.D. 2, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 155 and S.B. No. 2867, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 156 and S.B. No. 2485, S.D. 2, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 157 and S.B. No. 2638, S.D. 1, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 158 and S.B. No. 2407, S.D. 2, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 159 and S.B. No. 3116, S.D. 1, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 160 and S.B. No. 2855, S.D. 2, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 161 and S.B. No. 2361, S.D. 2, H.D. 1, C.D. 1; and  
 Conf. Com. Rep. No. 162 and S.B. No. 2547, S.D. 2, H.D. 1, C.D. 1.

### ADJOURNMENT

At 11:58 o'clock p.m., on motion by Senator Solomon, seconded by Senator Reed and carried, the Senate adjourned until 12:01 o'clock a.m., Thursday, April 30, 1992.

ATTACHMENT "A"

"STATE OF HAWAII  
 Department of the Attorney General  
 425 Queen Street  
 Honolulu, Hawaii 96813  
 (808) 586-1500

April 16, 1992

The Honorable Mike McCartney  
 Chairperson, Education Committee  
 Senate  
 Sixteenth Legislature  
 Leiopapa A Kamehameha, Room 306  
 235 Beretania Street  
 Honolulu, Hawaii 96813

The Honorable Wayne Metcalf  
 Chairperson, Judiciary Committee  
 House of Representatives  
 Sixteenth Legislature  
 Leiopapa A Kamehameha, Room 803  
 235 Beretania Street  
 Honolulu, Hawaii 96813

Dear Senator McCartney and Representative Metcalf:

Re: Legislatively Proposed Amendments to the State Constitution

This is written to confirm our oral responses to the questions posed to us yesterday, concerning the propriety of a bill which solicits the input of the public to determine which of several alternatives should appear on the general election ballot as the Legislature's proposed amendment to the provisions of article X of the State Constitution relating to the selection of the members of the Board of Education and the Superintendent of Education. More specifically, we were asked

Whether the provisions of article XVII of the State Constitution which prescribe the manner in which the Legislature may propose amendments to the Constitution permit such a measure; and

More broadly, whether such a measure might not constitute an unlawful delegation of the Legislature's power to legislate.

While it is difficult to conclusively provide answers to the questions posed without a specific measure to review, for the reasons outlined below, if the measure were similar in approach and form to that proposed by the Lieutenant Governor as H.B. No. 2896, H.D. 1, S.D. 1 (hereinafter 'Lieutenant Governor's draft bill,' a copy of which is enclosed), we believe that the requirements of article XVII would be satisfied and that a court would uphold its propriety.

It is hornbook law that the method of amendment of a state constitution is most often determinable from the provisions of the constitution itself and that typically, if not universally, that method is prescribed in detailed provisions which are mandatory, exclusive and strictly construed. 34 Am. Jur. 2d, Const. Law § 347. In proposing amendments to a constitution, a legislature only has the powers specifically delegated to it by the Constitution and cannot simply assume that its plenary powers with respect to adopting statute laws continues. Bourbon v. Governor of Maryland, 258 Md. 252, 265 A.2d 477 (1970).

Article XVII prescribes how the State Constitution may be amended. Section 1 provides that revisions of or amendments to the Constitution 'may be proposed by constitutional convention or by the legislature.'

Section 3 provides how legislatively proposed amendments or revisions are to be made:

The legislature may propose amendments to the constitution by adopting the same, in the manner required for legislation, by a two-thirds vote of each house on final reading at any session, after either or both houses shall have given the governor at least ten days written notice of the final form of the proposed amendment, or, with or without such notice, by a majority vote of each house on final reading at each of two successive sessions.

Upon such adoption, the proposed amendments shall be entered upon the journals, with the ayes and noes, and published once in each of four successive weeks in at least one newspaper of general circulation in each senatorial district wherein such a newspaper is published within the two months' period immediately preceding the next general election.

At such general election the proposed amendments shall be submitted to the electorate for approval or rejection upon a separate ballot.

The conditions of and requirements for ratification of such proposed amendments shall be the same as provided in section 2 of this article for ratification at a general election.

Essentially, the section instructs the Legislature to follow the process for enacting statutes in all respects except that 10 days notice must be given to the governor before a vote on the final form of the proposal is taken (since the governor is unable to veto 'a proposal for amendment of the constitution,' article XVII, section 4), and two-thirds rather than a simple majority of each house's members must approve the proposal if the proposal is to be put on the general election ballot after only one legislative session.

As section 1 of the Lieutenant Governor's draft bill indicates, the objective of the measure was to put only one of several equally acceptable alternative amendments to article X of the State Constitution onto the general election ballot by relying on the public to indicate which of the various alternatives enjoys the greatest public support. The mechanism chosen for achieving this objective was to ask those persons participating in the primary election to select which of the various alternatives they most preferred.

To guard against exceeding the hornbook law with respect to legislatively proposed amendments to the Constitution cited above, the draft focuses on that provision of section 3 which instructs that proposals be adopted in the same manner as required for legislation, and makes the results of the survey held in conjunction with the primary election and multiple, alternative effective dates serve as the condition subsequent for determining which proposal should be placed on the general election ballot as the Legislature's proposed amendment to article X.

Our review of the case law indicates that a proposal such as this has not been the subject of judicial review. We are nonetheless comfortable with the Lieutenant Governor's draft bill because it uses methods previously used for legislation, i.e. alternative effective date provisions and objective external measures for determining which of the several effective date applies, and thus comports with 'the manner required for legislation' requirement of section 3, and does not otherwise contradict any other provision of that section. In our view, this draft is no different than a bill which anticipates that one of several outcomes may occur in the future, prescribes a course of action for each of them should any one occur, and identifies a condition or even which is to be used to determine which outcome has occurred and permit implementation of its corresponding course of action without further action by the Legislature.

In response to your second question, we appreciate that it is well-established that the Legislature's power to legislate cannot be unlawfully delegated: '[I] legislation may be held invalid if it empowers private persons to decide either what the law shall be or when a law shall be effective.' Singer, Sutherland Stat. Const. §4.11 (4th Ed). However, "delegation of legislative authority to private parties may withstand constitutional challenge if sufficient safeguards exist to prevent an arbitrary concentration of power in persons or groups motivated by self interest." Id. quoting from Humane Soc. of United States, New Jersey Branch, Inc. v. New Jersey State Fish & Game Council, 70 NJ 565, 362 A2d 20 (1976). In our opinion, the Lieutenant Governor's draft bill deals expressly with the first concern and avoids it, and should withstand constitutional challenge in the same manner described in New Jersey State Fish & Game Council.

In Hyatt Corp v. Honolulu Liquor Commission, 69 Haw. 238 (1987), our Supreme Court in passing acknowledged '[w]e are mindful that legislative grants of authority must be limited so as to ensure that "important choices of social policy are made by [the legislature], the branch or our Government most responsive to the popular will."' Under other circumstances, perhaps the method outlined in the Lieutenant Governor's draft bill might infringe upon this general principle because the Legislature's proposal would not have been the product of only its action. However, since the objective to be furthered by the principle of non-delegation is ensuring the 'popular will,' and here, the popular will is what would determine which of the equally acceptable versions of an amendment for article X appears on the general election ballot, we are again comfortable in concluding the the Lieutenant Governor's draft bill comports with the requirements of article XVII, section 3.

As noted during our discussions yesterday, we cannot guarantee that a court will agree with our conclusions. However, we believe the approach used in the Lieutenant Governor's draft bill is constitutional and are prepared to and confident that we will be able to persuade a court that this is the appropriate conclusion for it to reach as well.

Very truly yours,

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

ATTACHMENT "B"

"The Senate  
The Sixteenth Legislature  
of the  
State of Hawaii

April 28, 1992

Hawaii State PTSA  
120 Puhli Street  
Hilo, HI 96720

Dear PTSA Members:

Thank you for expressing your opinion and concerns about the legislature's initiatives for educational reform. I believe that real and genuine reform will only come about when people like yourselves become involved and work together with policymakers to bring about change.

The educational reform package submitted by the legislature this year is not the end--but just the beginning of reform. It clearly takes a bold step forward in the effort to empower schools and make the children the focal point of the system. Continued efforts and attention must be paid to education throughout the next decade to bring about meaningful change. I believe that governance restructuring, in and of itself, will not achieve the policy results necessary to improve the quality of the educational system, but it will help to create the proper environment and infrastructure to support changes and improve student learning.

More importantly, we need to continue working on sharing our vision and changing people's attitudes and behaviors as they relate to students and education.

The legislature's reform package contained 14 initiatives which empower schools, and they are found in H.B. 2123, S.B. 2253 and H.B. 3493. Please refer to Conference Committee Report No. 78 for a comprehensive review of what the legislature has accomplished.

You made some points in your press release that I would like to address:

1. 'Failed in not giving schools or districts control over their building repair and maintenance programs.'

I believe this is not the case. We have clearly shifted the burden to the Department of Education and taken the first step to make DAGS a more service oriented agency. No longer will DAGS be able to set priorities and dictate repairs. It will ultimately be left to the schools. This is a major shift in policy.

2. 'Failed to find ballot options to change the state Board of Education that would decentralize decision making.'

Changing the BOE around in and of itself is not the answer and what happens at the school level is more important. However, we felt strongly that if we are asking parents in the community to get involved in the school, what better way to do so than to ask the voters of Hawaii how they want the system to run at the top level. The Governance Task Force on Education clearly stated that there is a lack of clear accountability in the system. This initiative places the accountability with the governor, so that he or she can be held responsible for what happens in education. There is no question that the voters have a choice and if they want it to remain status quo, they can do so by voting 'No' on the ballot or leaving it blank.

3. 'Should not let state Department of Education officials plan the system to give schools control over their whole operating budgets because the officials are "part of the bureaucracy . . . ."'

Developing operating budgets is very technical and someone needs to take the lead in moving the issue forward. More importantly, there is presently no plan or proposal to implement lump sum budgeting. Once a plan is submitted to the legislature, the public and parents will also have the opportunity to debate and discuss whether the plan actually reflects what needs to be done. Our proposal makes it very clear that lump sum budgeting must be for school and student allocations only and not the bureaucracy. You make a good point of having people outside the department participate in the development of the plan. This will be encouraged.

4. 'Should not endorse Project Ke Au Hou -- the DOE's planned reorganization -- because "Ke Au Hou does not change anything".'

Project Ke Au Hou is the mechanism to bring about internal reform within the bureaucracy. The whole thrust of the project is to:

- o Reduce the size of the state and district offices.
  - o Shift state and district resources to the schools.
  - o Provide schools greater flexibility in making site-based decisions.
  - o Focus the role of the central office as a standard-setting, assessment and support structure for schools.
  - o Promote collaboration and teaming as a norm to remove worker isolation and attain group results.
- ('Restructuring the Public School System for Our Children's Future,' page 6)

These five points highlight the goals of Project Ke Au Hou, and they basically support school empowerment and the decentralization of the bureaucracy. There is no question that Project Ke Au Hou, once implemented, will promote rather than hinder parental involvement.

5. 'Should restore the \$3.7 million request to reduce class size in grade three because children would benefit immediately.'

The legislature did act on class size and we provided \$1.9 million in flex money for the elementary schools. Furthermore, we provided \$1.4 million for additional CORE positions for the secondary schools to address the class size issue.

Again, we look forward to your continued involvement and active participation in the educational reform process, and we stand ready to work with you to meet our ultimate goal of educating our children.

Sincerely,

/s/ Mike  
Mike McCartney  
Chairman  
Senate Education Committee

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MJM:nh  
Enclosures

cc: Members of the Senate  
Rep. Brian Taniguchi"

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