

FORTIETH DAY

Thursday, April 1, 1993

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Robert Stauffer, Religious Society of Friends, after which the Roll was called showing all Senators present with the exception of Senator Ikeda who was excused.

The President announced that he had read and approved the Journal of the Thirty-Ninth Day.

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

Senator Mizuguchi introduced and acknowledged the presence of two young scholars from Dole Intermediate School, Machel Caliedo and Lenore Antonio. The students are part of the shadow program. (The students rose to be recognized.)

Senator Solomon recognized the Hawaii Amateur Boxing Association and introduced Mr. Eiichi Jumawan, seated on the floor of the Senate, as follows:

"Mr. President, earlier this session, we had a group of individuals who came from throughout the State of Hawaii who were interested in amateur boxing and one of them was Wayne Easley from Kona. Wayne had consulted me and asked me how we could help promote amateur boxing in the State of Hawaii because they had just started their own Kona boxing club. As a result of this, I had advised Wayne that perhaps we should do a Senate certificate. We agreed on that and because of that, today, I am very honored to make this presentation to the Senate.

"Amateur boxing has been a prominent sport in Hawaii for decades. It has provided thousands of Hawaii's youth with opportunities to better themselves.

"Amateur boxing is rigorously regulated, with all participants including the boxers, coaches, trainers, and administrators required to be registered with the governing body. Under such regulations, amateur boxing according to the National Injury Information Clearinghouse, has a better safety ranking than such sports as bicycling, track and field, baseball, football, golf, bowling, and tennis, etc.

"We are very fortunate that in amateur boxing there are numerous adults who have volunteered to work with the youth. Their only compensation being the satisfaction of serving the youth of Hawaii. Our Sergeant-at-Arms Ben Villafior is one of them.

"Hawaii has produced nine U.S. National Champions and one National Golden Gloves Champion. I wish to present this Senate certificate to Mr. Eiichi Jumawan, two-time U.S. National Champion and currently president of both the U.S.A. Boxing Hawaii Association and the Golden Gloves.

"Mr. President, I would like to yield the floor to Senator Hagino to read the certificate."

Senator Hagino then stated:

"Mr. President and fellow Senators, the certificate reads: 'The State of Hawaii commends the state Senate boxing team. Amateur boxing has been revived in the

state Senate and, as I understand it, there is going to be a heavyweight bout tonight at Dole Cannery between our heavyweights, Senator Tony Chang and Senator Richard Matsuura. This certificate is offered by our boxing commissioners, Senator Malama Solomon and President James Aki.'

"Mr. President, I hope you realize what day it is today (April Fool's Day) -- it is given in that spirit. (Laughter!)

"Seriously, Mr. President, the certificate commends the Hawaii amateur boxing program and reads:

'Amateur boxing has long been a favorite participation and spectator sport in Hawaii and over the years has provided an opportunity for thousands of Hawaii's youth, from all walks of life and from every social and economic background, to develop courage, self-confidence and self-esteem, disciplined bodies and minds, and maturity.

'Through a well organized system of 32 boxing clubs employing the volunteer services of more than 150 registered coaches, trainers, officials, and administrators, the Hawaii Amateur Boxing Association, an affiliate of the United States Amateur Boxing Association, currently provides opportunities to 300 athletes and boasts several U.S. National and Golden Glove champions among its alumni.

'The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, commends and congratulates the Hawaii Amateur Boxing Association on its excellent program, and extends its warm aloha to the many volunteers who make amateur boxing in Hawaii an exciting and rewarding sport for participants and spectators alike.'

Senator Solomon then introduced Mr. Eiichi Jumawan. Mr. Jumawan stood to be recognized and was presented the Senate certificate by Senator Solomon. Senator Fernandes Salling presented the lei.

Senator Matsuura then remarked:

"Mr. President, I'm glad that the Senator from Wahiawa suggested the boxing bout with the Senator from Nuuanu instead of the Senator from Kohala. (Laughter!)

"Anyway, to make light of this matter, let me tell you a story about our Sergeant-at-Arms, Ben Villafior. I asked Ben how did he ever get involved in boxing and he told me this story. I hope he doesn't mind me repeating the story.

"Ben said his older brother was a professional boxer and he accompanied him to the match and one of the fighters on the card didn't show up so the promoter asked if there was anyone who would like to earn a few dollars and take on his guy. Ben Villafior volunteered! Of course, he was underage but he lied about his age. Ben stepped into the ring and he knocked his opponent out. He went to another match with his older brother and this time two fighters didn't show up. The promoter, having seen Ben Villafior fight, asked Ben if would like to earn a couple of bucks and fight these two fighters. Ben got into the ring and knocked out both fighters. He knocked out two fighters in the same night.

"That was Ben's beginning in boxing."

Senator Nakasato introduced his shadow for today, Miss Sounethone Douangphouxay, an 8th grade student from Dole Intermediate School. (The young lady stood to be recognized.)

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m. with the Vice President in the Chair.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 279 to 309) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 279, submitting for consideration and confirmation to the Advisory Council for Children and Youth, the nominations of: THERESA NANI FERNANDEZ, term to expire June 30, 1996; and DIANA M. BUCKLEY, PATRICIA M. COOK, MARTIN C. EBY, VAL T. IWASHITA, Ed.D., SAT JOT KHALSA and COLETTE M. MIYAMOTO-KAJIWARA, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 280, submitting for consideration and confirmation to the Drug Product Selection Board, the nominations of: VINCENT S. AOKI, M.D., term to expire June 30, 1996; and JAMES T. MIYAHARA, Ph.D., and JULIE KUBO, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 281, submitting for consideration and confirmation to the Education Commission of the States, the nomination of KENGO TAKATA, term to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 282, submitting for consideration and confirmation to the Hawaii Education Council, the nominations of RON HARRIS-WHITE and AMY J. TOYOMURA TSUJIOKA, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 283, submitting for consideration and confirmation to the Hawaii Labor Relations Board, the nomination of SANDRA H. EBESU, term to expire June 30, 1999, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 284, submitting for consideration and confirmation to the Board of Health, the nominations of: M. CASEY JARMAN, term to expire June 30, 1994; HENRY NALAJELUA, term to expire June 30, 1996; and BETTYE JO HARRIS and ALFRED LAURETA, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 285, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nominations of: CARL T. HAMADA, term to expire June 30, 1995; SARAJEAN A. TOKUNAGA, term to expire June 30, 1996; and RANDOLPH P. PERREIRA, MERRIE KIM APOALANI, DAVID EDWARD GIRE, NORMAN J.N. HOLT, SR., KEITH M. HORINOCHI, Dr.P.H., WINIFRED H. ISHIMOTO, LORETTA PETRIE, Ph.D., HIDEO MATSUSHITA and GARY K. KAJIWARA, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 286, submitting for consideration and confirmation to the Honolulu Subarea Health Planning Council, the nominations of: MARIANNE RICE SANCHEZ, term to expire June 30, 1994; KATHRYN SMITH RIPPER, term to expire June 30, 1995; ELIZABETH J. HOLMES, term to expire June 30, 1996; and LILY H. YAMASHIRO, R.N., M.P.H., term to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 287, submitting for consideration and confirmation to the Central Oahu Subarea Health Planning Council, the nominations of: C.O. "ANDY" ANDERSON, term to expire June 30, 1995; and KATHLEEN TANIDA CROWL, PATRICIA ST. JOHN-PAYNE, FAY NAKAMOTO and JANET I. OHTA, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 288, submitting for consideration and confirmation to the Waianae Coast Subarea Health Planning Council, the nominations of: CECIL BINDEL, BETTY LARRABEE, DONNA L. BROOME, JOAN LEE MARS and AIRLEEN LUCERO, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 289, submitting for consideration and confirmation to the Windward Oahu Subarea Health Planning Council, the nominations of: JEROME O. MANNING, MARY E. SWAN, HANS TAALA and NONA WILSON, R.N., terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 290, submitting for consideration and confirmation to the Hawaii County Subarea Health Planning Council, the nominations of: LITO ASUNCION, RICHARD A. VON GNECHTEN, IVAN S. YAMAMOTO and SHIRLEY ANN YAMAOKA-GREIG, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 291, submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nominations of: NORMAN J.N. HOLT, SR., term to expire June 30, 1996; and DEBORA L.J. APOALANI, JUDY PECKENPAUGH and ELEANOR RAGASA, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 292, submitting for consideration and confirmation to the Maui County Subarea Health Planning Council, the nominations of: A. DUANE BLACK, term to expire June 30, 1995; and HERBERT A.K. CAMPOS, LEILANI D. HAYS, DEBRA L. JOHNSON and SARAJEAN A. TOKUNAGA, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 293, submitting for consideration and confirmation to the Board of Human Services, the nominations of: ANA M. ROSAL-SILVA, JAMES E. DEMELLO and KAHU DAVID J. TWIGG, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 294, submitting for consideration and confirmation to the Island Burial Council, Island of Hawaii, the nominations of: EVERETT "SONNY" KINNEY, M. MELIA LANE-HAMASAKI, MARLENAJON STAFFORD and HENRY A. "PAPA" AUWAE, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 295, submitting for consideration and confirmation to the Island Burial Council, Islands of Kauai and Niihau, the nominations of WILMA HEALANI HOLI and ATTWOOD MAIKAI MAKANANI, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 296, submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lanai, the nominations of: LIBERT K. LANDGRAF, term to expire June 30, 1995; and CHARLES KAULUWEHI MAXWELL, SR., SAMUEL KALALAU, III, CHRISTIAN E. BAL and ANTHONY AKANA, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 297, submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, the nominations of HENRY KEAWE AYAU, JR. and COLETTE Y. MACHADO, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 298, submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, the nominations of JAMES L. AWAI, JR., GARY K. OMORI and THEOLA SILVA, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 299, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nominations of: GEORGE W.H. KANIHO and JOELENE K. LONO, terms to expire June 30, 1995; and SHERRY KIHAPIILANI EVANS and ABIGAIL K. ROSA, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 300, submitting for consideration and confirmation to the Medical Advisory Board, the nominations of: DAVID FITZ-PATRICK, M.D., term to expire June 30, 1996; and JEFFREY AKAKA, M.D. and LAWRENCE H. GORDON, M.D., terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 301, submitting for consideration and confirmation to the Board of Osteopathic Examiners, the nominations of NANCY K.Y. YUEN and RONALD H. KIENITZ, D.O., terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 302, submitting for consideration and confirmation to the County Public Health Facility Management Advisory Committee, City and County of Honolulu, the nominations of DENNIS K. GODA and RONALD T. IWATA, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 303, submitting for consideration and confirmation to the County Public Health Facility Management Advisory Committee, County of Hawaii, the nomination of: TSING Y. CANNON, term to expire June 30, 1994; and RALPH C. BOYEA and WALTER DUDOIT, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 304, submitting for consideration and confirmation to the County Public Health Facility Management Advisory Committee, County of Kauai, the nominations of JUAN M. FRANCISCO and YONEMICHI MIYASHIRO, M.D., terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 305, submitting for consideration and confirmation to the County Public Health Facility

Management Advisory Committee, County of Maui, the nominations of: GEORGE POWELL, M.D., term to expire June 30, 1995; and JOHN E.K. AKANA and WAYNE M.T. LU, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 306, submitting for consideration and confirmation to the Public Utilities Commission, the nomination of DAN T. KOCHI, term to expire June 30, 1998, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 307, submitting for consideration and confirmation to the Board of Regents, University of Hawaii, the nominations of: CLYDE T. KODANI, term to expire June 30, 1996; and MOMI CAZIMERO and LILY K. YAO, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 308, submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, the nominations of DALE T. MATSUMOTO-OI, WILSON MURAKAMI, M.D., and JEAN M. NAKASATO, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 309, submitting for consideration and confirmation to the Board of Veterinary Examiners, the nominations of CRAIG M. NISHIMOTO, D.V.M., and JOY A. SHIMABUKU, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

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.

STANDING COMMITTEE REPORTS

Senator Levin, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1127) recommending that H.B. No. 620, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Levin, seconded by Senator Blair and carried, the report of the Committee was adopted and H.B. No. 620, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1993.

Senator Levin, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1128) recommending that H.B. No. 920, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Levin, seconded by Senator Blair and carried, the report of the Committee was adopted and H.B. No. 920, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIED PERSONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 5, 1993.

Senator Levin, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1129) recommending that H.B. No. 1090, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Levin, seconded by Senator Blair and carried, the report of the Committee was adopted and H.B. No. 1090, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," passed Second

Reading and was placed on the calendar for Third Reading on Monday, April 5, 1993.

ORDER OF THE DAY

MATTERS DEFERRED FROM WEDNESDAY, MARCH 31, 1993

THIRD READING

H.B. No. 1460, H.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, H.B. No. 1460, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A TAX ADMINISTRATION FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Ikeda, McCartney).

H.B. No. 783, H.D. 1, S.D. 1:

Senator Levin moved that H.B. No. 783, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Blair.

Senator Matsunaga rose to speak against the measure, as follows:

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

"A Deferred Acceptance of a Guilty Plea or a DAG plea was established in 1976 by the Legislature. It originally was intended to allow first time, accidental or situational offenders relief from having the stigma of a criminal record for the rest of his or her life. This bill, however, will change the law to extend the DAG plea to violent offenses involving the intentional, knowing, or reckless bodily injury or serious bodily injury of another person. This is an unacceptable change in the law.

"In 1987 a female classmate of mine in law school was driving through Waikiki. She unintentionally cut off another driver. That driver became incensed and angry. He drove up beside her and screamed obscenities at her. And when the light turned green, he rushed his car in front of her and blocked her in. He jumped out of his car and then jumped on top of the hood of her car and pounded on her windshield. Then slid off her hood and she was frozen with fear. She couldn't raise the window in time. He reached in the car; he grabbed her by the front of her blouse and repeatedly slammed her up against the steering wheel. No bones were broken, Mr. President, no physical scars were incurred, no protracted injury occurred. This did not rise to the level of a felony. This was a misdemeanor.

"My classmate, Pam, remained deeply shaken and fearful because of this incident for many years. She was afraid to drive alone; she was afraid to enter Waikiki.

"This bill would allow that defendant, cleaned up, wearing his nicest suit, accompanied by his mother, his auntie, and his minister or whomever, to come into court and explain how he is going into the Army, the Navy, the CIA, or the priesthood, or whatever, and so he should be treated differently than others. He should be given better treatment. He should be given a DAG plea.

"Mr. President, maybe a judge wouldn't give him a DAG plea; maybe he would. The Legislature should not give the judge that choice.

"I don't want to change the law. I think that we, as a society, are becoming desensitized to brutality. You know, it would have been unheard of 50 years that movies like 'The Texas Chain Saw Massacre' or 'Friday the 13th' would have been considered entertainment. Now, however, we live in a world in which Orlando Ganai allegedly wipes out five innocent people in one night. Fifty years ago the phrase a 'drive by shooting' had no meaning. Now, however, it does. The question is this -- if violence is becoming more prevalent in our society, then why should we become more tolerant of it in our laws? This honorable body must declare zero tolerance for intentional, knowing or reckless violence.

"A DAG plea would allow violent episodes to go undocumented. We need to document, in the form of a criminal conviction, violent behavior. Hurting another human being is entirely different from stealing a candy bar from Long's. Harming another person is more serious than any property crime, and undeserving to be considered for a DAG plea.

"Mr. President, I've heard the arguments about giving the judges more discretion. But we are the body that sets public policy. Passing this bill means changing our public policy by accepting a new level of violence in Hawaii. Mr. President, I cannot condone that.

"I've also heard the arguments about not burdening the first time offender with the stigma of a criminal record. But intentional, knowing, or reckless violence deserves a criminal record. If a prosecutor can prove a case beyond a reasonable doubt, then the violence deserves to be documented. It is, after all, the truth. It happened. And what is so wrong with documenting the truth?

"Mr. President, I urge my colleagues to vote against this measure."

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

"Mr. President, I very much respect the comments made by the previous speaker, but I rise to speak in favor of this bill and urge my colleagues to vote for it. Allow me to point out a few things.

"The bill came over from the House. The House Judiciary Committee, which is chaired by a former prosecutor and is very much concerned about criminal law, sent over a bill that was far more lenient than the bill that we have before us to vote on today.

"The bill before us does not guarantee anyone a deferred acceptance of guilty plea. All it would do is give judges, in whom we have so much faith, about whom we go through so much trouble to advise and consent as to their confirmation, to give them the discretion in light of the totality of the case in front of them to decide on that particular case whether or not a deferred acceptance of guilty plea is appropriate.

"There is no way we, in this body, sitting here today, can predict what situation might come before a judge that would warrant acceptance of such a request. It should be in the judge's discretion, knowing the circumstances of that particular case, to make that decision.

"I would also point out the limitations in the bill. If the offense charged is a felony, the court does not have discretion; the person is not entitled to a deferred acceptance of guilty plea. Neither if the case is a misdemeanor or even a petty misdemeanor, which carries a mandatory minimum sentence. We are not giving the court any greater discretion in domestic abuse cases. It's in lesser cases than that where the judge would have

discretion, could still not accept the request, but would have the opportunity to consider the facts.

"We think that it is in the interest of justice, that justice requires consideration of the particular facts in a particular case, and therefore this bill is warranted."

Senator Iwase spoke against the bill and said:

"Mr. President, I signed the committee report with reservations and, for the reasons eloquently expressed by Senator Matsunaga, I will also be voting 'no.' Thank you."

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

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

"It is always possible, when discretion is given, to imagine scenarios under which that discretion might be inappropriately exercised. However, to speculate that discretion might be abused is an argument against having any discretion in the system. The judicial system would break down, if we followed that logic. When the Legislature enacts penal provisions, we do so without knowing the facts of all future cases. In order to be sufficiently inclusive so as not to leave out cases where the punishment would be appropriate, we are almost invariably overly inclusive. If we are under-inclusive, obviously, we do not achieve what we set out to achieve.

"Therefore, we frame penal provisions in language that we are comfortable will cover all of the cases we would like it to cover, and we understand that there will be cases covered by that broad language in which discretion could be appropriately exercised. The first speaker on this measure can imagine a case under which he would like the judge not to apply that discretion, and I may well agree with him. I would suggest two things. First, if we have judges of the caliber that I think we have, in the case that he had indicated, the judge would not have exercised the discretion to grant the DAG plea. Secondly, although I won't prolong the discussion by giving examples, it would be just as easy for me to give examples where society would benefit by having the judge exercise the proposed discretion under the facts of the particular case.

"I ask my colleagues to have confidence in the judges. I hope we will be advising and consenting, with respect to district court judges in the foreseeable future, and ask that we give the system a little flexibility so that justice can be achieved. We are overly inclusive at the legislative level and must give the system the ability to make adjustments that are necessary in order to do what is best in the individual case, based on the particular facts. Thank you."

Senator Matsuura spoke against the measure and said:

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

"I just want to share with you an experience that happened this morning. I was having breakfast in a restaurant and a guy comes walking up to me and threatens my life. I just want to say that I concur with the chairman of the Science, Technology and Economic Development Committee about things being kind of rough nowadays. Thank you."

Senator Tungpalan, also against the measure, stated:

"Mr. President, I also rise to speak against this measure for one reason and one reason alone, and that is that we should not tolerate violence at any level. Those

found guilty for so doing should have it on their record because such behavior leads to higher levels and forms of assault and violence."

The motion was then put by the Chair and carried, H.B. No. 783, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 10 (Chang, Iwase, Kanno, Kobayashi, A., Kobayashi B., Koki, McCartney, Matsunaga, Matsuura, Tungpalan). Excused, 2 (Aki, Ikeda).

THIRD READING

H.B. No. 1411, H.D. 1, S.D. 1:

On motion by Senator George, seconded by Senator Tungpalan and carried, H.B. No. 1411, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 52, H.D. 1, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 52, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 199, H.D. 1, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 199, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 200, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 200, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 210, H.D. 1, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 210, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 570, H.D. 1, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 570, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Matsunaga). Excused, 2 (Aki, Ikeda).

H.B. No. 1073:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 1073, entitled: "A BILL FOR AN ACT RELATING TO EXTORTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1089, H.D. 1, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 1089, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT COSTS AND FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1598, S.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 1598, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SUPPORT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1798, H.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, H.B. No. 1798, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

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

Senate
Concurrent
Resolution Referred to:

No. 128 Jointly to the Committee on
Government Operations, Environmental Protection and
Hawaiian Programs and the Committee on Agriculture

RE-REFERRAL OF SENATE RESOLUTION

The Chair re-referred the following Senate resolution that was offered:

Senate
Resolution Referred to:

No. 103 Jointly to the Committee on
Government Operations, Environmental Protection and
Hawaiian Programs and the Committee on Agriculture

Senator Solomon rose to speak on a point of personal privilege, as follows:

"Mr. President, I have introduced a resolution regarding the possible name change for McKinley High School. I want to thank Tom Kaser for his article which

appeared in today's Advertiser explaining the purpose of the resolution. However, I feel compelled to reiterate my purpose in offering this resolution.

"Mr. President, it was to provide an impetus and forum for further education and debate on the facts surrounding the overthrow of the Hawaiian Kingdom by the government of the United States. No two prominent United States officials better personify the opposite poles of public opinion in the United States toward Hawaii and United States imperialism than Presidents McKinley and Cleveland. It is clear that there is a woeful lack of knowledge regarding the history of the Overthrow. As proof of this, let me repeat some phone calls received by my office from persons who it would appear might benefit from public debate concerning that era.

"1. 'Ask the Senator when does she plan to renounce her citizenship;'

"2. 'The "stupid Hawaiians" we shouldn't listen to them; they should go back to their homelands;'

"3. 'Tell the Senator that we should rename "Kamehameha Schools" to "Kinipopo High."'

"Hopefully, by engaging our students in intelligent and focused debate on this important area, regarding this important era, the next generation will have a realistic and unprejudiced understanding on the history of Hawaii and the role of United States imperialism.

"I must reiterate here that the resolution calls for debates on the question, 'Should McKinley High School be renamed?' and after the debates the student body votes on the issue.

"A debate such as this would require thorough research and it would be a tremendous educational experience for the students. Thank you, Mr. President."

ADJOURNMENT

At 12:42 o'clock p.m., on motion by Senator Iwase, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 2, 1993.