

## TWENTY-THIRD DAY

**Wednesday, February 24, 1993**

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend John B. Connell, St. Barnabas' Episcopal Church, after which the Roll was called showing all Senators present with the exception of Senator Holt who was excused.

The President announced that he had read and approved the Journal of the Twenty-Second Day.

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

Senator Ikeda introduced her niece, Carrie Yoshida, who was among a group of high school students from Kauai visiting the Legislature.

Senator Hagino then introduced students from Leilehua and Waialua High Schools who are spending a day with the Senator to learn about the legislative process. The students representing Leilehua High School: David Dlugolenski, Carene Nakamura and Peggy Soriano; and representing Waialua High School: Kathleen Chambers and Lila Pololu.

Senator Matsuura then introduced Mrs. Loretta Matsunaga, wife of Senator Matt Matsunaga. Mrs. Matsunaga is a deputy prosecutor of the City and County of Honolulu Prosecutor's Office, said Senator Matsuura.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 179 to 183) were read by the Clerk and were placed on file:

Gov. Msg. No. 179, dated February 4, 1993, transmitting the "Report to the Legislature on Small Business Innovation Research (SBIR) Activity in Hawaii During Federal Fiscal Year 1992," prepared by the High Technology Development Corporation pursuant to Act 196, SLH 1989.

Gov. Msg. No. 180, dated February 4, 1993, transmitting the 1992 Annual Report of the High Technology Development Corporation, pursuant to Chapter 206M, HRS.

Gov. Msg. No. 181, dated February 5, 1993, transmitting a report prepared by the University of Hawaii in response to S.C.R. No. 116 (1992), requesting a study on a middle college high school program.

Gov. Msg. No. 182, dated February 16, 1993, transmitting the 1992 Annual Report of the Department of Hawaiian Home Lands, pursuant to Section 222, Hawaiian Homes Commission Act, 1920, as amended.

Gov. Msg. No. 183, dated February 4, 1993, transmitting the "Report of the Insurance Commissioner of Hawaii 1992, Summary of Insurance Business for the Year 1991," pursuant to Section 431:2-211, HRS.

At this time, pursuant to Rule 39 of the Rules of the Senate, Senator Ikeda moved that Governor's Message No. 154, the nomination of RONALD TAI YOUNG MOON for Chief Justice of the State Supreme Court, and Governor's Message No. 155, the nomination of SHARON ROBYN HIMENO for Associate Justice of the

State Supreme Court, be made a special order of business to be taken up immediately, seconded by Senator Reed.

The Chair then said:

"The motion to withdraw Governor's Message Nos. 154 and 155 from the Committee on Executive Appointments having been made and seconded, is there any discussion?"

Senator Blair rose to state:

"Mr. President, I think it important, with this substantial departure from normal operating procedure, that a clear record be made as to why we are so departing, so that it will not become common practice. If this is for an extraordinary reason that reason should be clearly stated, so that departures from the standard procedure do not occur too frequently. Thank you.

The Chair responded:

"This is the proper time to bring this matter up under Messages from the Governor. The messages did come from the Governor and therefore the Chair feels that this is the proper time to bring this matter to the floor."

Senator Blair continued:

"Mr. President, I need a clarification. Do you mean to say that any Governor's Message on any appointment may be subject to the Committee of the Whole jurisdiction, rather than the Executive Appointments Committee jurisdiction, or are you simply pointing out that now is the appropriate time on the order of business to take that up? I don't think you really addressed the issue of why the committee structure is being bypassed. Thank you."

Senator Ikeda then said:

"Mr. President, it's my understanding and I'm trying to find the proper rule.

"It's my understanding that the Rules of the Senate provide for the nomination of judicial appointees to be taken up according to Article VI, Section 3, of the State Constitution. At the discretion of the Chair, I believe those nominations were sent to the Committee on Executive Appointments, but I do believe that the Chair does also have the authority to take them up at this time."

The Chair answered:

"That is correct. That is what the Chair would have mentioned at this point."

Senator Blair then continued:

"Thank you, Mr. President. I must not be making myself clear. I'm not contesting the legality of the procedure being adopted. I'm just wondering why there is special treatment. The matter was referred to the Executive Appointments Committee. It presumably ... I saw on television that they had a public hearing and I've been awaiting the report of that committee. I assume, based on the procedures being adopted, that we will not have a report from that committee and I'm wondering if the committee is still functioning and why we're not getting a report from the committee. Fundamentally, those of us who are not members of the committee really don't know what's going on. I know there's been a lot

going on behind the scenes. I would just like to have it on the record. Thank you."

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

The Senate reconvened at 11:59 o'clock a.m.

Senator A. Kobayashi then rose to state:

"Mr. President, I know how difficult it is for all of us to take this procedure because we all respect the committee process; we all respect the role of the chairs ...."

At 12:00 o'clock noon, the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 o'clock p.m.

Senator Chang rose on a point of information and said:

"Mr. President, on a point of information, I don't believe Senator Blair's question has been answered."

Senator Ikeda responded:

"Mr. President, the motion was to make Governor's Messages a special order of business, and that's all we're doing at this point in time."

The Chair answered:

"That is correct. All in favor of ...."

Senator Blair interjected:

"Mr. President, before we take the vote on the motion to essentially withdraw a matter out of the jurisdiction of the Executive Appointments Committee, I was wondering if the chairman of the Executive Appointments Committee would yield to a question?"

The President responded:

"The chair of the Executive Appointments Committee is not present, Senator Blair."

Senator Blair then said:

"I'm sorry, then the vice chairman would suffice."

Senator Ikeda, on a point of order, said:

"Mr. President. I don't believe that the request is proper to the motion before us. The motion before us is to make these messages, Governor's Message Nos. 154 and 155, a special order of business to be taken up immediately. The messages are not before us until after the motion is passed."

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

The Senate reconvened at 12:03 o'clock p.m.

Senator Blair then remarked:

"Mr. President, it's been explained to me that there'll be a further motion to withdraw the measure from committee, also procedural in nature. So, I will withdraw."

The Chair then said:

"Thank you very much. To make it very clear, this procedure is just to take these matters up for business. This was not originally scheduled to be on the calendar so we are merely trying to place this matter on the agenda at this time."

The motion for a special order of business to be taken up immediately was then put by the Chair and unanimously carried.

### SPECIAL ORDER OF BUSINESS

Senator Ikeda then moved to withdraw Governor's Message No. 154, the nomination of RONALD TAI YOUNG MOON for Chief Justice of the State Supreme Court, and Governor's Message No. 155, the nomination of SHARON ROBYN HIMENO for Associate Justice of the State Supreme Court, from the Committee on Executive Appointments, seconded by Senator Reed.

Senator Blair then stated:

"Mr. President, I suppose I could succinctly sum up my query with a single word, 'Why?' Thank you."

The Chair recognized Senator Blair, again, and Senator Blair continued:

"Mr. President, apparently, that was taken to be a rhetorical question. (Laughter!) I actually did want an answer. Perhaps, I should direct the question to the appropriate person. I would direct it to you since I'm not sure who the appropriate person is. If you would like to deflect it to another member of the body, I would be happy with that. Thank you."

The Chair responded:

"The reason why we are taking this matter up now is because we are under a time constraint. This matter was brought before this body 27 days ago and we just have two more days to act on this matter and, therefore, the Chair feels this is the time to take this matter up."

Senator Blair continued:

"Has the chairman of the subject matter committee been consulted on the process that's being utilized?"

The Chair answered:

"The Chair has tried to be in touch with the chair of the subject matter committee. I have not personally talked to the chair of the subject matter committee."

Senator Blair further inquired:

"Is the whereabouts of the subject matter committee chairman known to the Senate President?"

The Chair responded that he was not aware.

Senator Blair continued:

"And that, then, is the reason we're going forward? Because we cannot be assured the matter will be taken up during the 30 days in which the Senate is required to ...?"

The Chair answered:

"That's correct."

Senator A. Kobayashi then rose to state:

"Mr. President, I'd just like to say that I know how difficult it is for all of us to go through this process because we all respect the committee process. We all respect the role of the chair. And it's unfortunate that we cannot wait for the chair of the subject matter committee to be present. We all realize his value; we all respect his leadership. However, the public is crying for a quick resolution to this problem. We've all received countless phone calls asking for a vote as soon as possible. Because of the recess in between I can understand why the need to vote today.

"All I can say is, I know this is an unusual process. I would not like to see it continue as far as other committees, the role of the chair, and other procedures. I know that we will respect that process in the future. Thank you."

Senator Blair then rose to speak in support of the motion, as follows:

"Mr. President, I rise to speak in favor of the motion. I'm not sure quite how to say this because one always hesitates to speak ill of one's colleagues, particularly when they're not here to defend themselves, but I think it's now incumbent upon the chairman of the Legislative Management Committee, at such time as he returns, to explain his action because it appears to me that he has abdicated his responsibility to the system and to his colleagues and to his constituents and to the people of the State of Hawaii.

"I am personally aggrieved, if in fact what appears to be the case, what appears to have been said this morning is true that the chairman has simply absented himself from the process at a critical time when the Judiciary ... who will be seated on the highest court, turns on a decision of that person's committee. For that person to then not make himself available or even his location known to the President of the Senate is inexplicable. I wonder has he been kidnapped? I wonder has the police department been notified? This is so extraordinary that we are abandoning all normal process and procedures. I hope Mr. President, that this will be reviewed by leadership and if he has, in fact, abdicated his responsibilities as chairman of the committee, I hope that the leadership will consider whether or not he's fit to serve in that capacity hereafter. Thank you."

Senator B. Kobayashi then said:

"Mr. President, I would note that the previous speaker had used the title 'chair of the Legislative Management Committee.' I believe he was referring to the chair of the Executive Appointments Committee. Thank you."

Senator Blair answered:

"Thank you, Mr. President. I picked up the wrong speech this morning. Sorry. I accept the correction from my esteemed colleague, Senator Bert Kobayashi."

Senator A. Kobayashi then stated:

"Mr. President, although we are deviating from our usual process and our usual committee procedure, I hope we will not deviate from our usual cordial manner and our withholding of sharp criticism of our colleagues, and I hope we will not resort to that on the floor of the Senate. Thank you."

The Chair responded:

"The Chair would like to reassure all committee chairmen that we will try our best to uphold the chairmanship of the committees. However, the Chair

would also like to point out that we are now in a different mode. I think each committee chairman must be responsible to all of us in the Senate and this is the significance of what is happening here today."

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

"Mr. President, I think it's easy to find a whipping boy anytime anyone feels the need to do so. However, I believe that the reason for the urgency of this matter is the fact that we are, first, under a 30-day deadline to act; we have a 7-day recess coming up before us. And it has been made extremely clear, at least to me, as to how the public feels about this appointment or appointments. To delay any action any further, I think, would just exacerbate this situation and we certainly do not want to allow for any extraordinary circumstances to happen whereby the 30 days would lapse and the appointments would then become automatically approved without action by the Senate. Thank you."

Senator Blair then said:

"As I sat here listening, it occurred to me that even in the absence of the chairman there's nothing that prevents the committee from operating; since, in the absence of the chairman, the vice chairman can report the matter. I believe we have not yet run out the 30 days and perhaps I spoke too quickly in support of the motion. It would seem to me that if we are in fact interested in upholding the committee structure that perhaps we should be expecting that, in the absence of the chair, that the vice chair would perform the responsibilities of the chair and report the matter from committee. I was wondering if the vice chair of the Executive Appointments Committee would explain to me why that procedure was not followed?"

The President posed the question to the vice chair of the Executive Appointments Committee and the vice chair declined to respond.

The motion to withdraw Governor's Message Nos. 154 and 155 from the Committee on Executive Appointments was then put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes, 16. Noes, 8 (Blair, Chang, Fernandes Salling, Fukunaga, Hagino, Mizuguchi, Solomon, Tanaka). Excused, 1 (Holt).

At 12:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:14 o'clock p.m.

Senator Ikeda then moved that the one day notice requirement of Rule 36(1) of the Rules of the Senate be suspended, seconded by Senator Reed.

The motion was put by the Chair and unanimously carried.

Senator Ikeda then moved that the Senate consent to the nomination of RONALD TAI YOUNG MOON for Chief Justice, State Supreme Court, in accordance with Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, seconded by Senator Reed.

Senator Solomon then rose to inquire:

"Mr. President, on a point of information, is it necessary that once the matter has been referred to the Committee of the Whole that a hearing be held so that all

members may have an opportunity to question the nominee?"

Senator Ikeda, on a point of order, stated:

"Mr. President, there has not been a referral to the Committee of the Whole. The motion was to withdraw the governor's messages from the Committee on Executive Appointments."

Senator Solomon then withdrew her point of information.

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

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

At this time, Senator A. Kobayashi recognized and introduced to the members of the Senate Chief Justice Moon who was present in the gallery with Mrs. Moon.

Senator Ikeda then moved that the nomination made in Governor's Message No. 155 of SHARON ROBYN HIMENO for Associate Justice, State Supreme Court, for a term to expire in ten years, be rejected, seconded by Senator Reed.

Senator McCartney spoke in support of the motion, as follows:

"Mr. President, I rise to speak in favor of the motion.

"Mr. President, I remember very clearly the opening day prayer that was given by Father Killackey. In his prayer he said, 'Strive to serve, not to be served.' Mr. President, I'd like to thank you for serving the people, for having the flexibility and leadership to hear the people and hear their voices.

"This vote that we're taking today is not about me, it's not about us, it's not about personal attacks, it's not about personalities. It's about the people; it's about the conscience of the people; and it's about the responsibility we have as Senators to the people. This is their government and they want it back. My heart says that this issue is an issue of integrity, and my heart says I have to do the right thing.

"The question that I asked myself in deciding on where I stand on this was, did the candidate avoid the appearance of impropriety? I cannot support that question and meet that threshold and I say 'no.'

"The other question I asked myself, this is the people's court and in order to serve on the people's court the individual should have the confidence of the people, and I think that's clear.

"This is not an easy decision for any of us. It's not a personal attack but it's our job; it's our responsibility. We all need to take a stand. And Mr. President, I'd just like to go on record that my stand reflects my conscience that this is in the best interest of the people of Hawaii, and therefore I support the motion on the floor. Thank you."

Senator Iwase rose to speak in support of the motion and stated:

"Mr. President, today we are voting on a nominee to the highest court in our state. Our Supreme Court is the last stop -- it is the judicial body which renders final decisions on our constitution and our statutes. These decisions have broad and far-reaching implications for all of our people.

"Our laws are mere words on paper. The law is therefore only as powerful as the people's willingness to abide by those words and by the writings of those who interpret our laws.

"Each one of us, I am sure, has a definition of what the Supreme Court of the State of Hawaii should be. The justices of the court must have the respect of the people, the institution of the Supreme Court must be above reproach if our laws -- which are so important in guiding our society -- are to be obeyed.

"The integrity of the highest court in our state must not be impugned. The trust of the people in the Supreme Court of the State of Hawaii must not be broken.

"Over the past few days many of us have been deluged with phone calls, letters, and petitions opposing this nomination. My own view is that the responses cut across all lines. We are hearing, in short, the voice of a broad cross-section of our community. And by overwhelming numbers the people are saying to us that something is wrong. As a woman said to me over the weekend - 'it just doesn't seem right.'

"Controversy still swirls around this nomination. I will be voting for the motion to reject the nomination because the people's continued faith and confidence and trust in our court system is paramount and must be preserved."

Senator Blair then rose to speak against the motion and said:

"Mr. President, I rise to speak against the motion and in favor of the confirmation. But, before getting into that aspect of it, I would like to thank you for assuring that this process was followed, although the particular process that was used is not the one that I would have preferred. As evidenced by my previous statements, and I feel that it's important that the reasons be clearly stated on the record. I think it's also important that I express my approval for your not allowing this matter to be decided by the clock running out. I think you preserved the integrity of the process and I do thank you for that. I want the record to reflect that.

"Like most of you, the calls against the confirmation of Sharon Himeno to my office have been running something like 50 to 1 against her confirmation. That, of course, is something that no politician is going to take lightly and I do not. However, the public's perception of the candidate for the high office is more a reflection, I think, of the newspaper coverage than anything else. While I hesitate to say that I discount the input from the public, I have spoken with a number of individuals who called and I have to weight their position according to the amount of clear information that they were able to muster in support of their position.

"I may also be at somewhat of an advantage over the Senators who are not members of the bar, in that I have heard from many of my fellow attorneys on this matter. Both in favor and against the nominee. There have been many who feel that she should be on the Supreme Court and there have been many who feel that she should not be on the Supreme Court. The reason I will be voting against the motion and thereby voting against denying confirmation is because the attorneys who spoke with the most personal knowledge of her, that is to say even in the bar ... I don't know how many attorneys there are in Honolulu now, 3500 probably, actively practicing ... even within the bar there are people who know her better than others. It seems to me, based on my exposure to this issue, that those who have the most intimate relationship, in terms of having worked with her or worked across the

table from her, seem to be the ones who have the highest regard for her. I therefore cannot shake the belief that somehow the controversy that surrounds her and may cause some people to vote against her because, like Caesar's wife, a nominee must be above even any remote appearance of impropriety, that in point of fact, she should not be held accountable for the fact that her father might be an extremely good businessperson or for whatever irrelevant reasons may cause people to have concerns about her. Nor would I vote against her because she served on boards of the state, because I don't think that that public service should be held against her. If we send a message out that having served the State of Hawaii in an unpaid capacity, as she has done, somehow taints one; then I think we're sending the wrong message to all of the people who serve on boards and commissions in the state.

"I just wanted to state, for the record, that I will be voting against the motion and in favor of her confirmation because those who have spoken to me with the most personal knowledge of her character and attributes have not been swayed by media coverage. They have told me that, just as I think in retrospect many people feel that the Senate made a mistake in not confirming Betty Vitousek, if we do not confirm Sharon Himeno time will prove us to have erred. Thank you."

Senator Reed rose in support of the motion and said:

"Mr. President, I rise in favor of the motion and in opposition to the nomination. I take issue slightly with the previous speaker to the extent that I don't think that this public reaction is a creature of the media coverage. I believe that this is one more indication that the people are a lot smarter than politicians tend to give them credit for.

"I think that in retrospect, this will be seen as an extremely positive experience, obviously, not for the nominee nor her family nor her supporters. And I know that every member of this body empathizes with her and her family and supporters. But I believe that in a larger aspect this has been a positive experience for the people of Hawaii. The people have expressed their sentiment and they are to be congratulated for the effort they put forth and their expressions of that heartfelt sentiment. I also am proud of this body for having echoed that public sentiment and for having taken a courageous stand.

"We all know, regardless of our partisan affiliation to the extent to which one even has such an attitude, what happens in a community when one political machine is too dominant. We know it from personal experiences and I know that many people in the audience and in this body have read 'Land and Power' (in Hawaii) which is simply one source of documentation of what can happen in a small community when those in power tend to gather together and watch out for one another, where cronyism overlaps government and the private sector.

"The public and Senate rejection of this nomination makes a statement that there is a line over which this kind of cronyism cannot cross, will not be accepted. I believe that this body's action today, in opposition to this nomination, will send a clear message to this governor and future governors who remember this action today that when it comes to the Supreme Court that is a body that deserves an independent justice and the State Senate had taken a stand on behalf of that independence. Thank you very much."

Senator Koki also supported the motion and stated:

"Mr. President, I too speak in favor of the motion. However, I'd like to take a little exception to the Senator from Maui when he made a statement that the people who

are part of the bar may have an advantage over those who do not. I don't think it is possible to have an advantage by being a member of the bar to make good, sound, reasonable judgments.

"Mr. President, I want to thank you and the leadership in making me proud to be a part of this body. We are declaring that we are not going to be led by the hand, by the powers to be on where we should go. Thank you."

Senator Blair then responded:

"Mr. President, for the record, I would like to indicate that I do not think that Senator Koki's facilities are in any way impaired. If I gave such an indication I would like it withdrawn. What I meant to indicate is that there is additional data that is available because of intimate contact that attorneys have with each other and the internal knowledge of reputations. That is a disadvantage, only in a very limited sense. In other senses it may be a grave disadvantage to be an attorney, but, in this case I think it is an advantage. I'm acting in substantial part based upon information that I've gotten privately from my colleagues in the bar.

"I'd also like to address another point and that is Senator Reed's point that what is afoot here is a decision by the members of the Senate that we are going to de-politicize the process of nominating and appointing people to the Supreme Court. If that's the thrust of this vote and it's not, in fact, a vote against the nominee, I'm pleased to hear that and I trust that will be reflected in changes to the process of judicial selection because we all operate under the Constitution of the State of Hawaii. For better or for worse, and I may very well agree with the previous speaker that we can do better and I might very well support him in changes to the Constitution and perhaps de-politicize the process, as it now stands and as it was designed, there is a substantial political element built into the system. Before we abandon that, we should reflect upon whether or not that's not also healthy. The role of the governor in naming people to the Judicial Selection Commission and in choosing the person from the list was not something that was suddenly discovered with the nomination of Sharon Himeno. There's a very long history of having the executive branch involved in the appointment of the members of the Supreme Court, which is the head of the judicial branch, and having the legislative branch acting in advise and consent capacity. There is in fact a balance here between three co-equal branches of the government. Before we denigrate the role of the executive in that process we should reflect upon the balance that has withstood the test of time. Simply calling it political and thereby disparaging it does not take away from the fact that there is in operation here a balancing of three co-equal branches of government. And before we disrupt that balance, I hope we will give it a great deal of thought. Thank you."

Senator Tungpalan supported the motion and remarked:

Senator Tungpalan rose to speak in support of the motion and stated:

"After full consideration of all the facts pertaining to the nomination to the state Supreme Court of Sharon Himeno, I rise to speak in favor of the motion.

"Mr. President, while this confirmation process has been arduous it has aroused the sentiment of the citizens of our state. The people accepted the challenge to participate in our government through their numerous calls, faxes, petitions and letters. I've not seen, in the entire thirteen years I've served here in the Legislature, anything of this nature. I hope it continues as this is the

people's government and certainly one shouldn't forget that we are their servants.

"I do want to note here that I hope future prospects, for the judiciary or for that matter anyone in public service, will recognize that we should be knowledgeable about those organizations or corporations that we participate in as directors or officers, and we should not look askance or feel that ignorance of those internal matters would absolve us of any wrongdoings or any improprieties. That certainly bothered me about this nominee, with respect to her involvement as a director and as an officer of SS 168.

"It's very hard for me to confirm someone to the Supreme Court who feels that it was alright to have \$3 million in profit made in a one-day transaction, by a company that was half-owned by her father, and she was a director and an officer of.

"It really bothered me because people who work for the state and for the city and county get only 4.5% interest on the monies that they invest in their Employees' Retirement System. They got their money through hard work. What was really unappreciated was the fact that over the past 17 years we, ourselves, have been participating in taking from that system by not allowing the monies, over 8%, to be retained by the Employees' Retirement System. This means that \$1 billion has funneled out of the Retirement System and into our state revenue. Considering that our state Retirement System is not fully funded, it is only 73% funded, and recognizing that in the future our children may have to pay for what we fail to do today, really bothers me. It became apparent that this nominee thought it was alright to have her father make \$3 million, together with other associates, in this SS 168, I just simply couldn't vote for this nomination.

"I think that if there's any line that is going to be drawn in the future for prospects to this judiciary, I hope it is that one of fairness and one of obligation to all the citizens of this state. We are not asking that every judicial prospect be advocates for the poor or for those who are not represented in the powers that be in the halls of this Legislature. What we are asking is that the nominee be an individual who has served admirably, has done what was best for the citizens of this beloved state. And if that's too much to ask, they should not serve on the highest court in our land.

"This is why I support the motion of our Floor Leader and I speak against the nomination of Sharon Himeno."

Senator B. Kobayashi also supported the motion and said:

"Mr. President, I rise to speak in support of the motion to reject the nominee.

"A prior speaker had mentioned that he had received information in a privileged capacity as a member of the bar, persuaded him to support the nominee. I too have received some information from members of the bar. Bar members have written to us expressing their disapproval of the nominee and, also, individuals who have not gone on public record in written form to express their disapproval of the nominee. Several of the individuals who contacted me indicated that they had worked with the nominee and that they had dealt with her in a professional capacity and on that basis they had suggested that the nominee should be rejected and that the nominee, while perhaps minimally qualified, did not reflect the highest standards that should be due our state Supreme Court.

"Further, I would state that this whole process has broadened the question of our entire judicial selection

procedure. The rigor with which candidates for the Supreme Court and other courts go through is quite an arduous one and I think that we will have to look at what we do with the process and try to improve the caliber of the nominees that come before us.

"Back to the question of the nominee. I believe that we have before us a matter that is of both public as well as political interest. We have before us a nominee who seems to have crossed the threshold between public support and nonpublic support. And while we do not generally use public support as any kind of absolute gauge by which to make policy in government, we have to understand that in a democracy all agencies of government, including the Supreme Court, ultimately, must be supported by public trust and confidence.

"On Monday, I received approximately 70 phone calls at my office. Although 70 phone calls, there was, I believe, one phone call in support. So I would urge that we consider our roles as legislators representing the branch of government most closely connected to the people and be mindful that, especially in our roles, we have the responsibility of carrying through with that notion of democracy of government of the people, by the people and for the people.

"In conclusion, I would say that we have many grounds for not supporting the nominee. Among others, I believe we have an unprecedented testimony of over 240 members of the bar not supportive of the nominee and they have expressed this to us in writing. In addition to that, there are other members of the bar who have expressed their nonsupport of the nominee, though not in writing. And, also, I believe, we have gotten a very demonstrable public rejection of the nominee. Thank you."

Senator Gaulty spoke in support of the motion and said:

"Mr. President, I speak in favor of the motion to reject the nomination.

"It is with heavy heart that I speak against the nomination of Sharon Himeno because I know Sharon Himeno; we practice law together. In fact, her office is next to mine. I've had many conversations with Sharon Himeno; I've had many conversations with her father Stan Himeno; I know her husband Warren Price. But I do so because my constituents have spoken. Over the last few days there have been many, many phone calls to me as there have been many phone calls to each member of this body, and I tried to listen to what the people were saying. What they were saying in so many words, in so many different ways is that Sharon's appointment to the Supreme Court was a political move. It smelled of politics; it reeked of politics. That is not what they wanted to see in the Supreme Court and it is to that that I respond to.

"Secondly, Mr. President, I vote against the nomination of Sharon for the sake of the members of the bar. I am a member of the bar, I'm proud to be an attorney, and for the most part the members of the bar are hard-working and caring individuals and they would like to see someone on the Supreme Court that they could look to as an indication or as an expression of the fact that someone who has distinguished himself or herself is in the highest decision-making body in the system as we know it to be. And many have expressed that while Ms. Himeno, Sharon, is a good and competent attorney, that her level of experience and her scholarship is not of such a caliber to warrant an appointment to the state Supreme Court.

"Thirdly, Mr. President, I oppose the nomination for the sake of the court, the Judiciary, because if there is one place where it should not matter who is coming before it, it is the court -- that's why the symbol of the Judiciary is the lady with the blindfold. This is the place where big and small, powerless and powerful come before it, and the appointment of Sharon was a symbol that this was no longer to be the case. And I think it was for these reasons that so much opposition was expressed to all of us here with regard to the nomination.

"Mr. President, I would hope that our efforts do not stop at the nomination of Sharon Himeno. As some of the Senators who have spoken before me have said, we need to look at the judicial selection process to try to remove as much of politics from that process as is possible. The fact that this appointment could result from such a process is an indication that the process is flawed and is in need of repair.

"Additionally, Mr. President, I would hope that we would take a good look at how trustees are appointed to the Bishop Estate because that is part and parcel of what the public is objecting to. And I would hope that we also look at how the trustees to the Bishop Estate are appointed by the Supreme Court and I would challenge each member of this body to try to do something to make that process less political than it presently is.

"For those reasons, Mr. President, I oppose the nomination of Ms. Himeno and support the motion to reject her nomination."

Senator Ikeda also spoke for the motion, as follows:

"Mr. President, I rise to speak in favor of the motion, not as Floor Leader but as one who was at the hearing and able to question the nominee.

"At the hearing, the nominee made it very clear that she wanted us to focus on her qualifications. She wanted to be judged on her own merit and not be compared with others who might have been candidates. And this is what I tried to do as I sat there and deliberated during that hearing.

"I was troubled by the problems or the lack of response regarding dealings with the Retirement System and SS 168. However, even after putting that aside and focusing on the nominee's qualifications, I have to say that I found them to be lacking. There is no doubt that she is competent; she's bright; she's articulate; she's charming. But, what I wanted to know was, what kind of experience a person nominated to sit on the highest court in this state would possess. She cited 11 years of experience in litigation but when asked about her three most memorable cases, three cases that she would be most proud of in her accomplishments, she cited three that were of really little consequence and, of those three, I believe only one went to actual trial and in that one situation, she was second chair.

"People talked about her extensive involvement in the community and her charitable work and working with the underprivileged. I specifically asked about her community involvement because her resume cited only two organizations, the Hawaii Bar Association and the Young Lawyers' Association. It was clear by her response that her involvement has been primarily within those organizations and not really a 'hand's on' type of involvement, working with people one-on-one -- actually helping real people in the community. And therefore I believe that those who consider themselves in the minority, less powerful or underprivileged, have a legitimate concern as to whether the nominee can relate to their problems.

"I think that another component for a good justice would be life experiences. It doesn't bother me that the nominee is young because I think there are many people, despite their ages, who can accomplish a great deal and who have accomplished a great deal. But the fact that there was nothing in the way of extensive experience working with people in the community showed me that life experience was quite lacking.

"There is no doubt that she meets the minimum qualifications and, certainly, those minimal qualifications got her selected as one of the six nominees presented to the governor. But I don't believe that that's enough. It's certainly not enough to serve on the highest court in this state.

"Mr. President, I know this is difficult for everyone, particularly difficult for me because there is nothing that would make me happier than to be able to vote in favor of the confirmation of a woman to the state Supreme Court.

"However, I must agree with Elizabeth Fujiwara, an attorney, when she wrote in her testimony, which I received after the hearing. I'm going to quote from it: 'Appointing an unqualified woman to the highest judicial position in the state is not the answer. It would make a mockery of the concept of affirmative action. And, indeed, this nomination is an insult to women attorneys; it is tokenism as well as sexism in its highest form.'

"For these reasons, Mr. President, I cannot support this nomination and I will be voting in favor of the motion."

The motion to reject the nomination made in Governor's Message No. 155 was then put by the Chair and, Roll Call vote having been requested, the nomination was rejected on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Blair, Fernandes Salling, Fukunaga, Hagino, Mizuguchi, Solomon, Tanaka). Excused, 1 (Holt).

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 26 to 53) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 26, transmitting H.B. No. 115, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 115, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 27, transmitting H.B. No. 214, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 214, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY AND FITNESS TO PROCEED," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 28, transmitting H.B. No. 361, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 361, entitled: "A BILL FOR AN ACT RELATING TO PRECURSOR CHEMICALS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 29, transmitting H.B. No. 568, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 568, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 30, transmitting H.B. No. 788, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 788, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROBATE CODE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 31, transmitting H.B. No. 790, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 790, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATE," passed First Reading by title and was referred to the Committee on Human Services, then to the Committee on Judiciary.

Hse. Com. No. 32, transmitting H.B. No. 892, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 892, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION LAW," passed First Reading by title and was referred to the Committee on Planning, Land and Water Use Management.

Hse. Com. No. 33, transmitting H.B. No. 920, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 920, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIED PERSONS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 34, transmitting H.B. No. 1070, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1070, entitled: "A BILL FOR AN ACT RELATING TO CHILD VICTIMS AND WITNESSES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 35, transmitting H.B. No. 1089, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1089, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT COSTS AND FEES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 36, transmitting H.B. No. 1090, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1090, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 37, transmitting H.B. No. 1073, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1073, entitled: "A BILL FOR AN ACT RELATING TO EXTORTION," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 38, transmitting H.B. No. 1149, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion of Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1149, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed First Reading by title and was referred jointly to the Committee on Education, Labor and Employment and the Committee on Consumer Protection, then to the Committee on Ways and Means.

Hse. Com. No. 39, transmitting H.B. No. 1075, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1075, entitled: "A BILL FOR AN ACT RELATING TO THEFT OFFENSES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 40, transmitting H.B. No. 1343, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1343, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 41, transmitting H.B. No. 1344, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1344, entitled: "A BILL FOR AN ACT RELATING TO SCHEDULE IV CONTROLLED SUBSTANCES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 42, transmitting H.B. No. 1356, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1356, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL RELATIONS," passed First Reading by title and was referred to the Committee on Government Operations, Environmental Protection and Hawaiian Programs, then to the Committee on Ways and Means.



Hse. Com. No. 43, transmitting H.B. No. 1372, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1372, entitled: "A BILL FOR AN ACT RELATING TO POLICE DEPARTMENTS," passed First Reading by title and was referred to the Committee on Education, Labor and Employment, then to the Committee on Ways and Means.

Hse. Com. No. 44, transmitting H.B. No. 1459, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1459, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed First Reading by title and was referred to the Committee on Education, Labor and Employment, then to the Committee on Ways and Means.

Hse. Com. No. 45, transmitting H.B. No. 1460, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1460, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A TAX ADMINISTRATION FUND," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 46, transmitting H.B. No. 1566, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion of Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1566, entitled: "A BILL FOR AN ACT RELATING TO USE OF PUBLIC BUILDINGS BY BLIND OR VISUALLY HANDICAPPED PERSONS AND QUALIFIED NONPROFIT CORPORATIONS," passed First Reading by title and was referred jointly to the Committee on Government Operations, Environmental Protection and Hawaiian Programs and the Committee on Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 47, transmitting H.B. No. 1598, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1598, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SUPPORT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 48, transmitting H.B. No. 1602, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1602, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC REDEVELOPMENT PROGRAM FOR DEPRESSED AREAS," passed First Reading by title and was referred to the Committee on Science, Technology and Economic Development.

Hse. Com. No. 49, transmitting H.B. No. 1666, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1666, entitled: "A BILL FOR AN

ACT RELATING TO EMPLOYMENT SECURITY," passed First Reading by title and was referred to the Committee on Education, Labor and Employment, then to the Committee on Judiciary.

Hse. Com. No. 50, transmitting H.B. No. 1694, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1694, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX REFUNDS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 51, transmitting H.B. No. 1697, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1697, entitled: "A BILL FOR AN ACT RELATING TO THE USE TAX," passed First Reading by title and was referred to the Committee on Science, Technology and Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 52, transmitting H.B. No. 1999, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1999, entitled: "A BILL FOR AN ACT RELATING TO BUILDING CODES," passed First Reading by title and was referred jointly to the Committee on Science, Technology and Economic Development and the Committee on Government Operations, Environmental Protection and Hawaiian Programs.

Hse. Com. No. 53, transmitting H.B. No. 2040, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 2040, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," passed First Reading by title and was referred to the Committee on Government Operations, Environmental Protection and Hawaiian Programs, then to the Committee on Judiciary.

#### SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 55) was read by the Clerk and was referred to committee:

#### Senate Concurrent Resolution

No. 55 "SENATE CONCURRENT RESOLUTION SUPPORTING EXPANSION AND RENOVATION OF KEAHOLE AIRPORT, HAWAII."

Offered by: Senators Solomon, Levin, Matsuura.

Referred to: Committee on Tourism, Recreation and Transportation

#### SENATE RESOLUTION

The following resolution (S.R. No. 45) was read by the Clerk and was referred to committee:

#### Senate Resolution

No. 45 "SENATE RESOLUTION SUPPORTING EXPANSION AND RENOVATION OF KEAHOLE AIRPORT, HAWAII."

Offered by: Senators Solomon, Levin, Matsuura.

Referred to: Committee on Tourism, Recreation and Transportation

#### STANDING COMMITTEE REPORTS

Senator B. Kobayashi, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 410) recommending that S.B. No. 1057, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1057, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 4, 1993.

Senator B. Kobayashi, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 411) recommending that S.B. No. 1058, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Legislative Management.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 1058, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE SUPPORT AGENCIES," passed Second Reading and was recommitted to the Committee on Legislative Management.

#### ORDER OF THE DAY

##### THIRD READING

##### MATTERS DEFERRED FROM TUESDAY, FEBRUARY 23, 1993

S.B. No. 881, S.D. 1:

By unanimous consent, S.B. No. 881, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was recommitted to the Committee on Education, Labor and Employment.

S.B. No. 529, S.D. 1:

On motion by Senator Nakasato, seconded by Senator George and carried, S.B. No. 529, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 536:

On motion by Senator Nakasato, seconded by Senator George and carried, S.B. No. 536, entitled: "A BILL FOR AN ACT RELATING TO REBUILT VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1477, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Kanno and carried, S.B. No. 1477, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE ENTERPRISE ZONES PROGRAM," having been

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

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

S.B. No. 261:

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

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

S.B. No. 262, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 262, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 264:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 264, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 514, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 514, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 576:

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

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

S.B. No. 1152, S.D. 1:

By unanimous consent, S.B. No. 1152, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A TAX ADMINISTRATION FUND," was recommitted to the Committee on Ways and Means.

S.B. No. 1454, S.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 1454, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1457, S.D. 1:

By unanimous consent, S.B. No. 1457, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX REFUNDS," was recommitted to the Committee on Ways and Means.

S.B. No. 1458:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, S.B. No. 1458, entitled: "A BILL FOR AN ACT RELATING TO USE TAX REPORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

#### **RE-REFERRAL OF SENATE BILL**

The President re-referred the following Senate bill that was introduced:

Senate Bill                      Referred to:

No. 1080                      Committee on Ways and Means

#### **RE-REFERRAL OF SENATE CONCURRENT RESOLUTION**

The President re-referred the following concurrent resolution that was offered:

Senate  
Concurrent  
Resolution                      Referred to:

No. 52                      Jointly to the Committee on Health  
and the Committee on Consumer Protection

At 1:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:06 o'clock p.m.

#### **ADJOURNMENT**

At 1:12 o'clock p.m., on motion by Senator Ikeda, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 4, 1993.