

SIXTIETH DAY

Monday, May 3, 1993

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 10:17 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Gerhard Laun, St. Elizabeth's Episcopal Church, after which the Roll was called showing all Senators present.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 677 to 691) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 677, informing the Senate that the House on April 30, 1993, agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading:

H.B. No. 433, H.D. 1, S.D. 1;
H.B. No. 446, S.D. 1;
H.B. No. 975, H.D. 2, S.D. 2;
H.B. No. 1149, H.D. 1, S.D. 1;
H.B. No. 1505, H.D. 1, S.D. 1;
H.B. No. 1626, S.D. 1;
H.B. No. 1664, H.D. 1, S.D. 1;
H.B. No. 1666, S.D. 1;
H.B. No. 1675, H.D. 1, S.D. 1;
H.B. No. 1896, S.D. 2;
H.B. No. 1955, S.D. 1;
H.B. No. 2008, H.D. 1, S.D. 1; and
H.B. No. 2017, S.D. 2,

was placed on file.

Hse. Com. No. 678, informing the Senate that the House has reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House bills and has on April 30, 1993, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 115, S.D. 1;
H.B. No. 783, H.D. 1, S.D. 1;
H.B. No. 882, H.D. 2, S.D. 1;
H.B. No. 1638, H.D. 1, S.D. 1;
H.B. No. 1889, S.D. 1;
H.B. No. 2030, H.D. 1, S.D. 2; and
H.B. No. 2040, H.D. 1, S.D. 2,

was placed on file.

Hse. Com. No. 679, returning S.C.R. No. 8, S.D. 1, which was adopted by the House of Representatives on April 30, 1993, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 8, S.D. 1, H.D. 2, was deferred to the end of the calendar.

Hse. Com. No. 680, returning S.C.R. No. 52 which was adopted by the House of Representatives on April 30, 1993, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 52, H.D. 2, was deferred to the end of the calendar.

Hse. Com. No. 681, returning S.C.R. No. 81, S.D. 1, which was adopted by the House of Representatives on April 30, 1993, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 81, S.D. 1, H.D. 1, was deferred to the end of the calendar.

Hse. Com. No. 682, returning S.C.R. No. 192 which was adopted by the House of Representatives on April 30, 1993, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 192, H.D. 1, was deferred to the end of the calendar.

Hse. Com. No. 683, returning S.C.R. No. 223, S.D. 1, which was adopted by the House of Representatives on April 30, 1993, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 223, S.D. 1, H.D. 1, was deferred to the end of the calendar.

Hse. Com. No. 684, returning S.C.R. No. 242, S.D. 1, which was adopted by the House of Representatives on April 30, 1993, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 242, S.D. 1, H.D. 1, was deferred to the end of the calendar.

Hse. Com. No. 685, returning S.C.R. No. 9 which was adopted by the House of Representatives on April 30, 1993, was placed on file.

Hse. Com. No. 686, returning S.C.R. No. 59, S.D. 1, which was adopted by the House of Representatives on April 30, 1993, was placed on file.

Hse. Com. No. 687, returning S.C.R. No. 98 which was adopted by the House of Representatives on April 30, 1993, was placed on file.

Hse. Com. No. 688, returning S.C.R. No. 100, S.D. 1, which was adopted by the House of Representatives on April 30, 1993, was placed on file.

Hse. Com. No. 689, returning S.C.R. No. 107 which was adopted by the House of Representatives on April 30, 1993, was placed on file.

Hse. Com. No. 690, returning S.C.R. No. 202, S.D. 1, which was adopted by the House of Representatives on April 30, 1993, was placed on file.

Hse. Com. No. 691, returning S.C.R. No. 257, S.D. 1, which was adopted by the House of Representatives on April 30, 1993, was placed on file.

STANDING COMMITTEE REPORTS

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 1717) recommending that S.R. No. 98 be adopted.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 98, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ACQUIRE LANDS AROUND KEOLONAHIHI STATE HISTORIC PARK," was adopted.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 1718) recommending that H.C.R. No. 180, H.D. 1, be adopted.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 180, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE IMPACT THAT FISH FEEDING AND ARTIFICIAL REEFS HAVE ON SHARKS," was adopted.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 1719) recommending that H.C.R. No. 205 be adopted.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES WAIVE THE INSURANCE REQUIREMENT IN STATE LEASES FOR NONPROFIT ACTIVITIES IN REMOTELY LOCATED AREAS," was adopted.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1720) recommending that H.C.R. No. 58 be adopted.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION DISCOURAGING THE FEEDING OF PESTIFEROUS BIRDS," was adopted.

Senators Chang and Iwase, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs and the Committee on Planning, Land and Water Use Management, presented a joint report (Stand. Com. Rep. No. 1721) recommending that H.C.R. No. 405 be adopted.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the joint report of the Committees was adopted and H.C.R. No. 405, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTY OF MAUI, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE DEPARTMENT OF HEALTH TO DEVELOP A JOINT PLAN FOR THE REMOVAL OF ALGAE FROM THE BEACHES AND NEARSHORE WATERS OF MAUI COUNTY," was adopted.

Senator Ikeda, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 1722) recommending that H.C.R. No. 97 be adopted.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE PROBABLE EFFECTS OF THE LICENSING OF CRANE OPERATORS AND THE REGISTRATION OF CRANES," was adopted.

Senator Ikeda, for the Committee on Consumer Protection, presented a report (Stand. Com. Rep. No. 1723) recommending that H.C.R. No. 354 be adopted.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 354, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON INSURANCE RATEMAKING," was adopted.

Senator McCartney, for the Committee on Education, Labor and Employment, presented a report (Stand. Com.

Rep. No. 1724) recommending that H.C.R. No. 209, as amended in S.D. 1, be adopted.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 209, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY AND REPORT ON ISSUES RELATING TO THE SUFFICIENCY OF GOVERNMENT IN HAWAII," was adopted.

Senator McCartney, for the Committee on Education, Labor and Employment, presented a report (Stand. Com. Rep. No. 1725) recommending that H.C.R. No. 255, as amended in S.D. 1, be adopted.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 255, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO STUDY THE EARLY RETIREMENT BONUS PROPOSED IN H.B. NO. 759, H.D. 2, S.D. 2," was adopted.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1726) recommending that H.C.R. No. 404, H.D. 1, be adopted.

On motion by Senator Ikeda, seconded by Senator Reed and carried, the report of the Committee was adopted and H.C.R. No. 404, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PREFERENCE ON STATE PRINTING, BINDING, AND STATIONERY CONTRACTS TO LOCAL BUSINESSES THAT PAY THE PREVAILING WAGE," was adopted.

ORDER OF THE DAY

ADVISE AND CONSENT

Ldr. Com. Rep. No. 1716 (Gov. Msg. Nos. 359, 360, 361, 362, 363, 364, 365, 366, 368 and 373):

Senator Holt moved that Ldr. Com. Rep. No. 1716 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 nominations of the following:

DAVID A. NOBRIGA to the Board of Agriculture, term to expire June 30, 1996 (Gov. Msg. No. 359);

PHYLLIS SUMIKO SHIMABUKURO and MEREDITH J. CHING to the Board of Agriculture, terms to expire June 30, 1997 (Gov. Msg. No. 359);

RONALD B. IIDA, BURMA J. KANEAPUA and NORMAN L. SAKAMOTO to the Contractors License Board, terms to expire June 30, 1997 (Gov. Msg. No. 360);

ROBERT L.P. TONG to the Hawaii Housing Authority, term to expire June 30, 1993 (Gov. Msg. No. 361);

VICTOR T. NAKAMURA to the Hawaii Housing Authority, term to expire June 30, 1996 (Gov. Msg. No. 361);

ROBERT L.P. TONG and SHARON R. YAMADA to the Hawaii Housing Authority, terms to expire June 30, 1997 (Gov. Msg. No. 361);

STANLEY HANZAWA and LARRY RAY CROSS, Ph.D., to the Board of Directors of the Hawaii Information Network Corporation (Hawaii Inc.), terms to expire June 30, 1997 (Gov. Msg. No. 362);

KEITH A. GOTO and CALVIN S. MIYAMOTO to the Board of Trustees, Hawaii Public Employees Health Fund, terms to expire June 30, 1997 (Gov. Msg. No. 363);

ANN K. NATHANIEL and PATRICIA WILCOX SHEEHAN to the Hawaiian Homes Commission, terms to expire June 30, 1997 (Gov. Msg. No. 364);

BENJAMIN MERCADO, L.P.N., CALVIN M. ICHINOSE, R.N., C.R.N.A., M.B.A., BARBARA RUTH S. UWEKO'OLANI, R.N., and JERRY A. WALKER JR. to the State Board of Nursing, terms to expire June 30, 1996 (Gov. Msg. No. 365);

HENRY JAY HANNIGAN to the Board of Examiners of Nursing Home Administrators, term to expire June 30, 1997 (Gov. Msg. No. 366);

WILLIAM W. PATY to the Board of Land and Natural Resources, term to expire June 30, 1993 (Gov. Msg. No. 368);

MICHAEL H. NEKOBA to the Board of Land and Natural Resources, term to expire June 30, 1997 (Gov. Msg. No. 368); and

WILLIAM KENNISON to the Board of Land and Natural Resources, term to expire June 30, 1997 (Gov. Msg. No. 373),

seconded by Senator A. Kobayashi.

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

Ayes, 23. Noes, none. Excused, 2 (Graulity, Holt).

STANDING COMMITTEE REPORT

MATTER DEFERRED FROM THURSDAY, APRIL 29, 1993

Stand. Com. Rep. No. 1669 (H.C.R. No. 146, H.D. 1, S.D. 1):

By unanimous consent, Stand Com. Rep. No. 1669 and H.C.R. No. 146, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO GRANT AN EASEMENT OR TO LEASE CERTAIN SUBMERGED LANDS AT SOUTH KOHALA, HAWAII, TO MAUNA LANI RESORT, INC.," were recommitted to the Committee on Planning, Land and Water Use Management.

FINAL READING

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

Conf. Com. Rep. No. 225 (H.B. No. 1152, H.D. 1, S.D. 1, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 225 be adopted and H.B. No. 1152, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator B. Kobayashi.

Senator A. Kobayashi rose to speak in support of the measure, as follows:

"Mr. President, just briefly, in support of the budget.

"I would like to thank all the committee members who were always available for decision-making and for bill signing. And, of course, the staff for just putting hours and hours and hours of work. They will finally be able to go home tonight or maybe tomorrow; we don't let them escape easily.

"Mr. President, all I can say, very briefly, is that we tried our best with the limited resources. The agencies all had zero-growth budgets. We were at the point of moving money around. We gave more to Education, more to Human Services, and a total of about \$80 million went to Kauai. Although we did want to do more, I think we did the best we could.

"I urge support of the budget. Thank you.

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

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

"I'd like to start off by speaking about the health area for which I am chair. I guess the winner in the health area is the hospital system of the State of Hawaii. A very hard working and underpaid Ways and Means staffer is responsible for a major change in the hospital budget. This budget adds \$10.5 million in general funds to the hospital system. Monies will allow the state to take advantage of federal Medicaid's disproportionate share. Disproportionate share is a very obscure and changing concept within our governmental reimbursement system. It allows hospitals to receive federal reimbursement on a lump sum basis for certain designated hospitals under federal Medicaid rules. The addition of state monies of over \$10.5 million allows the state to be reimbursed similarly, and actually provides the state with more overall resources and more federal reimbursements than if we had cut the general fund appropriations to state hospitals. So, to the Ways and Means chair and to one very hard working staffer we have much to be thankful for.

"The other area that was a big winner in the health budget was adolescent mental health. Approximately \$6.7 million was added to this area. As you know, adolescent mental health has been a neglected area for many years, and \$6.7 million will go a long way to help improve our mental health system. Originally, the proponents in support of child and adolescent mental health wanted as much as \$20 million. So the job is not yet done. I would note that even if the department had gotten a \$20 million increase, that would not have taken care of most of the population. \$6.7 million and even the \$20 million would have been focused in the most severely disturbed and difficult cases within our child and adolescent mental health system. Beyond that we have a great many other people who have lesser problems, but who need help, nonetheless.

"A third area that was helped significantly was SHIP, the State Health Insurance Program. That was increased \$3 million in the first year of the biennium and an additional \$1 million in the second year of the biennium. Tragically, we need SHIP. SHIP is the gap group insurance program that will help out certain of our more beleaguered areas of the state, not to mention Kauai and Hamakua. So this would at least be some respite to them.

"Another area that was a winner in the budget was the Big Island. Two of the biggest CIP projects in the health budget go to Big Island hospitals. Specifically, \$7 million for the Kona Hospital and \$6.7 million for the Honokaa Hospital. In addition to that, there is support for the emergency room at Honokaa to the tune of \$110,000 and also support for the Hamakua Medical Center to the tune of \$140,000.

"Overall, most of the programs in the Department of Health lost money. It is because of financial necessity and very difficult times. Needless to say, these cuts in the health budget will hurt greatly and I think that next year we will see the Department of Health trying to regroup to see how their resources can be reprioritized and an attempt to make whole some of the programs that this year were cut.

"I would note that we even had cuts in the adult mental health area, an area under which we are under very close scrutiny by the federal government, the U.S. Department of Justice. There may be some federal oversight imposed upon the state.

"In short, Mr. President, the health budget comes out well in certain areas but overall is taking a cut in most of the programs. It is an area that I think has been dealt fairly in the budget. I would like to thank the Ways and Means staff, Ways and Means chair, and our counterparts in the House for a job well done. Thank you."

Senator McCartney also supported the measure and remarked:

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

"First of all, I'd like to thank the chair of the Senate Ways and Means Committee. I think she did an excellent job along with all the committee members. Also, Mr. President, I think we need to recognize for the education budget two people that helped tremendously and without their help we wouldn't have been able to transform the education budget from 17 EDN program areas to 5, and that's Darlene Fujimoto and Kevin Kuroda. They really helped a lot, along with Joe, on the House Finance Committee side. Without their help we would never have been able to put this budget together.

"On the education side, Mr. President, it's more than just adding new additional money and resources to the budget. In total, if you take the zero growth budget that was presented to us very early on in the year by the governor, we have an additional \$22 million in available money for the Department of Education if you count the appropriations bill and the budget act. I think that in this tough fiscal year that is a commitment to education.

"But equally and even more important, what we did was transform the budget and this budget is a good budget because it focuses on the schools, it focuses on student outcomes and student learning, and doesn't just appropriate money to the Department of Education or the Board of Education, but it begins to put into place a school-based budgeting system that's not perfect but will be perfect one day, Mr. President, where money gets to the school and spent at the school, not in the bureaucracy. That's what I think the conferees can be most proud of. We started down that path and the provisos in the budget set a clear direction, a policy direction, that we want money to get to the students and we want the money to be focused on student outcomes and student learning. Thank you, Mr. President."

Senator Matsuura added his support of the measure and said:

"Mr. President, I too support the budget, but I just want to express to the Senate body's appreciation and gratitude to the staff of the Ways and Means Committee. Any person who wants to work in that committee must be, I shouldn't say, crazy but if you want to really work, be pressured, that's the committee to work for. We owe our gratitude to the staff because they truly always work very hard to get the budget decked on time. Thank you very much."

Senator Iwase also supported the bill and stated:

"Mr. President, I rise to speak in support of the budget. At this time, I would like to take this opportunity to thank the chairperson of the Ways and Means Committee, Senator Kobayashi, for her concern, interest and cooperation in dealing with the major issues facing our state, in particular two of them. I had the privilege of dealing with the Iniki package and also with legislation to provide relief to Hamakua by creating a development district. I want to thank her very much for her help with these issues. She was always most cooperative, always most interested and always displayed a sense of compassion. I would also like to thank the members of the Ways and Means Committee, the conferees on the budget, and the staff of the Ways and Means Committee for developing a budget that prioritizes the education of our children as one of the top priorities for the state. Thank you, Mr. President."

Senator Grawly added his remarks in support of the measure and said:

"Mr. President, I would be remiss if I did not stand this morning and also provide acknowledgements to the chairman of the Ways and Means Committee and to the members of her committee for the work that they have done in the human services area. I think their efforts have been nothing short of heroic and I wish to extend to them my great appreciation for all the support that they've given to all the various programs in human services and all the dollars that they have provided in a very difficult situation. So thank you very much to Senator Ann Kobayashi and members of her committee. Thank you, Mr. President."

Senator A. Kobayashi then responded:

"Mr. President, I would like to thank everyone for their kind words. It's not only thanks to the committee members, to the hard working staff, and everyone in this room, I'd also like to thank the House conferees. The chair of the Finance Committee was most cooperative. We both had the same goals; we both wanted to provide for the people of this state, and I think the House conferees also deserve a vote of thanks. Thank you."

Senator George then added:

"Mr. President, with all the gratitude being passed out, I would be delinquent if I didn't add the thanks of the minority to the chair of the Ways and Means Committee. We've had a fair shake. We had an interesting time with the budget -- limitation of funds but no limitation on effort, and I do thank the chair and everyone else responsible. Thank you."

Senator Holt also supported the measure and said:

"Mr. President, I rise to speak in support of the budget.

"First off, let me extend my heartfelt thanks to the chairman of Ways and Means. I haven't been a member of Ways and Means for some years and this year I was

rather apprehensive about the hours I would have to put in. My family thanks the chairman because I was able to get home at reasonable hours and spend time with my boys. In addition, I'd like to thank Kevin Kuroda and his staff for doing an outstanding job. I've been around here for 15 years, Mr. President, and it's the first time we've ever finished the budget on a Wednesday before closing. So I think the chair and the staff deserve a lot of credit for that.

"Specifically, Mr. President, I'm very proud of this budget because it includes a number of items, despite the fact that the budget amounts are fairly large. As you know I am always pushing for substantial amounts for CIP for the state and for the taxpayers. There were some items that did come through in the budget that the chair held on to but are included in this which are very important to the state. Just to list a couple of them: Senator Blair's park down in Kakaako will continue to grow and, in fact, for the whole Kakaako district improvement and infrastructure, we have about \$25 million in the budget. There was accord reached on the McKinley faculty housing project finally after much deliberation. The faculty housing project will go ahead and we also will be able to take care of McKinley's Building A with \$17 million in the budget, which I think is a reasonable and really good compromise. In addition, on a personal note, we are finally going to get to move ahead with our marine education and training center down at Sand Island to provide a new industry for the state.

"Thank you again, Senator."

Senator Levin also added his support and said:

"Mr. President, I want to join in too.

"Two brief points. One, I think there was an openness that was unprecedented in terms of how the Ways and Means Committee operated, and that was clearly thanks to the chairperson. Second, I think that the budget that was finally arrived at despite of the limited dollars, is very much people oriented, trying to take care of those who need to be taken care of and, again, it reflects the interest and concern of the chairperson and all the others who were involved in putting it together."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 225 was adopted and H.B. No. 1152, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL READING

MATTER DEFERRED FROM TUESDAY, APRIL 27, 1993

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

Senator B. Kobayashi moved that S.B. No. 1538, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Chang.

Senator Matsunaga, in support of the measure, requested:

"Mr. President, may I insert a letter from Dr. John Lewin, Director of Health, to our Majority Leader, into the Journal?"

The Chair having so ordered, the letter reads:

"State of Hawaii
Department of Health
P.O. Box 3370
Honolulu, Hawaii 96801

April 30, 1993

The Honorable Richard M. Matsuura
The Senate
The Seventeenth Legislature
State Capitol, Room 404
Honolulu, Hawaii 96813

Dear Senator Matsuura:

In response to your recent letter of April 28, 1993, to Dr. Sybinsky, the Department has received three bids (Med Trans, International Life Support and Mercy) for ambulance service for Maui. We will not be calling for extension of the bidding period nor do we intend to withdraw, cancel or amend the IFB F-93-260-M or any contract let thereunder if SB 1538 is enacted into law.

It was never the intent of the Department to support passage of SB 1538 and then withdraw, cancel or amend the IFB. Since SB 1538 in its current form is consistent with the current procedure, we believe that, in fact, we are, under Chapter 103, carrying out the basic intent of the measure. In conjunction with the Department of Accounting and General Services, we intend to proceed with the IFB, including notice to proceed and award of the contract to the lowest qualified bidder, pursuant to Chapter 103, H.R.S. and not pursuant to SB 1538 if it is enacted into law.

Please call Dr. Sybinsky at 586-4433 if you have any further questions.

Very truly yours,

/s/ Jack
JOHN C. LEWIN, M.D.
Director of Health

c: Comptroller
Attorney General"

The motion by then put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1538, S.D. 1, and S.B. No. 1538, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Matsuura).

S.B. No. 555, 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. 555, S.D. 1, and S.B. No. 555, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MURDER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 728, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 728, S.D. 1, H.D. 2, was deferred to the end of the calendar.

S.B. No. 1143, S.D. 2, H.D. 1:

By unanimous consent, action on S.B. No. 1143, S.D. 2, H.D. 1, was deferred to the end of the calendar.

S.B. No. 1608, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 1608, S.D. 1, H.D. 2, was deferred to the end of the calendar.

Conf. Com. Rep. No. 10 (H.B. No. 118, S.D. 1, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, Conf. Com. Rep. No. 10 was adopted and H.B. No. 118, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 11 (H.B. No. 52, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 11 was adopted and H.B. No. 52, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 12 (H.B. No. 944, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 12 was adopted and H.B. No. 944, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 13 (H.B. No. 210, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 13 was adopted and H.B. No. 210, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 14 (H.B. No. 1655, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, Conf. Com. Rep. No. 14 was adopted and H.B. No. 1655, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 15 (H.B. No. 1899, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator B. Kobayashi, seconded by Senator Mizuguchi and carried, Conf. Com. Rep. No. 15

was adopted and H.B. No. 1899, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 16 (H.B. No. 2029, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator B. Kobayashi, seconded by Senator Nakasato and carried, Conf. Com. Rep. No. 16 was adopted and H.B. No. 2029, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MENTAL HEALTH AND SUBSTANCE ABUSE SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 17 (H.B. No. 883, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 17 was adopted and H.B. No. 883, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEENAGE HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 18 (H.B. No. 1721, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Iwase, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 18 was adopted and H.B. No. 1721, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 19 (H.B. No. 1597, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Koki and carried, Conf. Com. Rep. No. 19 was adopted and H.B. No. 1597, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 20 (H.B. No. 920, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 20 was adopted and H.B. No. 920, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIED PERSONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 21 (H.B. No. 200, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 21 was adopted and H.B. No. 200, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 22 (H.B. No. 1594, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 22 was adopted and H.B. No. 1594, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 23 (H.B. No. 534, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 23 was adopted and H.B. No. 534, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 24 (H.B. No. 1598, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 24 was adopted and H.B. No. 1598, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SUPPORT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 25 (H.B. No. 1062, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Nakasato and carried, Conf. Com. Rep. No. 25 was adopted and H.B. No. 1062, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 26 (H.B. No. 1363, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Tungpalan and carried, Conf. Com. Rep. No. 26 was adopted and H.B. No. 1363, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 10:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:45 o'clock a.m.

Conf. Com. Rep. No. 27 (H.B. No. 1739, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 27 was adopted and H.B. No. 1739, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIBRARIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Blair, Levin).

Conf. Com. Rep. No. 28 (H.B. No. 2012, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 28 was adopted and H.B. No. 2012, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL LUNCH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 29 (H.B. No. 361, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 29 was adopted and H.B. No. 361, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRECURSOR CHEMICALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 30 (H.B. No. 782, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Reed and carried, Conf. Com. Rep. No. 30 was adopted and H.B. No. 782, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VISITATION RIGHTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 31 (H.B. No. 568, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 31 was adopted and H.B. No. 568, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 32 (H.B. No. 2032, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 32 was adopted and H.B. No. 2032, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMUNITY HOSPITALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 33 (H.B. No. 6, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 33 and H.B. No. 6, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 34 (H.B. No. 1661, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 34 was adopted and H.B. No. 1661, H.D. 1, S.D. 1, C.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, 25. Noes, none.

Conf. Com. Rep. No. 35 (H.B. No. 1662, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 35 was adopted and H.B. No. 1662, H.D. 1, S.D. 1, C.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, 25. Noes, none.

Conf. Com. Rep. No. 36 (H.B. No. 251, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 36 was adopted and H.B. No. 251, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHT TO FARM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 37 (H.B. No. 1897, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 37 and H.B. No. 1897, H.D. 1, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 38 (H.B. No. 951, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 38 and H.B. No. 951, H.D. 1, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 39 (H.B. No. 187, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 39 was adopted and H.B. No. 187, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 40 (H.B. No. 1671, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 40 was adopted and H.B. No. 1671, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 41 (H.B. No. 1459, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 41 and H.B. No. 1459, H.D. 1, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 42 (H.B. No. 539, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Hagino and carried, Conf. Com. Rep. No. 42 was adopted and H.B. No. 539, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 43 (H.B. No. 1589, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 43 and H.B. No. 1589, H.D. 1, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 44 (H.B. No. 220, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 44 was adopted and H.B. No. 220, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FIREFIGHTER'S CONTINGENCY FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 45 (H.B. No. 1797, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 45 and H.B. No. 1797, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 46 (H.B. No. 1117, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 46 was adopted and H.B. No. 1117, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 47 (H.B. No. 620, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 47 was adopted and H.B. No. 620, H.D. 1, S.D. 1, C.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, 25. Noes, none.

Conf. Com. Rep. No. 48 (H.B. No. 788, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 48 was adopted and H.B. No. 788, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROBATE CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 49 (H.B. No. 2045, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Koki and carried, Conf. Com. Rep. No. 49 was adopted and H.B. No. 2045, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RELEASE OF PRETRIAL INMATES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 50 (H.B. No. 199, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 50 was adopted and H.B. No. 199, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 52 (S.B. No. 1316, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 52 was adopted and S.B. No. 1316, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 53 (S.B. No. 125, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 53 was adopted and S.B. No. 125, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL BOND AGENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 54 (S.B. No. 536, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 54 was adopted and S.B. No. 536, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REBUILT VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 55 (S.B. No. 819, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 55 was adopted and S.B. No. 819, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALES TO OWNER-OCCUPANTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 56 (S.B. No. 1664, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 56 was adopted and S.B. No. 1664, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 57 (S.B. No. 3, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Iwase, seconded by Senator Chang and carried, Conf. Com. Rep. No. 57 was adopted and S.B. No. 3, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 58 (S.B. No. 301, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Iwase, seconded by Senator George and carried, Conf. Com. Rep. No. 58 was adopted and S.B. No. 301, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAIHAOLE VALLEY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 59 (S.B. No. 993, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Matsuura and carried, Conf. Com. Rep. No. 59 was adopted and S.B. No. 993, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHERIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 60 (S.B. No. 812, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 60 was adopted and S.B. No. 812, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL SENTENCING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 61 (S.B. No. 1363, S.D. 2, H.D. 2, C.D. 1):

Senator Levin moved that Conf. Com. Rep. No. 61 be adopted and S.B. No. 1363, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator McCartney.

Senator McCartney, in support of the bill, said:

"I rise to support this measure and insert the following remarks.

"This bill clarifies one provision of the Uniform Information Practices Act (Modified), a 5-year-old law that has brought Hawaii to national attention.

"The bill provides that from the personnel file of a government employee who has been suspended or discharged for employment-related misconduct certain information -- including the individual's name -- may be made available to the public.

"In order for the public to continue its scrutiny of the quality of justice dispensed by a government institution, the Senate action is premised on the existence of specific, fair, and equitable rules of procedure used by the agencies of the state and of the four counties governing the timely processing of complaints about the work-related misconduct of a government employee.

"Such rules are also presupposed:

- so that the rights of the government employee are protected,
- so that a citizen wishing to file a complaint knows how to do so and knows what to expect the public institution to do within specified time frames and
- so that the safety and well-being of the public is maintained by the timely disclosure of the date, nature and numbers of complaints.

"This is a new era in government -- government was founded to serve the people and we must be accountable to the public. This bill is a step in that direction, and I urge my colleagues to support it. Mahalo."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 61 was adopted and S.B. No. 1363, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 62 (S.B. No. 14, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 62 was adopted and S.B. No. 14, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 63 (S.B. No. 127, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 63 was adopted and S.B. No. 127, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PODIATRY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 64 (S.B. No. 130, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 64 was adopted and S.B. No. 130, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 65 (S.B. No. 191, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 65 was adopted and S.B. No. 191, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER FIREFIGHTERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 66 (S.B. No. 525, S.D. 1, H.D. 1, C.D. 1):

Senator Levin moved that Conf. Com. Rep. No. 66 be adopted and S.B. No. 525, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Grauly.

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

"Mr. President, I rise in support of this measure.

"Mr. President, I would like to take this time to commend our Judiciary chair for his excellent work this session. Senate Bill 525 is an example of a good bill originating from that committee. This bill will require certain criminal defendants and people under restraining orders to dispose of their firearms. This bill will make it more difficult for those who are more likely to commit violent crimes to kill others with their weapons.

"Mr. President, we are fortunate here in Hawaii, compared to our friends on the Mainland. We live, work and play in a beautiful and peaceful environment, but we must work to keep it that way.

"Mr. President, I'm sure you've read the Advertiser's April 25th headlines -- 'Total violent crimes increase 15.7% here.' Mr. President, this bill works to stem the rising tide of violence before it takes us to Mainland proportions. I urge my colleagues to vote 'yes.' Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 66 was adopted and S.B. No. 525, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND DANGEROUS WEAPONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 67 (S.B. No. 741, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 67 was adopted and S.B. No. 741, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 68 (S.B. No. 124, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 68 was adopted and S.B. No. 124, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR FUEL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 69 (S.B. No. 154, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 69 was adopted and S.B. No. 154, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 70 (S.B. No. 363, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 70 and S.B. No. 363, S.D. 1, H.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 71 (S.B. No. 1063, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 71 and H.B. No. 1063, S.D. 2, H.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 72 (S.B. No. 1448, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Levin and carried, Conf. Com. Rep. No. 72 was adopted and S.B. No. 1448, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 73 (S.B. No. 1752, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 73 and S.B. No. 1752, S.D. 2, H.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 74 (S.B. No. 1905, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 74 was adopted and S.B. No. 1905, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VACCINATION AND IMMUNIZATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 75 (S.B. No. 448, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 75 and S.B. No. 448, S.D. 1, H.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 76 (S.B. No. 261, H.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 76 was adopted and S.B. No. 261, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 77 (S.B. No. 250, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 77 and S.B. No. 250, H.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 78 (S.B. No. 1726, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 78 was adopted and S.B. No. 1726, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Blair, Fernandes Salling, Graulty, Koki, Mizuguchi, Reed, Solomon, Tanaka, Tungpalan).

At 11:00 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:14 o'clock a.m.

Conf. Com. Rep. No. 79 (S.B. No. 552, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 79 and S.B. No. 552, S.D. 1, H.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 80 (S.B. No. 930, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 80 and S.B. No. 930, S.D. 1, H.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 81 (S.B. No. 952, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 81 was adopted and S.B. No. 952, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCISE TAXES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 82 (S.B. No. 539, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 82 was adopted and S.B. No. 539, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 83 (S.B. No. 920, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 83 was adopted and S.B. No. 920, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 84 (S.B. No. 1137, S.D. 1, H.D. 2, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 84 be adopted and S.B. No. 1137, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tungpalan.

Senator Tungpalan spoke in support of the measure, as follows:

"Mr. President, I rise to speak on Senate Bill 1137, S.D. 1, H.D. 2, C.D. 1, relating to tuition waivers.

"Historically, Hawaiian students have been underrepresented among the student population at the University of Hawaii. In an effort to remedy this situation and to help remove financial barriers to higher education, the University of Hawaii may now waive all tuition fees for 250 Hawaiian students who are financially needy, enrolled in Hawaiian language courses, pursuing degrees in education, or who participate in student recruitment programs."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 84 was adopted and S.B. No. 1137, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 85 (S.B. No. 530, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Nakasato and carried, Conf. Com. Rep. No. 85 was adopted and S.B. No. 530, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 86 (S.B. No. 1670, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 86 was adopted and S.B. No. 1670, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LITERACY AND LIFELONG LEARNING PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 87 (S.B. No. 336, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 87 and S.B. No. 336, S.D. 2, H.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 88 (S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Chang and carried, Conf. Com. Rep. No. 88 was adopted and S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Koki).

Conf. Com. Rep. No. 89 (S.B. No. 1582, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 89 and S.B. No. 1582, S.D. 1, H.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 90 (S.B. No. 1729, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 90 was adopted and S.B. No. 1729, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN EXCISE TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 91 (S.B. No. 1851, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 91 and S.B. No. 1851, S.D. 1, H.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 92 (S.B. No. 1361, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 92 and S.B. No. 1361, S.D. 1, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 93 (S.B. No. 1874, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 93 and S.B. No. 1874, S.D. 2, H.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 94 (S.B. No. 1531, S.D. 1, H.D. 1, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 94 be adopted and S.B. No. 1531, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chang.

Senator Blair rose to speak against the measure and stated:

"Mr. President, I commend Senator Chang's efforts to resolve the commerce clause issue and I believe he has successfully done so. Absent the requirement of county participation, this bill involves only state money and is covered by the 'market participation' exception. I am still looking forward to a test case under the privileges and immunities clause and equal protection clause. Those are extremely interesting issues. I don't know what the outcome will be, so I no longer take the position that this bill is unconstitutional.

"However, on policy grounds, this bill deserves a 'no' vote. I would remind members of the days when some of us were trying to inhibit the free flow of capital into the State of Hawaii, in the interest of keeping the price of homes reasonable. We were told that Hawaii could not cut itself off from the other states and from the international marketplace and that should be the crossroads of the Pacific. We were told that it was not appropriate policy for us to pull up the drawbridge. I submit that, when the contractors want the money flowing in, the drawbridge stay down; but, when the contractors want the money to be spent only on local contractors, then the drawbridge goes up. We should not Balkanize the United States for the benefit of local economic interest. There's a lack of consistency here, which needs to be recorded. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 94 was adopted and S.B. No. 1531, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS AND CONTRACTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Blair, George, Reed). Excused, none.

Conf. Com. Rep. No. 95 (S.B. No. 1715, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 95 and S.B. No. 1715, S.D. 2, H.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 96 (S.B. No. 1027, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 96 and S.B. No. 1027, S.D. 2, H.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 97 (S.B. No. 1028, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 97 and S.B. No. 1028, S.D. 2, H.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 98 (S.B. No. 603, S.D. 2, H.D. 2, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 98 be adopted and S.B. No. 603, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chang.

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

"Mr. President, it is with much embarrassment that I stand up to speak against this bill since I authored the bill.

"Mr. President, the Department of Environmental Protection passed in 1991 as Act 293. Part of the act was to set up a task force to evaluate possible duties and authority of the department. They were supposed to submit an organizational and functional plan for the '92 legislative session as part of the Executive Supplemental Budget request. It is now 1993 and we have no plan.

"This bill does not even put us back at square one. We are below sea level. It asks the Legislative Reference Bureau to update a previous report and the feasibility of environmental reorganization. The 1991 Legislature said, 'Do it.' We don't need another report asking if it is feasible. Perhaps the unkindest cut is that this bill asks for an interim report in '94 with the final report in '95.

"I first introduced the bill to create a Department of Environmental Protection in 1989. If the executive and the legislative branches are not serious, then kill this bill and repeal Act 293. Killing this bill will save a forest. The reports are not worth destroying a forest for. The creation of a Department of Environmental Protection seems as though it will follow the same fate as attempts to save prime agricultural land.

"The people in 1978 adopted a constitutional amendment that requires the state to conserve and protect agricultural land and the Legislature was to provide standards and criteria to accomplish it. It is 1993 and we have yet to provide these standards and criteria. Special interest groups have succeeded in blocking attempts to create these standards.

"I guess a case can be made that we don't have the resources or the will to create a Department of Environmental Protection. If that's the reason, so be it. I accept it. Vote 'no' on this bill and let's move on. Thank you."

The motion was put by the Chair and Conf. Com. Rep. No. 98 was received and placed on file and S.B. No. 603, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION," having been read throughout, failed to pass Final Reading on the following showing of Ayes and Noes:

Ayes, 6. Noes, 19 (Blair, Fernandes Salling, George, Grauly, Hagino, Holt, Ikeda, Iwase, Kanno, Kobayashi, B., Koki, Levin, Matsunaga, McCartney, Mizuguchi, Nakasato, Reed, Solomon, Tanaka).

Conf. Com. Rep. No. 99 (S.B. No. 1126, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 99 and S.B. No. 1126, S.D. 2, H.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 101 (H.B. No. 570, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 101 and H.B. No. 570, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," was recommitted to the Committee on Conference.

Conf. Com. Rep. No. 102 (H.B. No. 966, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 102 was adopted and H.B. No. 966, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARD OFFENSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 103 (H.B. No. 1686, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 103 and H.B. No. 1686, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 104 (H.B. No. 1467, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 104 was adopted and H.B. No. 1467, H.D. 1, S.D. 1, C.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, 24. Noes, none. Excused, 1 (Blair).

Conf. Com. Rep. No. 105 (H.B. No. 747, H.D. 1, S.D. 1, C.D. 1):

Senator Levin moved that Conf. Com. Rep. No. 105 be adopted and H.B. No. 747, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nakasato.

Senator Fernandes Salling spoke against the measure, as follows:

"I rise to speak against this bill.

"My opposition to House Bill 747, C.D. 1, should not be misinterpreted as support for the status quo, nor as evidencing a lack of concern with the gigantic backlog of DUI cases awaiting jury trials in our district and circuit courts at this time.

"The legislation now before us represents merely an attempt by this Legislature to deal with the problem of the backlog. What this Legislature should have addressed as well in a thorough and forthright manner, is the issue of whether a first-time conviction for driving under the influence of alcohol should ordinarily require the imposition of jail time by the sentencing judge, absent aggravating circumstances. If we believe, as I do, that the problem of alcohol abuse by the users of our public highways is a serious one which merits careful study and decisive action by lawmakers, then clearly this legislation, which I believe improperly intrudes into the arena of the courts in attempting a 'quick fix,' is inadequate and

counter productive. Because of the false impression which this legislation creates in the minds of the public (and indeed, in our own minds as well) that something has been accomplished during this session to address these persistent and complex problems, it decreases the chances of our really coming to grips with them during the next legislative session, and in the coming years."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 105 was adopted and H.B. No. 747, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Fernandes Salling). Excused, 1 (Blair).

Conf. Com. Rep. No. 106 (H.B. No. 179, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Nakasato and carried, Conf. Com. Rep. No. 106 was adopted and H.B. No. 179, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 107 (H.B. No. 2050, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Nakasato and carried, Conf. Com. Rep. No. 107 was adopted and H.B. No. 2050, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR HARBORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 108 (H.B. No. 2051, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Nakasato and carried, Conf. Com. Rep. No. 108 was adopted and H.B. No. 2051, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 109 (H.B. No. 1276, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 109 and H.B. No. 1276, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 110 (H.B. No. 1376, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 110 and H.B. No. 1376, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 111 (H.B. No. 673, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chang, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 111 was

adopted and H.B. No. 673, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 112 (H.B. No. 2026, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Chang and carried, Conf. Com. Rep. No. 112 was adopted and H.B. No. 2026, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLEAN AIR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 113 (H.B. No. 1883, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 113 was adopted and H.B. No. 1883, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF BARBERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 114 (H.B. No. 603, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 114 was adopted and H.B. No. 603, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 115 (H.B. No. 1636, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 115 was adopted and H.B. No. 1636, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNREGISTERED MOTOR VEHICLE MECHANICS AND REPAIR DEALERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 116 (H.B. No. 1034, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 116 was adopted and H.B. No. 1034, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF AND REHABILITATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 117 (H.B. No. 773, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 117 was adopted and H.B. No. 773, H.D. 1, S.D. 1, C.D. 1, entitled: "A

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 118 (H.B. No. 1630, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 118 was adopted and H.B. No. 1630, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CITATIONS FOR UNLICENSED ACTIVITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 119 (H.B. No. 1660, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 119 was adopted and H.B. No. 1660, S.D. 1, C.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, 25. Noes, none.

Conf. Com. Rep. No. 120 (H.B. No. 1665, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 120 was adopted and H.B. No. 1665, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 121 (H.B. No. 2028, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 121 and H.B. No. 2028, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 122 (H.B. No. 1971, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 122 was adopted and H.B. No. 1971, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE SALES PRACTICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 123 (H.B. No. 1736, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 123 was adopted and H.B. No. 1736, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE LAWS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 124 (H.B. No. 775, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 124 and H.B. No. 775, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 125 (H.B. No. 1592, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Levin and carried, Conf. Com. Rep. No. 125 was adopted and H.B. No. 1592, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 126 (H.B. No. 1730, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 126 was adopted and H.B. No. 1730, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCREDITATION IN INSURANCE REGULATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 127 (H.B. No. 1089, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 127 was adopted and H.B. No. 1089, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT COSTS AND FEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 128 (H.B. No. 1628, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 128 was adopted and H.B. No. 1628, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAWS AFFECTING FINANCIAL INSTITUTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 129 (H.B. No. 1885, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 129 was adopted and H.B. No. 1885, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 130 (H.B. No. 25, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 130 was adopted and H.B. No. 25, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 131 (H.B. No. 1881, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 131 was adopted and H.B. No. 1881, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF CHARITABLE ORGANIZATIONS, PROFESSIONAL FUND-RAISING COUNSEL, AND PROFESSIONAL SOLICITORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 132 (H.B. No. 1370, H.D. 2, S.D. 2, C.D. 1):

Senator Iwase moved that Conf. Com. Rep. No. 132 be adopted and H.B. No. 1370, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator A. Kobayashi.

Senator Blair then rose to request a conflict of interest ruling by the Chair, as follows:

"Mr. President, I request a conflict ruling and I hope you will allow me to abstain. My wife's law firm, and she is not an associate but a partner in the law firm, is representing the owner of this historic and scenic land. I am in a position where I would be more comfortable not voting."

The Chair inquired:

"Is there any monetary benefit to you?"

Senator Blair answered:

"Well, because she is a partner, there is that possibility. Yes."

The Chair ruled that Senator Blair was excused from voting on the measure.

The motion was then put by the Chair and carried, Conf. Com. Rep. No. 132 was adopted and H.B. No. 1370, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 133 (H.B. No. 1537, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 133 and H.B. No. 1537, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 134 (H.B. No. 1624, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 134 and H.B. No. 1624, H.D. 2, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 135 (H.B. No. 66, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 135 and H.B. No. 66, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT, CONTROL, DISTRIBUTION, AND SALE OF PETROLEUM PRODUCTS," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 136 (H.B. No. 1734, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 136 was adopted and H.B. No. 1734, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 137 (H.B. No. 1732, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 137 was adopted and H.B. No. 1732, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MISCELLANEOUS PERMITS FOR PHARMACY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 138 (H.B. No. 464, S.D. 1, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 138 was adopted and H.B. No. 464, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Koki, Reed).

Conf. Com. Rep. No. 139 (H.B. No. 1047, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 139 and H.B. No. 1047, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

At 11:35 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:38 o'clock a.m.

Conf. Com. Rep. No. 140 (H.B. No. 2042, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 140 was adopted and H.B. No. 2042, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A HAWAII STATE LIBRARY FOUNDATION TRUST FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 141 (H.B. No. 1473, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 141 and H.B. No. 1473, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 142 (H.B. No. 1563, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 142 and H.B. No. 1563, H.D. 2, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 143 (H.B. No. 434, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 143 and H.B. No. 434, H.D. 2, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 144 (H.B. No. 1374, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 144 and H.B. No. 1374, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 145 (H.B. No. 785, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 145 and H.B. No. 785, H.D. 1, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 146 (H.B. No. 1771, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 146 was adopted and H.B. No. 1771, H.D. 2, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 147 (H.B. No. 1154, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 147 was adopted and H.B. No. 1154, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 148 (H.B. No. 1124, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 148 and H.B. No. 1124, H.D. 1, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 149 (H.B. No. 2060, H.D. 1, S.D. 2, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 149 be adopted and H.B. No. 2060, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator McCartney.

Senator Tungpalan supported the measure, as follows:

"Mr. President, I rise to speak on House Bill 2060, H.D. 1, S.D. 2, C.D. 1, relating to education.

"This enabling legislation will allow the Department of Education to lease land from the University of Hawaii to

expand Manoa's library. It represents the culmination of the efforts of many people and reasonable compromises to meet the growing needs of the Manoa community. It is a perfect example of how problems can be resolved through a consensus approach."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 149 was adopted and H.B. No. 2060, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 150 (H.B. No. 1694, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 150 was adopted and H.B. No. 1694, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX REFUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 201 (H.B. No. 694, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 201 and H.B. No. 694, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 202 (H.B. No. 1055, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 202 and H.B. No. 1055, H.D. 1, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 203 (H.B. No. 1208, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 203 and H.B. No. 1208, H.D. 1, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 204 (H.B. No. 525, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 204 and H.B. No. 525, H.D. 2, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 205 (H.B. No. 1178, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 205 and H.B. No. 1178, H.D. 2, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 206 (H.B. No. 1327, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 206 and H.B. No. 1327, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

At 11:42 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:43 o'clock a.m.

Conf. Com. Rep. No. 207 (H.B. No. 1653, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 207 and H.B. No. 1653, H.D. 2, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 208 (H.B. No. 625, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Chang and carried, Conf. Com. Rep. No. 208 was adopted and H.B. No. 625, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA SPIRIT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Fernandes Salling, George, Reed).

Conf. Com. Rep. No. 209 (H.B. No. 924, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 209 and H.B. No. 924, H.D. 1, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 210 (H.B. No. 741, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 210 and H.B. No. 741, H.D. 2, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 211 (H.B. No. 1988, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 211 and H.B. No. 1988, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 212 (H.B. No. 1773, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Levin and carried, Conf. Com. Rep. No. 212 was adopted and H.B. No. 1773, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A PROGRAM OF REGIMENTAL DISCIPLINE FOR CORRECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 213 (H.B. No. 2098, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 213 and H.B. No. 2098, H.D. 2, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 214 (H.B. No. 2010, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 214 and H.B. No. 2010, H.D. 2, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 215 (H.B. No. 2015, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 215 and H.B. No. 2015, H.D. 2, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 216 (H.B. No. 2014, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 216 and H.B. No. 2014, H.D. 2, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 217 (H.B. No. 173, H.D. 3, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 217 and H.B. No. 173, H.D. 3, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 218 (H.B. No. 628, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 218 was adopted and H.B. No. 628, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 219 (H.B. No. 1890, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 219 and H.B. No. 1890, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 220 (H.B. No. 195, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 220 and H.B. No. 195, H.D. 1, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 221 (H.B. No. 2024, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 221 was adopted and H.B. No. 2024, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Reed).

Conf. Com. Rep. No. 222 (H.B. No. 241, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 222 was adopted and H.B. No. 241, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 223 (H.B. No. 203, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 223 and H.B. No. 203, H.D. 1, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 224 (H.B. No. 1453, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 224 and H.B. No. 1453, H.D. 2, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 226 (H.B. No. 570, H.D. 1, S.D. 1, C.D. 2):

On motion by Senator Levin, seconded by Senator Blair and carried, Conf. Com. Rep. No. 226 was adopted and H.B. No. 570, H.D. 1, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 227 (H.B. No. 2156, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 227 and H.B. No. 2156, H.D. 2, S.D. 2, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 228 (H.B. No. 1610, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 228 and H.B. No. 1610, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 229 (H.B. No. 1613, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 229 and H.B. No. 1613, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 230 (H.B. No. 1614, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 230 and H.B. No. 1614, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 231 (H.B. No. 1616, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 231 and H.B. No. 1616, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 232 (H.B. No. 1621, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 232 and H.B. No. 1621, H.D. 1, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 233 (H.B. No. 126, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 233 and H.B. No. 126, S.D. 1, C.D. 1, was deferred to later on the calendar.

Conf. Com. Rep. No. 234 (H.B. No. 1202, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 234 and H.B. No. 1202, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

MATTER DEFERRED FROM WEDNESDAY, APRIL 28, 1993

Stand. Com. Rep. No. 1651 (H.B. No. 874, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1651 and H.B. No. 874, H.D. 2, was deferred to the end of the calendar.

**MATTER DEFERRED FROM
THURSDAY, APRIL 29, 1993**

S.B. No. 1354, H.D. 1:

By unanimous consent, action on S.B. No. 1354, H.D. 1, was deferred to the end of the calendar.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

RECONSIDERATION OF ACTION TAKEN

Conf. Com. Rep. No. 88 (S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1):

Senator Chang moved that the Senate reconsider its action taken earlier on the calendar on Conf. Com. Rep. No. 88 and S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1, seconded by Senator Fukunaga and carried.

By unanimous consent, action on Conf. Com. Rep. No. 88 and S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred to the end of the calendar.

At 11:55 o'clock a.m., the Senate stood in recess until 2:30 o'clock p.m.

The Senate reconvened at 4:37 o'clock p.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 379, dated May 3, 1993, transmitting his statement of objections to Senate Bill No. 1616 which he has returned to the Senate without his approval and which reads as follows:

**"EXECUTIVE CHAMBERS
HONOLULU**

May 3, 1993

**STATEMENT OF OBJECTIONS TO SENATE BILL NO.
1616**

Honorable Members
Seventeenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1616, entitled 'A Bill for an Act Relating to the Department of Public Safety.'

The purpose of Senate Bill No. 1616 is to reassign the titles of 'sheriff' and 'deputy sheriff' to the Special Service Deputies of the Department of Public Safety. However, Senate Bill No. 1616 conflicts with the sound personnel management strategy set out in Act 211, Session Laws of Hawaii 1989. By Act 211 the Legislature consolidated most of the law enforcement and security functions and employees of the State into a Department of Public Safety to include the functions and employees of the Department of Corrections, the Office of Sheriff and security personnel in the Judiciary, the State Law Enforcement Office (except for executive security functions and employees) and the narcotics enforcement division of

the Department of the Attorney General, and the law enforcement and security functions and employees of the Department of Transportation. One of the stated goals of Act 211 was to 'establish a "career ladder" for public safety employees.' Consistent with that purpose, the Legislature also provided in Section 1 of Act 211 that position description for the transferred employees be reworked, that their position classification be reviewed, and that an organizational structure be developed.

Pursuant to Act 211, the Department of Personnel Services has created a 'Deputy Sheriff' series which includes the work performed by the Marine Patrol Officers, State Security Guards and Special Services Deputies. This action goes beyond the purpose of the bill which was to give the title of deputy sheriff to only one group of law enforcement personnel. Allowing law enforcement personnel from several areas to be within the same series provides for greater promotional opportunities within the Department, and grants the Director flexibility to rotate employees in the various areas. Thus, the goal of creating a career ladder has been realized. To the extent that a major purpose of this bill is to return the title of deputy sheriff to a certain group of employees, that has been accomplished administratively and this bill is unnecessary. However, to the extent that this bill limits the group that may have the title of deputy sheriff, the bill undermines the goal of creating a career ladder for law enforcement personnel.

Also, section 26-5, Hawaii Revised Statutes, delegates to the Department of Personnel Services the responsibility to administer the State personnel program, including, among other things, position classification. In addition, the State Civil Service Law provides in section 76-1, Hawaii Revised Statutes, that 'it is the purpose of this chapter to establish in the State and each of the counties a system of personnel administration based on merit principles and scientific methods governing the classification of positions and the employment, conduct, movement, and separation of public officers and employees.' Because matters of position classification and their relationship to other classified positions impact not only the position classification, but also the compensation plans under chapter 77, Hawaii Revised Statutes, it appears inadvisable to pluck out a classified position and to rename, by law, the classification without consulting with the personnel directors of the State and the counties.

For the foregoing reasons, I am returning Senate Bill No. 1616 without my approval.

Respectfully,

/s/ John Waihee
JOHN WAIHEE
Governor of Hawaii"

was placed on file.

**MATTERS DEFERRED FROM
EARLIER ON THE CALENDAR**

S.C.R. No. 8, S.D. 1, H.D. 2 (Hse. Com. No. 679):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 8, S.D. 1, and S.C.R. No. 8, S.D. 1, H.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR CONTRACEPTIVE SERVICES," was finally adopted.

S.C.R. No. 52, H.D. 2 (Hse. Com. No. 680):

On motion by Senator B. Kobayashi, seconded by Senator Ikeda and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 52 and S.C.R. No. 52, H.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT REGARDING MANDATORY INSURANCE COVERAGE FOR TEMPOROMANDIBULAR DISORDERS SERVICES," was finally adopted.

S.C.R. No. 81, S.D. 1, H.D. 1 (Hse. Com. No. 681):

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 81, S.D. 1, and S.C.R. No. 81, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO FOLLOW CERTAIN DIRECTIVES OF THE LEGISLATURE IN ESTABLISHING AN INFRASTRUCTURE DOCKET ON TELECOMMUNICATIONS, AND TO DEVELOP A COMPREHENSIVE TELECOMMUNICATIONS PLAN FOR THE STATE," was finally adopted.

S.C.R. No. 192, H.D. 1 (Hse. Com. No. 682):

On motion by Senator Kanno, seconded by Senator Tanaka and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 192, and S.C.R. No. 192, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO CORRECT THE SERIOUS THREAT TO HAWAII'S AGRICULTURAL INDUSTRIES POSED BY THE NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)," was finally adopted.

S.C.R. No. 223, S.D. 1, H.D. 1 (Hse. Com. No. 683):

On motion by Senator Tungpalan, seconded by Senator Grauly and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 223, S.D. 1, and S.C.R. No. 223, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH AN INTERIM WORKING GROUP TO DEVELOP STATE AND COUNTY PRESERVATION PROCEDURES AND EXTENDING THE EXISTENCE OF THE TASK FORCE TO PRESERVE WAIPIO VALLEY," was finally adopted.

S.C.R. No. 242, S.D. 1, H.D. 1 (Hse. Com. No. 684):

On motion by Senator B. Kobayashi, seconded by Senator Chang and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 242, S.D. 1, and S.C.R. No. 242, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE BUSINESS COMMUNITY TO VOLUNTARILY IMPLEMENT WORKPLACE SMOKING POLICIES," was finally adopted.

At 4:44 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:49 o'clock p.m.

FINAL READING

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

S.B. No. 728, S.D. 1, H.D. 2:

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. 728, S.D. 1, and S.B. No. 728, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OIL SPILLS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1143, S.D. 2, H.D. 1:

On motion by Senator A. Kobayashi, seconded by Senator Chang and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1143, S.D. 2, and S.B. No. 1143, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1608, S.D. 1, H.D. 2:

On motion by Senator Chang, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1608, S.D. 1, and S.B. No. 1608, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 33 (H.B. No. 6, S.D. 1, C.D. 1):

On motion by Senator McCartney, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 33 was adopted and H.B. No. 6, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 37 (H.B. No. 1897, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 37 and H.B. No. 1897, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 38 (H.B. No. 951, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 38 was adopted and H.B. No. 951, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 41 (H.B. No. 1459, H.D. 1, S.D. 2, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 41 be adopted and H.B. No. 1459, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator McCartney.

Senator Tungpalan rose to speak in support of the measure, as follows:

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

I want to thank the chair of the Education, Labor and Employment Committee for trying his very best to see that we address the unfunded liability problems with the Employee's Retirement System. He has told us that he will be working with the House this summer to perhaps effect just such a change in future legislation addressing the Employees' Retirement System's unfunded liability. Currently it's at 1.6 billion and it is only 73 percent funded. We certainly need to look at it soon. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 41 was adopted and H.B. No. 1459, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 43 (H.B. No. 1589, H.D. 1, S.D. 2, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 43 be adopted and H.B. No. 1589, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Levin.

Senator Grauly then rose to request a ruling by the Chair, as follows:

"Mr. President, I'd like to request a conflict of interest ruling. I'm co-counsel for one of the plaintiffs in a case and stand to directly benefit."

The Chair ruled that Senator Grauly was not in conflict.

At 4:52 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:53 o'clock p.m.

At this time, Chair withdrew his earlier conflict of interest ruling and, subsequently, ruled that Senator Grauly was excused from voting on the measure.

The motion was then put by the Chair and carried, Conf. Com. Rep. No. 43 was adopted and H.B. No. 1589, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 45 (H.B. No. 1797, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chang, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 45 was adopted and H.B. No. 1797, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 70 (S.B. No. 363, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Koki and carried, Conf. Com. Rep. No. 70 was adopted and S.B. No. 363, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE CITY AND COUNTY OF HONOLULU FOR THE NO HOPE IN DOPE PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 71 (S.B. No. 1063, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 71 was adopted and S.B. No. 1063, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 73 (S.B. No. 1752, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Koki and carried, Conf. Com. Rep. No. 73 was adopted and S.B. No. 1752, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 75 (S.B. No. 448, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Koki and carried, Conf. Com. Rep. No. 75 was adopted and S.B. No. 448, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE NO HOPE IN DOPE PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 77 (S.B. No. 250, H.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 77 was adopted and S.B. No. 250, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF THE PACIFIC MAPPING CENTER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Fukunaga, Hagino, Mizuguchi, Solomon).

Conf. Com. Rep. No. 79 (S.B. No. 552, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Chang and carried, Conf. Com. Rep. No. 79 was

adopted and S.B. No. 552, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 80 (S.B. No. 930, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Tungpalan and carried, Conf. Com. Rep. No. 80 was adopted and S.B. No. 930, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A RESOURCE AND TECHNICAL ASSISTANCE PROJECT ON AUTISM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 87 (S.B. No. 336, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 87 was adopted and S.B. No. 336, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HIGH SCHOOL ATHLETICS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Reed).

Conf. Com. Rep. No. 88 (S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Chang and carried, Conf. Com. Rep. No. 88 was adopted and S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 89 (S.B. No. 1582, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 89 was adopted and S.B. No. 1582, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATIONAL OFFICER CLASSIFICATION AND COMPENSATION ADJUSTMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 91 (S.B. No. 1851, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 91 was adopted and S.B. No. 1851, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Reed).

Conf. Com. Rep. No. 92 (S.B. No. 1361, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Chang and carried, Conf. Com. Rep. No. 92 was adopted and S.B. No. 1361, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM-CONTAMINATED SOIL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 93 (S.B. No. 1874, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 93 was adopted and S.B. No. 1874, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 95 (S.B. No. 1715, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Gaulty and carried, Conf. Com. Rep. No. 95 was adopted and S.B. No. 1715, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE PROVIDER TAXES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 96 (S.B. No. 1027, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Chang and carried, Conf. Com. Rep. No. 96 was adopted and S.B. No. 1027, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 97 (S.B. No. 1028, S.D. 2, H.D. 2, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 97 be adopted and S.B. No. 1028, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chang.

Senator Chang, in support of the measure, stated:

"Mr. President, I again thank Senators Solomon and Tungpalan for guiding and shaping this legislation. In my 11 years of public service, this was the most fulfilling experience for me, in terms of working with colleagues on a conference committee. You really had to have been there to see the work, the commitment, and the contribution of these two Senators. Thank you."

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

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

"I would like to focus my colleagues' attention to the committee report, the third paragraph of page three. I would like to add an addendum to this paragraph.

"Mr. President, the issue of sovereignty is a federal matter for settlement by and between the federal government and the Hawaiian people. In this paragraph, I think we as conferees have focused on that issue. The State of Hawaii has no standing to be involved in questions of United States sovereignty.

"Last session, at the urging of Governor Waihee, an ad hoc committee was established on Hawaiian sovereignty. We appropriated \$350,000 to retain legal counsel in Washington, specifically to pursue Hawaii's entitlements arising from the overthrow and annexation. That committee with the assistance of Washington legal counsel persuaded the Democratic Party to specifically recognize the existence of the United States government's obligation as trustees for native Hawaiians.

"Mr. President, it's one thing for the federal government to acknowledge in part trust obligations and quite another for it to permit any group to claim sovereign status within its jurisdiction. This matter must be left for resolution by negotiations of the Hawaiian people directly with our federal government. I see this legislation as the first step.

"The most we as state officials and as private citizens can do is to assist our Hawaiian population in enforcing their legitimate claims against the United States government. We as officials and as individuals cannot without violating our oath of office and our duty as citizens of the United States be involved in the attempts of any group to separate itself from the union of the United States unless our acts are done with federal approval and consent.

"Mr. President, if I may deviate a moment from this bill. There was an article which appeared in this Sunday's paper, May 2, in which Congressman Neil Abercrombie wrote an article referring to the future of Bellows, where by right the land belongs to the Hawaiians. In this article the Congressman acknowledges that 'the most important point to remember is that Bellows is ceded land which by law must be returned to the State of Hawaii when it is no longer required for military purposes. By right its use should serve the interest of Hawaiian people from whom it was illegally taken away a century ago. Senior officers argue that Bellows is needed for amphibious exercises by the Marine Brigade based at Kaneohe. Amphibious exercises, however, could continue at Bellows Beach after its return to the sovereign Hawaiian nation.'

"The reason I read this for the record is because the Congressman is making reference to the sovereign Hawaiian nation.

"To reiterate again, Mr. President, the sovereign Hawaiian nation is in its infancy stage and I'm hoping that the federal government will recognize the Hawaiian nation as being sovereign. This issue has not been resolved. It continues to read, 'and/or the State of Hawaii. The simpler solution would be to leave the use of Bellows Beach and change amphibious exercises to week days and civilian recreation use for weekends and holidays.'

"The reason I bring this up is that I'm very appreciative and I'm hoping that all my colleagues will vote 'yes.' It's just the realistic understanding that we are far from achieving our goal. I think that the manner in which we can participate in this momentous occasion is

by supporting this legislation which, in essence, will give us the referendum to allow the Hawaiian people to call themselves into being, but I feel that it's not our place to dictate what that may or should be. Thank you very much, Mr. President."

Senator Tungpalan also rose to support the bill and said:

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

"It will offer our Hawaiian people an opportunity to chart their destiny with respect to how they choose to be governed. Many, many hands, minds, and hearts have gone into bringing this measure before us, and I would like to thank the chairman who so ably worked with the Senator from the Big Island and with myself in fashioning this compromise measure.

"In the legislative process nobody ever gets everything they want but this is surely a very good attempt to get us close to what our Hawaiian people have been asking for.

"I also would like to thank the conferees on the House side as well as their chair. I know he has sustained a lot of brutal attacks at times and that's unfortunate. I think it's all worth it because for the past 100 years our people in Hawaii have been crying for this redress to what had happened 100 years ago to their Queen. And it really makes me happy that I was able to be a part of that. Thank you."

Senator Reed spoke against the measure and said:

"Mr. President, I will be voting against this measure and very briefly for the record to be clear as to my reasons.

"While I'm 100 percent in favor of sovereignty for native Hawaiian people, I also share the concerns of Kalahui and other organizations and individuals who are very concerned about the role that government plays in that process. Therefore, I will be casting a 'no' vote on this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 97 was adopted and S.B. No. 1028, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN SOVEREIGNTY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Reed).

Conf. Com. Rep. No. 99 (S.B. No. 1126, S.D. 2, H.D. 1, C.D. 1):

Senator A. Kobayashi rose to request that the measure be recommitted and said:

"Mr. President, with a great deal of reluctance and a great deal of regret that I have to ask that we recommit this bill.

"The House bargained in good faith. The House conferees and the Senate conferees, were honest and diligent and had a lot of commitment to reform the procurement system. I know that the governor himself was anxious that a bill pass this year. However, we find that there are many flaws in the bill and it's not due to any work of the House staff. They've always done very good work on drafts of bills and committee reports. The Senate staff was not to blame, neither the LRB.

"There is reference to campaign spending rules in the bill, and there's no section in the bill on those rules. Also, a key section dealing with rule making, which would make it possible to start rule making now, that key part was left out. There are several other flaws, so we felt that rather than pass the bill with all these flaws in it that we would work on it again in the interim and try to pass a bill next year.

"We don't want to give the public a false sense of security, also, that reforms have been made, although there was a commitment on everyone's part that we should fix the system. The public has to be aware that the same system is still in place, that the opportunity for abuse is still there.

"Because of the different inconsistencies in our law that have been brought forth, I am hopeful that those involved will try to implement some of these reforms anyway, and hopeful that dollars that need to go to Human Services will still be there and the dollars we need for Education will still be there, and that no more dollars will go into the pockets of those who have been abusing the system. Thank you."

Senator Matsuura then added:

"Mr. President, I would like to say a few words in regard to the procurement bill. The public was expecting a procurement bill to pass this year because a similar procurement bill was vetoed last year.

"I'll try to walk you through what happened on Saturday. We initiated our conference on Thursday by going page by page of the Senate bill. Tentative agreements between the House and Senate conferees were reached. Several sections of the House bill were agreed to be inserted into the conference draft. When we reconvened on Friday, that's when the House chairman said they decided not to go along with the Senate bill. The Senate was given a new House version of the procurement bill. Needless to say, it was a great surprise!

"When we were given a 69-page House draft, we just went through it as best as we could trying to find if there were major flaws in this draft. An hour later, I got another House draft. We scrapped the first draft they gave us and worked on the second draft.

"The thing that bothers me is that their first and second draft, had we adopted it, would have done nothing. There would have been no improvement in the present procurement process for professional services. The two key places in which most of the abuses that are taking place today were not addressed in the draft that they had given us. Fortunately, we caught those omissions so when conferees met we said these are the items that must be put in. I won't go into details but they were on page 26 and page 29.

"Just to give you an example of their omission, I'll read an example. The draft reads: 'Procurement of professional services. Professional services including attorneys, architects, engineers, physicians, dentists, and accountants shall be procured in accordance with this section except as authorized under Sections 407, 410 and 411.' Not too many of us are going to start looking 407, 410, 411 and all that, but what was missing from the draft was Section 406. If we did not put Section 406 in as a means to procure professional services this bill would have been nothing.

"This House draft given to the Senate covered only 66 pages. The entire bill is 119 pages. There were 50 pages missing. The House said that they'll take the Senate

version for the last 50 pages, so we said, 'Sure, that's fine.' So, we left it at that, hoping that they will be including on some of the conference items that we had previously agreed to, such as the bill will take effect two years from the passage of this bill but as far as the policies, the rules and regulations, that was to start immediately upon the passage.

"We signed the committee report but we never saw the bill. None of us in the Senate saw the last 50 pages before the bill was decked at midnight. When I came back on Saturday, I wanted to make sure that everything was proper and that's when I started to pick up some of the inclusions that the Senator from Manoa mentioned. The last 50 pages were not the Senate version, and worse, included matters which had not been discussed in conference, such as campaign contributions, etc.

"Mr. President, the public is going to be totally confused as to why we can't pass a procurement bill that everybody says is needed. We blame the procurement law for the procurement abuses. It is true, we need a better procurement law. However, one must remember it is not the existing statute that created the abuses. These abuses were caused by human beings. That is the problem! Examine the procurement abuses! A CPA firm uses professional service contracts to buy IBM machines and furnishings. We have a procurement contract that has been amended 22 times, etc.

"In summary, Mr. President, the Senate bill recommended centralized control of purchasing and a limitation of sole source purchasing which the House wished to be more liberal. Both of these issues are at the heart of procurement abuses. In both instances the House favored a loose administration sponsored bill; whereas, the Senate bill was modeled on guidelines promulgated by the American Bar Association after years of research and experience.

"I hope the investigation, recently initiated by the Senate Special Committee, into the state government procurement practices, and scheduled to continue over several months, will bring sufficient public attention to the issue to assure that a sincere effort will be made to produce a realistic bill in the 1994 session.

"We brought two procurement specialists from the Mainland to help draft the Senate procurement bill. These specialists were the ones that drafted the ABA model procurement code.

"I think that the Senate has done a good job and I hope that next session we will come up and pass a good procurement bill. That is a commitment! Although this bill will be recommitted, we are going to continue to work on the policies and the rules and regulations, based on the Senate version. Thank you very much!"

By unanimous consent, Conf. Com. Rep. No. 99 and S.B. No. 1126, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 103 (H.B. No. 1686, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 103 was adopted and H.B. No. 1686, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 109 (H.B. No. 1276, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chang, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 109 was adopted and H.B. No. 1276, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEAD ACID BATTERY RECYCLING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 110 (H.B. No. 1376, S.D. 1, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 110 be adopted and H.B. No. 1376, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Matsunaga rose to request a conflict of interest ruling by Chair, as follows:

"Mr. President, I would like to request a ruling on a conflict. My law firm does legal work for Citizens Utilities."

The Chair answered: "The Chair rules that you have no conflict."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 110 was adopted and H.B. No. 1376, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 121 (H.B. No. 2028, H.D. 2, S.D. 1, C.D. 1):

Senator Chang moved that Conf. Com. Rep. No. 121 be adopted and H.B. No. 2028, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

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

"Mr. President, I would like to commend Senator Carol Fukunaga, vice-chair of the Committee on Government Operations, Environmental Protection and Hawaiian Programs, who served as chairman for several of the subcommittees within the committee, and in that capacity negotiated most of the bills related to recycling and many of the bills relating to fees. I appreciate the contributions she has made to the work of the committee. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 121 was adopted and H.B. No. 2028, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TIRE RECOVERY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 124 (H.B. No. 775, H.D. 1, S.D. 1, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 124 be adopted and H.B. No. 775, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Iwase.

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

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

"Mr. President, one of the things that deters the insurance companies from coming into this state to do business is the fact that we have in our laws a 'take all comers' provision, which means that if you sell property-casualty insurance in this state, you must sell no-fault policies to anyone who walks in and requests it.

"As you know, Mr. President, this provision hasn't been working. Artificial barriers have been created to prevent people from getting policies. This bill repeals the 'take all comers' provision and puts in place a limitation on non-renewals and cancellations instead.

"This change signals a major change in the way that this state regulates insurance companies. It is telling them that the state is lessening its restrictions and welcoming them into the state. We need to do this in order to encourage more business which, in turn, will act to resolve some of the current problems that we face. Without further competition it appears that we will continue to have problems in the areas of homeowners insurance and other property, casualty lines.

"Another provision in this bill will take care of some of the people who find themselves in the quandary of having their policy cancelled or non-renewed and, in trying to get a new policy, run into problems. Some are also unfortunate enough to be stopped by the police and cited for not having a no-fault policy or a no-fault card. And when this happens the courts have no alternative but to fine these people a thousand dollars even though these are mitigating circumstances and it may be the person's first offense.

"This bill will permit judges to exercise discretion in these kinds of cases so that these circumstances can be taken into consideration. It also lowers the fine from a thousand dollars on the first offense to \$500, and \$1500 rather than \$3,000 on a subsequent offense.

"I think these provisions are fair, Mr. President, and I request that my colleagues support this bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 124 was adopted and H.B. No. 775, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 133 (H.B. No. 1537, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Nakasato, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 133 was adopted and H.B. No. 1537, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 134 (H.B. No. 1624, H.D. 2, S.D. 1, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 134 be adopted and H.B. No. 1624, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Iwase.

Senator Holt rose to request a ruling of the Chair, as follows:

"Mr. President, potential conflict. I'm employed by Kamehameha Schools - Bishop Estate."

The Chair ruled: "You are excused from voting on this matter."

Senator McCartney, in support of the measure, then rose to inquire if the chair of the Conference Committee would yield to a question? The President posed the question to the chair, and Senator Ikeda having answered in the affirmative, Senator McCartney asked:

"Mr. President, there's been some concern about the impact of this bill on pending litigation as it relates to 514-C and I'd just like to ask the chair if it is the position of the conferees that this bill will impact on that pending litigation?"

Senator Ikeda answered:

"Mr. President, that was brought to my attention at the time that the conference committee first met and I raised the question at that meeting and asked if there was any pending litigation and if anyone knew whether or not this bill would have such an effect. The answer given to me was that the concern did not revolve around the fact that there was pending litigation, rather that the Hawaii Bar Association didn't have time to review the matter or the proposed amendment. With that in mind, we proceeded to develop this bill and I am aware of the fact that many people have been sent faxes asking them to oppose this bill.

"My understanding, and I am not an attorney, but my understanding of this legislation is that it would apply prospectively and not retroactively. It also will not apply to any current transactions.

"These faxes have asked that we not vote for this bill; that it be held because of the potential impact on pending cases. There is only one case that I know of and my understanding is that in that case, the judge ruled in favor of the lessor and that the decision is currently being appealed."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 134 was adopted and H.B. No. 1624, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Fukunaga, Grauly, Kanno). Excused, 1 (Holt).

Conf. Com. Rep. No. 139 (H.B. No. 1047, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Nakasato and carried, Conf. Com. Rep. No. 139 was adopted and H.B. No. 1047, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Blair, Fukunaga, Mizuguchi, Reed, Solomon, Tanaka).

Conf. Com. Rep. No. 141 (H.B. No. 1473, H.D. 2, S.D. 2, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 141 be adopted and H.B. No. 1473, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Iwase.

Senator Matsuura rose to speak in support of the measure, as follows:

"Mr. President, I'm going to be voting for this bill but I just want to express a few concerns and some reservations.

"When this bill came up for public hearing, the Public Utilities Commission testified against this bill, and I was kind of curious as to why they would testify against this bill. However, before I explain my concern, I want to make absolutely certain ... to the residents of Kauai that I am totally in favor of helping the residents of Kauai, both in their electricity rates and also in the telephone rates. I don't want to be misunderstood that I'm not trying to help the residents of Kauai at a time of disaster, that's absolutely not true.

"My concern is that when a company like GTE Hawaiian Tel, a public utility company that is self-insured comes in for a surcharge, I want to make sure that the surcharge is fair and warranted. I have been trying for the past seven years to have the PUC examine GTE Hawaiian Tel financial books. The reason why GTE Hawaiian Tel has never had their financial books examined for the past eight years is that they were making enough money and didn't need a rate increase.

"PUC don't know the profit margin of GTE Hawaiian Tel. When we initiated a service for the hearing impaired, there was a surcharge; 911, another surcharge; Iniki, still another surcharge. The best way to have done this is what the PUC recommended, go for a rate increase. It is a legitimate way to get a rate increase. We don't need these surcharges! The only problem is that GTE Hawaiian Tel will have to open up their financial books. This is what I have wanted GTE Hawaiian Tel to do for the past six years. It appears that GTE Hawaiian Tel don't want their financial books to be examined.

"The Legislature put in the budget last year monies to force PUC to have an audit done on the state Selex system. It is yet to be done. We have to examine what GTE Hawaiian Tel is making before assessing all the ratepayers in Hawaii additional. The reason is this: GTE Hawaiian Tel operation is divided into two business entities; one is regulated and the other is unregulated. When the state bought the telephone instruments for twice the bid price, that was through the unregulated operation. I just received my personal telephone bill and in the telephone billing was this advertisement. It's called MURATEC M850. The postage that was paid to get this billing to me is under the regulated operation. If I bought MURATEC M850, it comes under the unregulated section. I don't know how much money GTE Hawaiian Tel is making. I am sure the revenues are substantial because GTE Hawaiian Tel has not asked for a rate increase for over eight years.

"Maybe I am a little sensitive but when I look at my telephone bill which I have here, touch-call service cost me \$1.65 a month. Other states don't charge for this service. If the ratepayers want to jam up Hawaiian Tel,

buy and use rotary dial telephone instead of touch-call service. It will create a chaos for Hawaiian Tel. Why should GTE Hawaiian Tel charge \$1.65? It would be more appropriate to charge \$1.65 for the ratepayers who are using rotary telephones because the technology is moving to digital. Touch-tone is something all the telephone companies want to achieve, yet, we get charged for this service in Hawaii. Why? I don't mind giving to Kauai to reduce the Kauai ratepayers' cost. However, all I'm asking is that GTE Hawaiian Tel open up their financial books so that I can tell my constituents in Hilo, 'It's okay to pay for Kauai ratepayers' bills because PUC examined GTE financial books and they're not making that much money.' My suspicion is that GTE Hawaiian Tel has made a lot of monies the past eight years. I wouldn't go open my financial book if I'm making a whole bunch of money too. If GTE Hawaiian Tel has made a lot of monies, they shouldn't let the ratepayers pay for the Iniki damage through a surcharge.

"Now, relating to Kauai Electric, my constituents in Hilo are going to pay to a company that they have no relationship at all, but that's okay. Well, maybe that's not okay. I don't know. However, there is one positive point. At least Kauai Electric financial books were audited last year. They opened up their books last year and the PUC at least had a chance to examine their financial books to judge whether or not Kauai Electric deserved the help of all the ratepayers. Like GTE Hawaiian Tel, Kauai Electric was self-insured. If they were self-insured they saved a lot of money. In other words, should GTE Hawaiian Tel and Kauai Electric have taken hurricane damage insurance? My only concern is that let's examine their financial books first, after which, I will feel more comfortable in telling everybody in Hilo it's okay, pay the surcharges.

"I'm voting for the bill. Thank you, Mr. President."

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

"Mr. President, I rise to speak in support of the bill, with a couple of reservations.

"One is the 90-day requirement imposed on the Public Utilities Commission to respond to a filing. I think that may be unrealistic. As I read it, however, there's no penalty imposed, and the filing would not be granted automatically at the end of that 90 days. In fact, it might well be that it would be deemed to be denied after 90 days, if no action was taken. That's a concern that can be addressed next year, as I doubt this matter will be before the Public Utilities Commission prior to 1994.

"The second point, and again I only ask that it be considered in the 1994 session, has to do with what I perceive to be a regressive taxation effect. If there are ratepayer charges for Kauai that need to be addressed on a statewide basis, they should be covered by a progressing taxing mechanism. I have grave reservations about using utility charges to take care of those problems, because everyone uses utility services and a surcharge with their utility bill amounts to regressive taxation. I don't think that's good policy.

"With those reservations, and in hopes that we will revisit the issue next year, I will be voting in the affirmative."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 141 was adopted and H.B. No. 1473, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE ELECTRIC AND TELEPHONE RATE INCREASES TO ASSIST KAUAI'S ELECTRIC AND TELEPHONE RATEPAYERS," having

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 142 (H.B. No. 1563, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Chang and carried, Conf. Com. Rep. No. 142 was adopted and H.B. No. 1563, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT TO ESTABLISH A PILOT PROGRAM TO CREATE AND TEST A MODEL OF WATER QUALITY SURVEYING AND SAMPLING USING VOLUNTEERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 143 (H.B. No. 434, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 143 was adopted and H.B. No. 434, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 144 (H.B. No. 1374, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 144 was adopted and H.B. No. 1374, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A DIALYSIS MACHINE TO SERVE THE NEEDS OF THE RESIDENTS OF NORTH HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 145 (H.B. No. 785, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 145 was adopted and H.B. No. 785, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII REVISED STATUTES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 146 (H.B. No. 1771, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Koki and carried, Conf. Com. Rep. No. 146 was adopted and H.B. No. 1771, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 148 (H.B. No. 1124, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 148 was adopted and H.B. No. 1124, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RECOVERY COSTS ASSOCIATED WITH HURRICANE INIKI," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 201 (H.B. No. 694, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 201 was adopted and H.B. No. 694, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALA WAI CANAL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 202 (H.B. No. 1055, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 202 was adopted and H.B. No. 1055, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 203 (H.B. No. 1208, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 203 and H.B. No. 1208, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOMASS RESEARCH," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 204 (H.B. No. 525, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Chang and carried, Conf. Com. Rep. No. 204 was adopted and H.B. No. 525, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 205 (H.B. No. 1178, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Chang and carried, Conf. Com. Rep. No. 205 was adopted and H.B. No. 1178, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST NATIVE HAWAIIAN-OWNED INDUSTRIAL ENTERPRISE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Reed).

Conf. Com. Rep. No. 206 (H.B. No. 1327, H.D. 1, S.D. 1, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 206 be adopted and H.B. No. 1327, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Matsunaga requested a conflict ruling by the Chair, as follows:

"Mr. President, I request for a conflict ruling. My law firm represents Encogen, I believe."

The Chair ruled that Senator Matsunaga was not in conflict.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 206 was adopted and H.B. No. 1327, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR ENERGY DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Reed). Excused, 1 (Mizuguchi).

Conf. Com. Rep. No. 207 (H.B. No. 1653, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Chang and carried, Conf. Com. Rep. No. 207 was adopted and H.B. No. 1653, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 209 (H.B. No. 924, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Levin and carried, Conf. Com. Rep. No. 209 was adopted and H.B. No. 924, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR A JUVENILE JUSTICE INFORMATION SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 210 (H.B. No. 741, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Levin and carried, Conf. Com. Rep. No. 210 was adopted and H.B. No. 741, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY OF THE PENAL CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Reed). Excused, 1 (Mizuguchi).

Conf. Com. Rep. No. 211 (H.B. No. 1988, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator A. Kobayashi and carried, Conf. Com. Rep. No. 211 was adopted and H.B. No. 1988, H.D. 1, S.D. 1, C.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, 24. Noes, none. Excused, 1 (Mizuguchi).

Conf. Com. Rep. No. 213 (H.B. No. 2098, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Chang and carried, Conf. Com. Rep. No. 213 was adopted and H.B. No. 2098, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN SOVEREIGNTY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 214 (H.B. No. 2010, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Chang and carried, Conf. Com. Rep. No. 214 was adopted and H.B. No. 2010, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS REVIEW PANEL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 215 (H.B. No. 2015, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Tungpalan and carried, Conf. Com. Rep. No. 215 was adopted and H.B. No. 2015, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISLAND OF KAHOLAWE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 216 (H.B. No. 2014, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Chang and carried, Conf. Com. Rep. No. 216 was adopted and H.B. No. 2014, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 217 (H.B. No. 173, H.D. 3, S.D. 1, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 217 be adopted and H.B. No. 173, H.D. 3, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nakasato.

Senator Koki rose to speak against the measure and said:

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

"There were a number of Hawaiian Airlines employees that came to my office to ask that I vote for this bill and I told them that I would vote for it if it just contained the loan guarantee language. However, if it included deregulation language, I would be voting against it.

"The Senate has not heard any testimony about the effects on regulation. Regulation means price regulation. This will mean price increase. Carriers who want to come in with low prices will not be able to do so. If Hawaiian can't make it, the regulators simply increase fares. This means that the cost of living for inter-island travelers goes up, particularly for neighbor islanders.

"People are afraid that if Hawaiian goes under, United or other large airlines will come in and drive Aloha under by flying below cost and raising prices when they have a monopoly. But what is preventing United from doing it now? Airlines are in no position to run at a loss purposely. We can enact regulation when we see monopoly happening, not on speculation. Regulation will increase fares and allow inefficiency to continue.

"We cannot compare inter-island travel with other remote areas on the Mainland that have high air fares. The reason that we have low fares now is because we have high travel demand. You can't drive so you must fly. The argument that we can't drive to the neighbor islands is not an argument for regulation, but for deregulation. Not being able to drive makes travel to the three major islands high traffic destinations.

"Regulation is poor policy at this time. Thank you."

Senator Fukunaga then requested a conflict of interest ruling, as follows:

"Mr. President, I'd like to request a ruling on a potential conflict. I am a member of the board of directors of Hawaiian Airlines."

The Chair asked: "Do you receive any compensation?"

Senator Fukunaga responded in the negative and the Chair ruled that Senator Fukunaga was not in conflict.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 217 was adopted and H.B. No. 173, H.D. 3, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Koki).

Conf. Com. Rep. No. 219 (H.B. No. 1890, H.D. 1, S.D. 1, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 219 be adopted and H.B. No. 1890, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator A. Kobayashi.

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

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

"Mr. President, in all the years I've been in this Legislature I think this has been one of the hardest problems we've had to resolve. We were faced with an insurance crisis as we began this session and the situation seemed to escalate over time. There was no time to do any research, to gather information as we did on no-fault and yet we had to find a solution. And I think we have done just that with this bill.

"I believe this bill will make homeowners insurance policies available. The prices will be higher, but nevertheless they will be affordable. The companies will participate, however, their liability is capped which means that their situation will now be predictable, which

means that they should be able to price their policies accordingly.

"Mr. President, the one thing that bothered me the most was that the initial solution to fund this program called for an assessment of all property lines which meant that you and I would be paying more by way of a surcharge on our car insurance and other policies. Although automobile policies make up about 60 percent of the total number of property and casualty policies sold in this state, this bill will not surcharge auto policies. So the work that we did over the last few years to try to reduce and stabilize auto insurance premiums will remain intact.

"I think it's a workable plan, but certainly not without flaws. We can come back and fine tune it in the future, if it need be. However, there's one comment that I would like to make in recommending that this bill be passed.

"I am still bothered by the fact that insurance companies claim to be doing the responsible thing by not continuing to sell and renew homeowners policies in this state. As far as I am concerned, Mr. President, I strongly disagree. These companies have large parent companies, who over the previous years, enjoyed profits made in this state but when times got tough, some of them decided to pull out rather than do the responsible thing and assist this community during difficult times.

"The provisions in this bill will allow the board of directors of the Hawaii Hurricane Relief Fund to look for ways to reward companies by providing incentives, first, for those companies willing to cover all liabilities, including hurricane coverage and, second, for companies who have been good corporate citizens in this time of need and who continued to take care of their customers, rather than 'tucking their tails and running.'

"Mr. President, I believe that this bill will stabilize the current situation. I ask all to vote for it. However, if it does not, and insurance companies do not continue to sell insurance, then I think we should seriously consider legislation to set up a state fund next year. Thank you."

Senator Ikeda then requested that the letter she received from First Insurance Company dated March 10, 1993, be included with her remarks.

The Chair, having so ordered, the letter reads:

"First Insurance
Company of Hawaii, Ltd.

March 30, 1993

The Honorable Donna R. Ikeda
Chair
Senate Committee on Ways and Means
State Capitol
Honolulu, Hawaii 96813

Dear Senator Ikeda:

Re: HB 1890

At yesterday's hearing, you asked me to put into writing the commitment we made with regard to reentry in the homeowner's market and our pricing plans.

If HB 1890 is enacted with the requirement that regular property insurance policies cover the first \$2,000 of a hurricane loss, First Insurance Company will resume renewal of our homeowner's policies. We will make a market at approximate the same volume as we had last

year. We will maintain our rates for homeowners insurance at the present level for at least a year.

I enclose nine (9) suggested amendments to HB 1890. They clarify some of the language in the Bill and include provisions for insurers to absorb the first \$2,000 of each hurricane loss. I would be happy to work with your committee staff in drafting these or other amendments you may want to consider.

Your comments on the issue of assessments to hold down premium costs were very much on target. We support the idea of a broad based assessment to help ease the transition to separate hurricane policies, but we agree with you it is a redistribution of cost -- not a genuine savings. I believe that the assessment will be helpful for a few years. If the fund grows as I expect it will, assessments could be dropped after a few years as the investment income on accumulated assets becomes significant. The resolution of this issue will not affect our commitment to the market.

Yours very truly,

/s/ Bill Gibson
WILLIAM S. GIBSON
Vice President
Government Affairs

WSG:lmr

cc: The Honorable Ann Kobayashi
The Honorable Calvin Say
The Honorable Robert Bunda"

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

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

"At this time, also, I'd like to commend the work of the chair, Senator Ikeda. There were a lot of things on the plate of the Consumer Protection Committee in the beginning of the year, including the recodification of financial institutions -- a whole new chapter, and the continuing initiative on no-fault.

"There is, and Senator Kanno did not know the exact phrase, but there is a biblical phrase, something to the effect that 'in the beginning there was light; in the beginning there was God.' And on the issue of homeowners insurance, in the beginning there was the destruction wrought by Hurricane Iniki and insurance companies who performed their definition of public service by running from the market, leaving the homeowner insurance crisis. In the beginning there was much difficulty, there was much confusion, and through the hard work of Senator Ikeda and her counterpart in the House, some light was brought to this issue. We have before us a package which seeks to address this crisis. Hopefully, it will work; hopefully, we will continue to pursue the insurance companies who have gone under or parent companies who have failed to live up to their public responsibilities. But this is a good bill and this is a good start. Thank you, Mr. President."

Senator Ikeda then added:

"Mr. President, I would be remiss if I did not acknowledge my House counterpart, my conferees and the insurance division for their assistance with this legislation. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 219 was adopted and H.B. No. 1890, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO LAWS AFFECTING INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 220 (H.B. No. 195, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Blair and carried, Conf. Com. Rep. No. 220 was adopted and H.B. No. 195, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 223 (H.B. No. 203, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Levin and carried, Conf. Com. Rep. No. 223 was adopted and H.B. No. 203, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 224 (H.B. No. 1453, H.D. 2, S.D. 2, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 224 be adopted and H.B. No. 1453, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Grauly.

Senator Grauly, in support of the measure, stated:

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

"Mr. President, this bill represents a ten year effort on the part of many people concerned about child abuse and neglect prevention in our state. Child abuse is a problem in all 50 states and all 50 states really need to devote more resources and develop more programs in child abuse prevention if we are to stop the large increase in cases nationwide. I applaud the federal government's participation in this area and hope that our state will take advantage of the federal government's commitment by passing this bill.

"Senate Bill 1453 represents a new approach to child abuse prevention in our state. This bill will allow the private sector to join forces with the state in combatting this difficult problem. The appropriation contained in the bill will allow federal challenge grant monies to match the state and the private sector's contributions.

"Under the leadership of the Children's Trust Fund Coalition, many of the public and private agencies involved in child abuse and neglect have joined together. From my perspective as chairman of the Committee on Human Services, the coalition's efforts to move this bill through the Legislature would not have been successful without the key participation of the Hawaii Community Foundation.

"Mr. President, I am personally familiar with the Hawaii Community Foundation. I know the resources they can bring to the child abuse and neglect prevention effort in our state. I know the impact they can have on our families. It is a big step for them to be involved in this type of human services effort. Rather than decrying

the lack of resources in this area, especially in these difficult budgetary times, they have instead made the commitment to participate in this effort. Mr. President, I look forward to seeing this private-public partnership achieve many successes in child abuse and neglect prevention. I believe it will be a tremendously effective and tremendously worthwhile partnership. I ask all of my colleagues to vote 'aye.' Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 224 was adopted and H.B. No. 1453, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII CHILDREN'S TRUST FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 227 (H.B. No. 2156, H.D. 2, S.D. 2, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 227 be adopted and H.B. No. 2156, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator McCartney.

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

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

"Mr. President, educational reform is not an event -- it's a long journey. It's a journey we have all made a commitment to take this year.

"This year's educational reform bill continues us on the journey we started when we worked hard to transform the public school system; to transform it from the old industrial age model to meet the needs of the new information age.

"This bill challenges the status quo by not focusing on administrators and administering, by not focusing on teachers and teaching, but by focusing on students and learning. Both the House and the Senate had a common theme this year called 'children first.' And in the conference there were no Senate positions and there were no House positions -- just the children's position.

"Mr. President, this bill was drafted over four days with all groups participating at the conference table. Also, Mr. President, this bill would not be possible without the House and its great leader Chairman David Ige, and I truly embrace his vision, his idealism and his commitment to the children of Hawaii. It was truly a privilege to work with him. We also had the opportunity of having the support of Chairman Ann Kobayashi of the Ways and Means Committee and Chairman Calvin Say of the House Finance Committee. They helped create the collaborative environment that all conferees could work together.

"Chairman Ige and I worked well together as we are both graduates of the public school system. As a student, he was always the one with the pens in his pocket and glasses in the Pan Am bag and ranked in the top two stanines. I was always the one with folder paper in my pocket, never carried any books around and in the bottom two stanines. So I guess we covered the whole spectrum, and that's why we could come together to work on a bill that we're very proud of.

"Mr. President, this bill has four important areas and I will highlight them briefly. The first area is budget and funding reforms and the most significant thing in there, Mr. President, is that schools will now be allowed to

carry money over from one fiscal year to the next. And, really, the message is, who's the budget system created for -- bureaucrats, politicians and policy makers or for the schools? This provision puts the focus on the schools.

"In Section 2, assessment and accountability. What we've done is that we're saying that we're giving up control of prescribing methods and means in order to achieve greater policy results. We're saying that we want accountability, both fiscal and educational, and the Board of Education will be responsible for reporting that to us. The other important measure in the assessment and accountability section is that it links the budget process with student outcomes and student performance. And now schools will have the opportunity to link the planning process with the budgeting process which they so importantly need.

"The third section is innovation, incentives and leadership. We have some changes to the collective bargaining law which allows for a longer school day, a longer school year. We also have some sections that call for a performance base pay, retention pay, and differentiated pay, and there's some good changes to Chapter 89 in there.

"We also have a provision that facilitates the department's restructuring and reorganization efforts to make the school the focal point by allowing the DOE to be cleared up of some of the red tape with Budget and Finance in reallocating positions. The superintendent will have the opportunity to be awarded a four-year contract by the Board of Education to promote some stability.

"We're proud to announce that the educational officers along with the board came to a collaborative agreement on stability bonuses for high school principals and public school employees. They're going to be rewarded and recognized in schools where they have outstanding student performance and stay there for longer than five years and in our bill, they will be given a \$4,000 bonus.

"Also in the bill we have an incentive, an innovative grant program that separates educational merit from political merits. It makes funding programs more objective and sets up a review on our add-ons.

"Finally, in Section 4 on facilities, Mr. President, we have a \$2.5 billion facility need that we need to work on. This year your conferees made a commitment that we're not going to raise taxes; that we're going to work hard to spend money better, and with the money that we have, to do a better job of spending that money. So in the bill we came up with a 'design-build' program for the Department of Education, departing from the traditional program where we hire architects and engineers and have them design a cafeteria in one district and hire another architect and engineer and design it and build the same in another district. The 'design-build' process will not only save money but also streamline the process and make building faster.

"We also have a public/private partnership provision which allows the school system to get into a lease-to-purchase provision, which means that the private sector will put the money up, rather than the public, initially. Hopefully, this would save us some money on bonds. Also, we have a facilities master plan which the DOE is going to be working on to maximize use of existing facilities.

"And, finally, we have a provision in there to allow room cleaners, for schools to deviate from the traditional room cleaning process. What we're saying is that no collective bargaining agreement can infringe upon a school's right or ability to keep classrooms clean. It's not

for teachers and teaching; it's not for any other group; it's just for the children, and we have that provision in there.

"Mr. President, as our children look back to what we have done today, it is my hope that they say 'Thank you; thank you for putting us first and for giving us hope in the future.' This bill is not for us but it is for them, Mr. President, and I thank you for the opportunity to work on the bill and I hope that our colleagues support it. Thank you."

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

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

"It would be difficult not to give too much credit to the previous speaker and his counterpart in the House for their tremendous work on this bill. This is an omnibus bill that follows last year's omnibus bill, but this is a greater, more constructive attempt to change and reform the school system than last year's attempt.

"We cannot discount the tremendous advance in this bill that, I believe, will be brought about by the incentive and innovation fund. Every year innovations are brought to this body for scrutiny and budget passage. The Legislature is not the proper place to decide school methodology and classroom innovations. Those decisions should belong to the Board of Education and to the Department of Education. This incentive and innovation fund allows that decision to be made in the proper place. Education on the school level should be handled as much as possible on the school level and this is a good step in that direction.

"Also in this bill, the bureaucracy will now have to be focused on the school level. The SCBM effort in assessment to allow schools to develop their own assessment mechanisms allow individual schools to decide how they would like to proceed in such important areas as testing, evaluation and report cards. Previously this was not possible because of a small obscure statute that many people in the Board of Education and the Department of Education were not aware of. This bill changes that.

"I should note that along with SCBM we have in the previous bill, the budget bill, passed a small proviso that limits the size of the bureaucracy at the district and state levels to 7 percent. I think this 7 percent limitation, although obscure, is a very important aspect which complements the SCBM efforts of this particular bill.

"Lastly, I would say that this bill, in changing the fiscal structure of the school year, allowing schools to retain 5 percent of their budget for the second year of the biennium is a major step in flexibility and school responsibility. Schools now can use this retention of monies to more adequately plan over a long term stretch and in their own planning reflect their own needs and desires, and of course be accountable for that. Thank you."

Senator Ikeda also supported the bill and said:

"Mr. President, I rise to speak in support of this bill and in doing so I'd like to commend the chairman.

"Fifteen years ago, I tried to get carry-over funds passed and was rebuffed. When my children were in school I worked really hard on the Education Committee trying to get changes and reforms made, and with very limited success.

"Mr. President, it takes courage to promote reforms because people are so resistant to change and I think that the chairman of the Education Committee deserves our thanks and our admiration for his tenacity and his ability to come up with this legislation on behalf of the children of the state."

Senator A. Kobayashi added her support and stated:

"Mr. President, I rise in support of this measure.

"I too would like to add my congratulations and thanks to the Education chairman. I was just amazed at his dedication, his energy and his commitment to the children of the schools. He put them first, and that's why this whole program will be successful. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 227 was adopted and H.B. No. 2156, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 228 (H.B. No. 1610, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 228 and H.B. No. 1610, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 229 (H.B. No. 1613, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 229 and H.B. No. 1613, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

At 6:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:10 o'clock p.m.

Conf. Com. Rep. No. 230 (H.B. No. 1614, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 230 and H.B. No. 1614, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 231 (H.B. No. 1616, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 231 and H.B. No. 1616, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 232 (H.B. No. 1621, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 232 and H.B. No. 1621, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 233 (H.B. No. 126, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator Blair and carried, Conf. Com. Rep. No. 233 was adopted and H.B. No. 126, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 234 (H.B. No. 1202, H.D. 2, S.D. 2, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 234 be adopted and H.B. No. 1202, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nakasato.

Senator A. Kobayashi rose to speak in support of the measure, as follows:

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

"It is not the convention center bill. It's a convention center funding bill. The tax will not go into effect until 1996. It takes no money away from the counties. What it contains is key wording that will allow Budget and Finance to follow through on their request to have a Supreme Court opinion on whether the TAT can be used to fund a convention center."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 234 was adopted and H.B. No. 1202, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CONVENTION CENTER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 11 (Blair, Chang, Fernandes Salling, Fukunaga, George, Gaulty, Hagino, Mizuguchi, Reed, Solomon, Tanaka). Excused, 1 (Koki).

Stand. Com. Rep. No. 1651 (H.B. No. 874, H.D. 2):

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, the Senate agreed to the amendments proposed by the House to H.B. No. 874, H.D. 2, and H.B. No. 874, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST MANUFACTURING ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1354, 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. 1354, H.D. 1, and S.B. No. 1354, H.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At this time, Senator Levin rose to speak on a point of personal privilege and stated:

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

"With respect to the bill we just voted on, Conference Committee Report 234, there was a news report last night, on the TV news, to the effect that the bill increases the TAT by 20 percent. If you figure that a one percent raise over five percent is one out of five, is 20 percent, that news report was accurate. But I think it would have been much fairer and more accurate to say that it increases the tax by one percent from 5% to 6%. I want to make sure

that anyone confused by that report can be set straight. Thank you."

At 6:19 o'clock p.m., the Senate stood in recess until 9:00 o'clock p.m.

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

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 228 (H.B. No. 1610, H.D. 1, S.D. 1, C.D. 1):

Senator A. Kobayashi moved that Conf. Com. Rep. No. 228 be adopted and H.B. No. 1610, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator McCartney.

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

"Mr. President, I know everybody wants to go home so I will make it brief.

"I speak in favor of this bill to say that our public employees deserve a pay raise, and these remarks have nothing to do with their hard work and what they do for the people of Hawaii, but, Mr. President, there's a need to do a few of things to clarify the process.

"First, in the private sector no employer would implement a contract until it's ratified. That's just good labor practice.

"Second, I think we need to identify the means of financing. And, third, I think as far as Chapter 89-10 is concerned, Section B, we should clarify the whole process of ratification and when the Legislature should act on it.

"Mr. President, next session, I think these are the issues that we should take up to clarify all of the ground rules for collective bargaining so we don't end up in a situation like this again. And, if I am labor chair, I will take it up, Mr. President. Thank you."

The motion was put by the Chair carried, Conf. Com. Rep. No. 228 was adopted and H.B. No. 1610, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hagino, Reed, Tungpalan).

Conf. Com. Rep. No. 229 (H.B. No. 1613, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 229 was adopted and H.B. No. 1613, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hagino, Reed, Tungpalan).

Conf. Com. Rep. No. 230 (H.B. No. 1614, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 230 was adopted and H.B. No. 1614, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hagino, Reed, Tungpalan).

Conf. Com. Rep. No. 231 (H.B. No. 1616, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 231 was adopted and H.B. No. 1616, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Hagino, Reed, Tungpalan).

Conf. Com. Rep. No. 232 (H.B. No. 1621, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator A. Kobayashi, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 232 was adopted and H.B. No. 1621, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hagino, Reed, Tungpalan).

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 866, S.D. 2, H.D. 1:

Senator Nakasato moved that the Senate reconsider its action taken on April 16, 1993, in disagreeing to the amendments proposed by the House to S.B. No. 866, S.D. 2, seconded by Senator George and carried.

On motion by Senator Nakasato, seconded by Senator George and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 866, S.D. 2, and S.B. No. 866, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hagino, Reed, Tungpalan).

Conf. Com. Rep. No. 234 (H.B. No. 1202, H.D. 2, S.D. 2, C.D. 1):

Senator A. Kobayashi moved that the Senate reconsider its action taken earlier on the calendar on H.B. No. 1202, H.D. 2, S.D. 2, C.D. 1, seconded by Senator B. Kobayashi.

Senator A. Kobayashi then explained:

"Mr. President, the House, rather than acting on the bill, recommitted their bill because they wanted to keep it

in conference for future conference meetings. They were faced with a number of 'no' votes.

"Mr. President, I would like to request that this bill be recommitted."

The motion was then put by the Chair and carried.

On motion by Senator A. Kobayashi, seconded by Senator B. Kobayashi and carried, Conf. Com. Rep. No. 234 and H.B. No. 1202, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CONVENTION CENTER," were recommitted to the Committee on Conference.

SENATE RESOLUTIONS

The following Senate resolutions (S.R. Nos. 231 to 237) were read by the Clerk and were disposed of as follows:

Senate Resolution

No. 231 "SENATE RESOLUTION RECOGNIZING WITH GRATITUDE EACH OF THE MINISTERS OF RELIGION WHO OPENED A DAY OF THE SENATE, SEVENTEENTH LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 1993, WITH AN INSPIRATIONAL INVOCATION."

Offered by: Senators Matsuura, George.

On motion by Senator Ikeda, seconded by Senator Koki and carried, S.R. No. 231 was adopted.

No. 232 "SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE SEVENTEENTH LEGISLATURE, REGULAR SESSION OF 1993."

Offered by: Senators Matsuura, George.

On motion by Senator Ikeda, seconded by Senator Koki and carried, S.R. No. 232 was adopted.

No. 233 "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE SEVENTEENTH LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF."

Offered by: Senators Matsuura, George.

On motion by Senator Ikeda, seconded by Senator Koki and carried, S.R. No. 233 was adopted.

No. 234 "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senators Matsuura, George.

On motion by Senator Ikeda, seconded by Senator Koki and carried, S.R. No. 234 was adopted.

No. 235 "SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK'S DESK."

Offered by: Senators Matsuura, George.

On motion by Senator Ikeda, seconded by Senator Koki and carried, S.R. No. 235 was adopted.

No. 236 "SENATE RESOLUTION RELATING TO THE PRINTING OF THE JOURNAL OF THE SENATE."

Offered by: Senators Matsuura, George.

On motion by Senator Ikeda, seconded by Senator Koki and carried, S.R. No. 236 was adopted.

No. 237 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT."

Offered by: Senators Matsuura, George.

On motion by Senator Ikeda, seconded by Senator Koki and carried, S.R. No. 237 was adopted.

No. 238 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTIETH DAY."

Offered by: Senators Matsuura, George.

On motion by Senator Ikeda, seconded by Senator Koki and carried, S.R. No. 238 was adopted.

At this time, Senate Minority Leader George stated:

"Mr. President, you were reported in the press as saying, 'We're ready to go home.'"

"Judging from the phone calls and the faxes into my office since midnight Friday, the people are also ready for us to go home. Even relieved that we're finally on our way home."

"It isn't up to us to evaluate our performance. That report card will come best from the people who put us here to do their business."

"We started in January with high hopes, Mr. President. We made inspirational speeches on opening day, outlining our agenda and affirming our intention of dealing with the problems and opportunities that agenda provided."

"This morning I revisited the January agenda. Mr. President, when I looked at the list we began with I felt constrained once again to borrow a phrase from the Episcopal prayerbook: 'We have left undone those things which we ought to have done, and we have done those things which we ought not to have done.'"

"As the member of this chamber with the longest perspective on our accomplishments and our misdeeds -- now the senior member of this Senate -- I can assure you that this has been the usual verdict at our adjournments sine die. Have we ever been able to conclude saying that we have dealt with our problems and they are solved?"

"Mr. President, it's a long time until next January. Let's use the intervening time thoughtfully and well. I'd especially like to see us come back with ideas for change in the process that fosters the kind of last-minute chaos we saw last Friday night."

"Let's start in 1994 determined to put a good finish on the biennial agenda of the 17th Legislature. As always, the Republican senators will be here ready to roll up our sleeves, committed to work on the issues Hawaii's people sent us here to tackle."

Senate President Aki then delivered his closing remarks, as follows:

"Distinguished members of the Senate, fellow citizens of our great State of Hawaii, someone once said: 'Excellence can be attained if you:

* care more than others think is wise,

- * risk more than others think is safe,
- * dream more than others think is practical, and accomplish more than others think is possible.'

"Fellow Senators, you have cared, risked, dreamed, and accomplished. In my eyes, you have all achieved excellence during this session. At the beginning of this session, I called on all of you to 'seize this opportunity to help shape a special place for our "Keiki O Ka Aina".' This session which we are about to conclude, holds special expectation of a fresh start. Despite how easy it can be to lapse into cynicism, to question whether our rhetoric will become reality, despite the change in leadership in the House and Senate, and despite our poor economy; together we have given our best efforts and we have come out farther than expected. If there is anything to learn from this past session, it is the recurring theme that the status quo is no longer acceptable and we share its responsibility to make things better. This session more than ever, we were called to rejuvenate our spirit of compromise and cooperation, and indeed each one of you did very well. Mahalo for your untiring efforts, your worthwhile contributions, and your cooperation. Thank you chairs and committee members for a job well done. And a special mahalo to the chairperson of the Ways and Means Committee, its members and staff for finishing the work on the budget way ahead of schedule.

"Under the present tight economic conditions, we had to make tough choices among many worthwhile programs. We have provided the funds to continue our Educational Programs and Human Service Programs. We did not forget the victims of Hurricane Iniki and the sugar cane workers of Hamakua. We have taken a major step forward in Insurance Reform. These are but a few of our many accomplishments. Obviously, much good has been done, much of the good has gone un-noticed and much remains to be done. I will establish during the interim, a special committee on futures to work on the development of draft policies on certain issues that are of importance to the future of the state. It is my intent that these draft policies serve as 'working papers' for the Senate on those matters which will need to be addressed by the 1994 session. I will appoint the Vice President, Senator Holt, to chair this committee. Membership on the committee will be determined at a later time.

"This 1993 legislative session will be over in a few minutes, but our efforts to solve a number of unresolved issues will continue. Our work is never done.

"In closing I'd like to thank all of our hard working Senate staffers who really don't get the full recognition they deserve.

"Also, I'd like to thank the many government officials and concerned citizens who provided testimony and other valuable information.

"Fellow Senators, I just want to say mahalo for the wonderful opportunity you have given me to be your leader. This new experience has helped me see problems from different perspectives, and helped me grow personally and intellectually.

"Thank you and aloha for now."

ADJOURNMENT

Senator Ikeda moved that the Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, adjourn Sine Die, seconded by Senator Koki and carried.

At 9:48 o'clock p.m., the President rapped his gavel and declared the Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, adjourned Sine Die.