

## FIFTY-FOURTH DAY

Friday, April 23, 1993

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Harlene Walk, The Church of Jesus Christ of Latter-Day Saints, after which the Roll was called showing all Senators present with the exception of Senator Matsunaga who was excused.

The President announced that he had read and approved the Journal of the Fifty-Third Day.

Senator Tungpalan presented and introduced the University of Hawaii (UH) Richardson Law School 1993 Moot Court Team, as follows:

"Mr. President, unfortunately, our colleague Senator Matsunaga is not able to be with us this morning. He has asked me to introduce his friends from the UH Law School and the 1993 Moot Court Team today. So, on behalf of Senator Matt Matsunaga I'd like to present the certificate of recognition.

"Mr. President, it is my privilege this morning to introduce to you and my colleagues in the Senate some visitors from the William S. Richardson School of Law at the University of Hawaii. With us this morning are the four members of the very successful Moot Court Team from the Law School. They are: team captain and third year student David McCauley; third year students David Forman and Karla Winter; and second year student Andrew Bunn.

"Also with us this morning: the coach of the Moot Court Team, Professor Jon Van Dyke; Law School Dean Jeremy T. Harrison; and a very special guest, the former Chief Justice of the Hawaii Supreme Court and the person for whom the Law School is named, William S. Richardson. (All stood to be recognized.)

"Mr. President, our Law School Moot Court Team recently competed in the Philip Jessup International Law Moot Court competition before the International Court of Justice. More than 55 teams representing over 35 countries participated in this national/international competition held in Washington, D.C. The UH team was one of 12 teams from the United States who earned the right to participate by winning regional competitions.

"Not only did our team capture the national title but it also earned the 'World's Champion Runner Up' Cup by finishing second in the international competition, losing only to the University of Melbourne in the final round. Honors earned along the way included the Rutgers Award for the best memorial among the 12 United States regional winners, the Hardy C. Dillard Award for best memorial among the international regional winners, and the Top Oralist Award went to team captain David McCauley.

"Mr. President, on behalf of the Senate, I am proud to present the members of our 1993 Moot Court Team: David McCauley, David Forman, Karla Winter, Andrew Bunn, and Professor Jon Van Dyke, their coach. Seated with the team, Dean Jeremy Harrison and, our very special friend, William S. Richardson." (All stood to be recognized. A Senate certificate of recognition and lei was presented to each of them by various Senators.)

Senator Grauly then said:

"Mr. President, as a proud graduate of the William S. Richardson School of Law, I want to add my own personal congratulations to the team and, also, to acknowledge my Constitutional law professor Jon Van Dyke, and the person who taught me Wills and Trusts, Dean Jeremy Harrison and, of course, the Father of the Law School, William S. Richardson. Welcome! Thank you."

Senator Fukunaga added:

"Mr. President, I would also like to offer my congratulations to the Law School. For many of us who had an opportunity to go to the Law School and to actually be beneficiaries of former Chief Justice Richardson's remarkable vision for what Hawaii could offer and produce, it is truly a significant moment to know that we have now produced world class leaders. Thank you."

Senator Blair then said:

"Mr. President, I wish Senator Chang were here. On his behalf, I wish to make a request of Professor Van Dyke; that he give the Senate a refresher course in the privileges and immunities clause, the commerce clause, and the equal protection clause. We have a bill before us that's causing some difficulty. Thank you."

Senator Holt then remarked:

"Mr. President, a couple of things. First, I see my ex-boss up there and want to thank him for all his years of service at Bishop Estate and for his support of Hawaii's children. Thank you, 'CJ.'

"Secondly, I want to be sure that this is the same David Forman that I know. (Yes!) I don't want to speak about the wrong person. On his behalf, I want this body to know that he is a local boy that did good here in Hawaii; went on to my alma mater, Harvard. As a fellow alumnus, he played ball there and graduated with honors. I just want to extend my personal congratulations to David. Thank you."

Senator Grauly then introduced the parents of David Forman, Michael and Sheila Forman, and the parents of Andrew Bunn, Mr. and Mrs. Bunn, who were all seated in the gallery.

At 11:48 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.

## HOUSE COMMUNICATIONS

The following communications (Hse. Com. Nos. 658 to 662) were read by the Clerk and were placed on file:

Hse. Com. No. 658, informing the Senate that the Speaker on April 21, 1993, appointed Representative Taniguchi as co-chairman on the part of the House at the conference on H.B. No. 1897, H.D. 1 (S.D. 2).

Hse. Com. No. 659, informing the Senate that the Speaker on April 22, 1993, discharged Representative Kanohe as a manager on the part of the House at the conference on S.B. No. 536 (H.D. 1).

Hse. Com. No. 660, informing the Senate that the Speaker on April 21, 1993, appointed Representative Apo

as a manager on the part of the House at the conference on S.B. No. 1028, S.D. 2 (H.D. 2).

Hse. Com. No. 661, informing the Senate that the House reconsidered its action taken on disagreeing to the amendments proposed by the Senate to H.B. No. 1650, H.D. 1.

Hse. Com. No. 662, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 1600, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 1600, S.D. 1, passed Final Reading in the House of Representatives on April 22, 1993.

#### CONFERENCE COMMITTEE REPORT

Senator A. Kobayashi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1975, H.D. 2, presented a report (Conf. Com. Rep. No. 2) recommending that H.B. No. 1975, H.D. 2, S.D. 1, C.D. 1, as amended in C.D. 2, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2 and H.B. No. 1975, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," was deferred for a period of 48 hours.

#### LEADERSHIP COMMITTEE REPORT

Senator Holt, for the Committee on Executive Appointments, presented a report (Ldr. Com. Rep. No. 1642) recommending that the Senate advise and consent to the nomination of DAYTON N. NAKANELUA for Director of Labor and Industrial Relations, in accordance with Gov. Msg. No. 238.

In accordance with Senate Rule 36(1), action on Ldr. Com. Rep. No. 1642 and Gov. Msg. No. 238 was deferred until Monday, April 26, 1993.

#### ADVISE AND CONSENT

Ldr. Com. Rep. No. 1641 ( Gov. Msg. Nos. 237):

Senator Holt moved that Ldr. Com. Rep. No. 1641 be received and placed on file, seconded by Senator A. Kobayashi and carried.

Senator Holt then moved that the Senate advise and consent to the nomination of CLIFFORD K. HIGA for Director of Commerce and Consumer Affairs, term to expire December 5, 1994, seconded by Senator A. Kobayashi.

Senator Holt rose to speak in support of the nominee and said:

"Mr. President, I rise to speak in support of Governor's Message 237.

"Mr. President, I'm pleased to speak on behalf of Clifford K. Higa and to recommend the advise and consent of the Senate for his appointment to the position of Director of the Department of Commerce and Consumer Affairs.

"By way of background, Mr. Higa is a graduate of Baldwin High School and the University of Hawaii where he earned an undergraduate degree in political science and a juris doctor from the William S. Richardson School of Law. Shortly thereafter, he was employed as a law

clerk for both the State Intermediate Court of Appeals and the Supreme Court.

"In 1982 he applied for a position with the Attorney General's office and was subjected to a thorough and rigorous review by the supervising attorney. It is my understanding, Mr. President, that the supervising attorney who hired Mr. Higa did so with reservations. Much to my surprise, however, the former supervising attorney now proudly claims to have hired Mr. Higa off the street and taught him everything he knows. If I'm mistaken about this matter, Mr. President, I'm sure that the Senator from the 18th District will be more than pleased to respond. In any case, Mr. Higa's administrative ability and strong legal aptitude are well known. As a result, he was selected to fill the position of Commissioner of Financial Institutions in DCCA in 1987. He has been with DCCA since then and over the last few months he has been serving as its acting director.

"On a personal note, Mr. President, I think that Mr. Higa exemplifies the many unsung public servants in the state whose accomplishments and achievements, while vitally important, are largely unrecognized by the general public. In this light, Mr. President, I was particularly impressed by the unusually large amount of supportive testimony that we received from the financial institutions that Mr. Higa is in charge of regulating. What was most striking was the obvious respect that the financial industry has developed for Mr. Higa. Even though he is often required to take a strong adversarial position against them, they found him to be fair and sensitive to their concerns.

"As evidenced in testimony, Mr. Higa is also well regarded by his staff at DCCA. It was noted several times that he was primarily responsible for upgrading the professionalism of his staff by requiring and obtaining national accreditation for the Financial Institutions Division.

"In closing, I would like the members to note that Mr. Higa has turned down a number of substantial offers from the private sector during his tenure at DCCA in order to remain in public service. I think that this speaks well of him and is indicative of his strong commitment and desire to serve the public.

"For the reasons cited, Mr. President, I will be voting in support of Governor's Message 237 and urge my colleagues to join me. Thank you."

Senator Chang also spoke in support of Mr. Higa and said:

"Mr. President, I also served as an assistant to the Senator from the 18th District when he was with the Department of the Attorney General, and I know full well the kinds of false claims that a supervising attorney can make. Thus, I'm not believing for one minute the story that the chairman of Appointments Committee told about the candidate. I am positive, however, that anyone who could have endured any length of time working with that supervising attorney must be a good candidate for the position and for that reason I'm voting in full support of the nominee. Thank you."

Senator Ikeda also added her support and said:

"Mr. President, I speak in favor of the nomination of Clifford Higa.

"As chair of the Committee on Consumer Protection I've had the opportunity to work with Mr. Higa over a number of years and as the Commissioner of Financial Institutions a lot of credit has to go to him for the

recodification of the laws governing financial institutions. It was not an easy task. It's taken three years. It didn't happen without a lot of kicking and screaming on the part of people involved, but I think that he's been firm and fair. We now have a good document before us which also has the support of the people within the industry. So I think that he's shown that he can do a very good job despite his beginnings under the tutelage of our Senator from the 18th District, and notwithstanding that, I recommend his nomination. Thank you."

Senator Blair also spoke in support of the nominee and remarked:

"Mr. President, very briefly, on behalf of the many citizens from County of Maui, I wish to add some remarks.

"I worked with Clifford Higa when I chaired the Consumer Protection Committee and was fully prepared to confirm him because I know from personal experience that he is well qualified. But I want the record to also reflect that I've gotten quite a few comments from people in my new district who know the Higa family. They wanted to be sure that I didn't inadvertently fail to support a son of the Garden Island (sic). The Higa family is very well regarded and the community has expressed its aloha for the work that Clifford and his father have done over the years. It's great to see the son continuing in the family tradition and achieving as much as he has.

"On behalf of the Maui delegation, I'd like the Journal to reflect the pride that Maui County feels on the occasion of Clifford Higa being confirmed by the Senate. Thank you."

Senator Chang then said:

"Mr. President, if the Senator from Maui spent more time on geography and less on the commerce clause, he would know that Maui is the Valley Isle, not the Garden Isle." (Laughter.)

Senator Blair responded:

"Mr. President, I normally take the position that the Senate Journal should not be corrected, but in this instance I must beseech you on bended knees to have the Journal reflect my reference as being to the Valley Island. Thank you."

The Chair then asked: "Who is this Senator from the 18th District?" (Laughter.)

Senator Iwase responded:

"Mr. President, in deference to Mr. Higa, today I'm from the 17th District. Thank you." (Laughter.)

Senator Tungpalan also added her support of the nominee, as follows:

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

"Mr. President, I found Clifford Higa to be very knowledgeable, especially while I was chair of the Labor Committee in the House during those tumultuous years when we were reworking the statutes. He was fair, honest, above board and always ready to answer any questions with respect to DCCA and the insurance companies that they regulated. I find him to be of the highest caliber and it is indeed an honor that I ask all of our colleagues to vote in favor of him. Thank you."

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

Ayes, 23. Noes, none. Excused, 2 (Fernandes Salling, Matsunaga).

At this time, Senator Iwase introduced Mr. Clifford Higa, as follows:

"Thank you, Senator Holt.

"Mr. President, it's my pleasure to present the confirmed Director of the Department of Commerce and Consumer Affairs, Clifford Higa. (Mr. Higa rose to be recognized.)

"I would also like to introduce the young lady sitting beside him, whom he referred to as his friend, Ms. Linda Yatagai." (Ms. Yatagai also stood to be recognized.)

### FINAL READING

S.B. No. 192, S.D. 1, H.D. 1:

On motion by Senator Levin, seconded by Senator Ikeda and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 192, S.D. 1, and S.B. No. 192, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CLAIM CONCILIATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, McCartney, Mizuguchi, Reed).

S.B. No. 195, S.D. 1, H.D. 1:

On motion by Senator Levin, seconded by Senator Ikeda and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 195, S.D. 1, and S.B. No. 195, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TORTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi, Reed).

S.B. No. 205, H.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 205, and S.B. No. 205, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi, Reed).

S.B. No. 281, S.D. 1, H.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 281, S.D. 1, and S.B. No. 281, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 689, S.D. 1, H.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 689, S.D. 1, and S.B. No. 689, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 690, S.D. 1, H.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 690, S.D. 1, and S.B. No. 690, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 789, S.D. 1, H.D. 2:

On motion by Senator George, seconded by Senator Tungpalan and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 789, S.D. 1, and S.B. No. 789, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX EXEMPTIONS FOR AFFORDABLE HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 1164, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1164, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was deferred until Monday, April 26, 1993.

S.B. No. 1181, S.D. 1, H.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1181, S.D. 1, and S.B. No. 1181, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 1214, H.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1214, and S.B. No. 1214, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SIMULTANEOUS DEATH ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 1393, H.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1393, and S.B. No. 1393, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 1538, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 1538, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred until Monday, April 26, 1993.

S.B. No. 1584, S.D. 1, H.D. 1:

On motion by Senator Levin, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1584, S.D. 1, and S.B. No. 1584, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEXATIOUS LITIGANTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 122, S.D. 1, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 122, S.D. 1, and S.B. No. 122, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OSTEOPATHY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 353, S.D. 1, H.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 353, S.D. 1, and S.B. No. 353, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS BONUS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 355, H.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 355, and S.B. No. 355, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 638, S.D. 2, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 638, S.D. 2, and S.B.

No. 638, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COOPERATIVE ASSOCIATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 799, S.D. 2, H.D. 2:

On motion by Senator Ikeda, seconded by Senator B. Kobayashi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 799, S.D. 2, and S.B. No. 799, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A PEER ASSISTANCE PROGRAM FOR CHEMICALLY DEPENDENT NURSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 818, S.D. 1, H.D. 1:

On motion by Senator Ikeda, seconded by Senator B. Kobayashi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 818, S.D. 1, and S.B. No. 818, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 937, S.D. 1, H.D. 1:

On motion by Senator Levin, seconded by Senator Ikeda and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 937, S.D. 1, and S.B. No. 937, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS FRAUD," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 1148, S.D. 1, H.D. 2:

On motion by Senator Ikeda, seconded by Senator B. Kobayashi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1148, S.D. 1, and S.B. No. 1148, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 1 (Koki). Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 1218, S.D. 2, H.D. 1:

On motion by Senator B. Kobayashi, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1218, S.D. 2, and S.B. No. 1218, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL DISASTERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 1426, S.D. 1, H.D. 1:

On motion by Senator McCartney, seconded by Senator Holt and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1426, S.D. 2, and S.B. No. 1426, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 1473, S.D. 1, H.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1473, S.D. 1, and S.B. No. 1473, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 1486, S.D. 1, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1486, S.D. 1, and S.B. No. 1486, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DURATION OF LICENSE SANCTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 1488, S.D. 1, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1488, S.D. 1, and S.B. No. 1488, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIR DEALER AND MECHANIC REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 1489, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1489, and S.B. No. 1489, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM LAND SALES PRACTICES ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 1629, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1629, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," was deferred until Monday, April 26, 1993.

S.B. No. 1632, S.D. 1, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1632, S.D. 1, and S.B. No. 1632, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION AND PRELICENSING REQUIREMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 1666, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1666, and S.B. No. 1666, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACY PERSONNEL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

S.B. No. 1708, S.D. 1, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1708, S.D. 1, and S.B. No. 1708, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF ENGINEERS, ARCHITECTS, SURVEYORS AND LANDSCAPE ARCHITECTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fernandes Salling, Holt, Kobayashi, A., Matsunaga, Mizuguchi).

#### RE-REFERRAL OF HOUSE CONCURRENT RESOLUTION

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

House  
Concurrent  
Resolution      Referred to:

No. 105, H.D. 1      Jointly to the Committee on Human Services and the Committee on Government Operations, Environmental Protection and Hawaiian Programs

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

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

"I rise to comment on a piece on resolutions which appeared in the Star-Bulletin I believe a couple of days ago, and I'd like to quote from my old friend Dan Boylan. He is quoted as saying, "Resolutions don't mean much. They're a way for legislators to get out of passing something some people may be bothered by," Boylan said. "The fundamental fact of politics is risk aversion. Lawmakers don't want to be held accountable. When you pass a law, something happens. When you pass a resolution, nothing necessarily happens."

"I would like to call the members' attention to a further article which appeared in the Advertiser on the 21st of April, announcing 'French firm to license abortion pill to

U.S. group,' and remind the Senators of a resolution which was introduced by the Women's Caucus and passed to a great deal of acclaim last year. The title of it indicated that it was 'Urging the President and Congress' and a whole lot of other people 'to support the availability of the antiprogesterone steroid known as RU-486 ....'

"This resolution was directed to, among others, the manufacturers of RU-486, the French firm and the German firm, and while it may have been only a small item in the final result, we think it assisted in the availability of RU-486 to the women of this country. Resolutions can indeed be important and effective."

Senator Solomon also rose to speak on a point of personal privilege and stated:

"Mr. President, in this morning Advertiser editorial page, the late Randy Kalahiki is honored. He is called a 'Bridge-building activist' and I quote,

'All too often, we tend to categorize "activist" and "establishment" as opposites, meeting only at times of confrontation.

'It doesn't have to be that way. Randy Heano Kalahiki, who died this week at the age of 60, was a resolute illustration why.'

"Mr. President, Mr. Kalahiki was a man and an individual who endeavored to solve social issues by bringing together all groups involved. I had the honor of working with Mr. Kalahiki for over 25 years involving Hawaiian issues and education of troubled youths. Mr. Kalahiki was a dedicated unselfish worker and very committed to the causes he believed in.

"It is very sad that Mr. Kalahiki, Randy, is not present to witness the resolution of the Kaho'olawe Island issue, the issues of Hawaiian sovereignty, the furtherance and development of Hawaiian Studies program throughout higher and lower education, which he worked very hard on during his lifetime and which is now on the threshold of realization.

"Hawaii has lost a truly dedicated citizen. Mr. President, in a Hawaiian saying 'Ua halaia eolnapua o'Hawaii' -- although time passes for all of us one's good work is perpetuated by future generations.

"Mr. President, I respectfully request a moment of silence on a rising vote by this body as a manifestation of our respect and honor of the passing of one of Hawaii's great Hawaiians. Thank you."

Senator Matsuura then stated:

"Mr. President, as promised, I'm going to share some good news. Finally after many years, the geothermal well has produced some electricity. We have 5 megawatts of electricity on line as of today. The KS-9 well, I'm told, has the resource to produce as high as 25 megawatts from that one geothermal well. They do have a gusher, in terms of an oil well. That's the good news for today. Thank you."

Senator Gaulty then said:

"I too have some good news, and bad news, with regard to the Food Bank Drive.

"As we all know, today is the last day. We have till 4:30 this afternoon to finalize all our efforts for Hawaii's hungry. I'd like to thank all the members of the Senate. Everyone participated, even Senator Levin got his 'Top Banana' award this morning and fulfilled his quota.

"It's truly remarkable, Mr. President, that the suggested donation of five pounds was far exceeded by the Senate. We averaged two-and-a-half times that amount. Our goal was 1,560 pounds and thus far, as of 1:00 o'clock this afternoon, we have 3,800 pounds of food that we have donated for our team.

"I would like to thank all the Senators and staff for all the support that has been given to this drive.

"The bad news, Mr. President. I received a phone call from security just at the start of the session that the House had 30 bags of rice downstairs and that there was more coming and as of the moment, as of the last break, there was a total of 140 bags of rice that the House has come up with. I cannot say for sure whether we are going to prevail at this point because this sudden last minute surge on the part of the House has put our lead in great jeopardy. So I would like to ask ... I've been involved in other campaigns before where there is a last minute surge by the opposition, and what I would like to ask is that we continue our style of 'grassroots' and try to get everybody who has not yet donated to donate their suggested donation. We still have four hours.

"I also understand that the House called a recess at 12:30 so that they could all be seen on TV loading their bags of rice on to the truck. Mr. President, we will not stoop that low, we don't need that kind of publicity. Besides, we've already gotten a lot of publicity, courtesy of the Star Bulletin. I hope that the TV cameras will be here on Monday when we claim the plaque that the Food Bank is going to give the winning team."

The Chair thanked Senator Grauly for a job well done on the Senate Food Bank Drive.

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

"I want to thank the Senator from Kohala for speaking about Randy Kalahiki because he really was a great man. He did a lot all over the state and I happened to have the privilege of knowing him. So thank you for making those remarks and thank you for closing the session on that note."

Senator Chang also rose on a point of personal privilege and stated:

"Mr. President, before we adjourn I would like to note that Mr. Kalahiki has been an influential presence in the Richardson School of Law. When we opened the school in 1973, 20 years ago, our introductory exercise involved the construction of a flood control project in Kahaluu and Senators Blair, Fukunaga and myself made a trek out to Kahaluu and learned all about land-use regulation and community struggle from Mr. Kalahiki and the Hui Malama O Aina O Koolau. He was literally our first law school instructor.

"I also join the Senator from Kohala in sharing his memory. Thank you."

#### APPOINTMENT OF CONFEREES

H.B. No. 6 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 6 and the request for a conference on the subject matter thereof, the President appointed Senators McCartney, chairman, Iwase, Kanno, Grauly, Koki as managers on the part of the Senate for the consideration of said amendments.

H.B. No. 1149, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1149, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators McCartney, chairman, Holt, Kanno, Fukunaga, Koki as managers on the part of the Senate for the consideration of said amendments.

H.B. No. 1885, H.D. 2 (S.D. 2):

The President appointed Senator Iwase as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1885, H.D. 2.

S.B. No. 1550, S.D. 1 (H.D. 2):

The President appointed Senator Fernandes Salling as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1550, S.D. 1.

#### ADJOURNMENT

At 1:08 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., Monday, April 26, 1993, on a rising vote and observing a moment of silence in memory of the late Randy Heano Kalahiki.