

NINETEENTH DAY

Wednesday, February 16, 1994

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Rufina "Auntie Molaka" Lee, Senate Printshop, after which the Roll was called showing all Senators present with the exception of Senator Koki who was excused.

The President announced that he had read and approved the Journal of the Eighteenth Day.

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

The Senate reconvened at 11:44 o'clock a.m.

Senator Reed, rising on a point of personal privilege, then stated:

"Mr. President, it appears there will be a recess called for the purpose of a caucus for discussing these handgun bills. I would again request that this kind of debate be done in public. All of us want very much to have the benefit of the debate, discussion, and explanation of the bills. We have a right to be a part of this discussion. Also, getting up and leaving the rest of us to sit here for a half hour, or 45 minutes, or an hour is simply rude. Thank you very much."

STANDING COMMITTEE REPORTS

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1802) recommending that S.B. No. 2943 pass Second Reading and be referred to the Committee on Consumer Protection.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2943, entitled: "A BILL FOR AN ACT RELATING TO ADULTERATION OF DRUGS AND MEDICAL DEVICES," passed Second Reading and was referred to the Committee on Consumer Protection.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1803) recommending that S.B. No. 3010, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3010, S.D. 1, entitled: "A BILL FOR AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1994 FOR HILO AND MAUI MEMORIAL HOSPITALS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1804) recommending that S.B. No. 2966 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2966, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX REFUNDS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 18, 1994.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1805) recommending that S.B. No. 2971 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2971, entitled: "A BILL FOR AN ACT RELATING TO THE STATUTE OF LIMITATIONS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 18, 1994.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1806) recommending that S.B. No. 2969 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2969, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF INTEREST ON TAXES," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 18, 1994.

Senator McCartney, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1807) recommending that S.B. No. 2715 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2715, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ATHLETIC TRAINER POSITIONS IN THE PUBLIC SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1808) recommending that S.B. No. 2929, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2929, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1809) recommending that S.B. No. 3083, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3083, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX EXEMPTIONS FOR AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1810) recommending that S.B. No. 3267, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3267, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE HOUSING PROJECTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1811) recommending that S.B. No. 3293, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3293, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1812) recommending that S.B. No. 2000 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2000, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTROL AND MANAGEMENT OF THE EUROPEAN BROWN SNAIL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1813) recommending that S.B. No. 2009 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2009, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVEMENTS TO THE MOLOKAI COOLING PLANT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1814) recommending that S.B. No. 2046 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2046, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE INSTALLATION OF A NEW COMPRESSOR FOR THE KAMUELA VACUUM COOLING PLANT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hagino, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1815) recommending that S.B. No. 2636, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2636, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ESTABLISH AGRICULTURE INDUSTRY DEVELOPMENT SERVICES FOR HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:30 o'clock p.m.

ORDER OF THE DAY

THIRD READING

By unanimous consent, action on the following Third Reading bills was deferred until the night session:

S.B. No. 1147, S.D. 1;
S.B. No. 2136, S.D. 1;
S.B. No. 2160, S.D. 1;
S.B. No. 2393, S.D. 1;
S.B. No. 2681, S.D. 1;
S.B. No. 2346, S.D. 1; and
S.B. No. 2347, S.D. 1.

RE-REFERRAL OF SENATE BILLS

The President re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2434	Committee on Ways and Means
No. 2682	Committee on Ways and Means

At 12:32 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:33 o'clock p.m.

APPOINTMENT OF CONFEREES

H.B. No. 1500, H.D. 2, S.D. 2:

In accordance with the disagreement of the Senate to the amendments proposed by the House to H.B. No. 1500, H.D. 2, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ikeda and Chang, co-chairmen, Fukunaga, Tungpalan, Reed as managers on the part of the Senate at such conference.

At 12:34 o'clock p.m., on motion by Senator Chang, seconded by Senator Reed and carried, the Senate stood in recess until 9:00 o'clock p.m.

NIGHT SESSION

The Senate reconvened at 9:13 o'clock p.m.

STANDING COMMITTEE REPORTS

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1816) recommending that S.B. No. 2366 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2366, entitled: "A BILL FOR AN ACT RELATING TO USE TAX," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 22, 1994.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1817) recommending that S.B. No. 3047 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3047, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 22, 1994.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1818) recommending that S.B. No. 2965 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2965, entitled: "A BILL FOR AN ACT RELATING TO A STATE GENERATION-SKIPPING TRANSFER TAX," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 22, 1994.

Senator Baker, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1819) recommending that S.B. No. 2928, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Planning, Land and Water Use Management.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2928, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Planning, Land and Water Use Management.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1820) recommending that S.B. No. 2354, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2354, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSION EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1821) recommending that S.B. No. 2527, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2527, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1822) recommending that S.B. No. 2530, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2530, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL MANAGEMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1823) recommending that S.B. No. 2536, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2536, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ASBESTOS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1824) recommending that S.B. No. 2687, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2687, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1825) recommending that S.B. No. 2733 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2733, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING," passed Second Reading and was referred to the Committee on Judiciary.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1826) recommending that S.B. No. 3078 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3078, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT OF THE STATE ETHICS CODE," passed Second Reading and was referred to the Committee on Judiciary.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1827) recommending that S.B. No. 3101 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3101, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SIXTH AND SEVENTH SENATORIAL DISTRICTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 1828) recommending that S.B. No. 3157 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3157, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF AN EXTENSION TO THE COMMUNITY CENTER AT PAUKUKALO, WAILUKU, COUNTY OF MAUI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1829) recommending that S.B. No. 2041, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2041, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMISSION TO PSYCHIATRIC FACILITY," passed Second Reading and was referred to the Committee on Judiciary.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1830) recommending that S.B. No. 2813, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2813, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL ALCOHOL AND OTHER DRUG TREATMENT PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1831) recommending that S.B. No. 2947, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Consumer Protection.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 2947, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE BENEFITS," passed Second Reading and was referred to the Committee on Consumer Protection.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1832) recommending that S.B. No. 3286, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Chang, seconded by Senator Reed and carried, the report of the Committee was adopted and S.B. No. 3286, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MATERNAL AND CHILD HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

THIRD READING

S.B. No. 1147, S.D. 1:

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, S.B. No. 1147, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," 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. 2136, S.D. 1:

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, S.B. No. 2136, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," 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. 2160, S.D. 1:

By unanimous consent, S.B. No. 2160, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," was recommitted to the Committee on Judiciary.

S.B. No. 2393, S.D. 1:

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, S.B. No. 2393, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND DANGEROUS WEAPONS," 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. 2681, S.D. 1:

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, S.B. No. 2681, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR FIREARMS," 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. 2346, S.D. 1:

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, S.B. No. 2346, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Holt, Reed). Excused, 1 (Koki).

S.B. No. 2347, S.D. 1:

Senator Gaulty moved that S.B. No. 2347, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

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

"Mr. President, I rise to speak in favor of this bill because I recognize the value and the need to continue discussing this important issue. The passage of this bill will send a clear message that this Senate will not tolerate the misuse of guns.

"Recently, four events have hit my home and community especially hard. The first event occurred several weeks ago when a 14-year-old teenager was found to be in possession of a handgun at Pearl City High School. The next eye-opener happened last Thursday when a principal, during a school visitation, told me that she found guns on her campus. We're talking about a campus with 12- and 13-year-olds.

"Later that same day, I was offered a bribe of a thousand dollars to vote 'no' on these gun control measures. That infuriated me because my vote can never be bought, and has never been bought.

"Unfortunately, the hard-hits on my community continue. The fourth event happened yesterday. In this morning's paper I read about a motorist who was shot twice in the head near the Pearl City interchange. This is about 2,000 feet away from my home. At least four shots hit his car; one flattening his tire. The article stated that a handgun was involved.

"Please hear me, my colleagues. Both legal and illegal guns are going off in the hands of children, enraged spouses, jilted lovers, angry employees, and ticked-off motorists. The point driven home by these violent events is that it could happen to anyone, anywhere. It's no longer a good guys versus bad guys issue. The act of violence may involve someone in your community, someone you love, and someone you know. This is why I am voting 'yes' tonight."

Senator Chang then rose in opposition to the bill and stated:

"Mr. President, I agree that there is much in our society that needs resolution with respect to violence and conflict. I also agree that handguns are very much involved with some of the incidents that trouble our community and our Senate. Nevertheless, I feel that this measure is too broadly drawn. If we are to address the problem of firearms in our community, I feel that there needs to be a precise analysis of the problem and a very carefully drawn statute which will address that problem.

"The difficulty I have with this broad measure is that it would affect the many citizens in our state who engage in sharp-shooting, competitive shooting, or collecting firearms of different kinds, be they historical, antique or otherwise, and would affect some of our citizens who look upon handguns as a means of self-defense. I look particularly at our citizens in our rural communities -- Pahoehoe, Kauai and other neighbor islands' neighborhoods -- where homes may be several miles apart, and where residents are, in effect, their own police department and need to be self-reliant and self-sufficient, with respect to home security.

"What this measure would do is lock these people into technology which may be outmoded. When you are at home, you want to have a firearm that you can rely upon, that will be effective, that will not jam, when you need it in crucial situations. As technology develops and improves, so that our citizens can rely upon those items, they should be able to take advantage of that. This measure would not permit it.

"Also, we have military personnel who are issued longarms as a part of their standard equipment, but may wish to purchase their own personal sidearms so that when they go to Mogadishu and other theaters of conflict, they will have a complement to their military-issued weapons. This will no longer be permitted.

"I asked several of the women who appeared at the hearing on this measure, why they would use a handgun rather than a longarm, and they replied consistently that rifles had too much penetrating power and may endanger other people in the vicinity, or are clumsy or difficult to handle, and shotguns require persons who are larger than themselves in order to handle efficiently. So their defense of choice was a handgun, with enough capacity to protect themselves, but not endanger others.

"Given that there are citizens in our community who choose to rely upon this, and given that there are many situations across our state where our citizens need to rely upon themselves as a first line of defense, I cannot in good conscience support a measure that does not take these constituencies into account, and I will therefore have to cast a 'no' vote. Thank you."

Senator Grauly, rising to speak in support of the measure, then said:

"Thank you, Mr. President. According to the Honolulu Police Department, there are approximately 400,000 firearms in circulation in our state; 16,000 handguns were registered in 1992 alone. What has this meant for our communities, to our families, to our children? It is a tragic story of pain and heartache. From 1988 to 1992, 28 women in our state were killed in firearms-related domestic homicides. In Hawaii, suicide is the second leading cause of death for youths between the ages of 15 and 24, and the leading cause of death, tied with motor vehicle injuries, for those from 25 to 30 years of age.

"The Director of Health testified that from 1988 to 1992, eleven children were murdered with firearms, fourteen children killed themselves with a firearm, and six children died unintentionally in firearms related incidents. Thirty-one tragic stories, Mr. President. That's what 400,000 firearms and 16,000 handguns, in one year alone, have done to our families, our spouses, and our children.

"There were 59 homicides committed with handguns in Hawaii between 1988 and 1992. Forty-one were committed by friends, relatives, and acquaintances of the victim. Of the ten homicides committed by strangers, nine were the result of an argument, and only one was committed during a robbery. The people of Hawaii are not being killed by strangers, but by people they know and love.

"Mr. President, Senators, voting 'aye' on this bill will reduce the supply of handguns in our community in the future. Mr. President, Senators, voting 'aye' on this bill will save lives. Mr. President and Senators, let's do it. Thank you."

Senator Reed rose to speak against the bill as follows:

"Mr. President, thank you very much.

"I am going to be voting against this measure for two principal reasons. First, Hawaii already has some of the toughest gun control laws in the nation. Secondly, because a ban on handguns will do absolutely nothing to reduce crime.

"I spent five years in law enforcement in a job that required carrying a handgun every day. When I joined the Honolulu prosecutor's office, I believed, like a lot of Americans, that guns were to blame for much of the violence in our country. But during the course of those five years in law enforcement, I researched and studied the gun issue and the larger issue of violent crime. The facts changed my mind. I believe that if you really studied this issue, the facts would change your mind as well.

"If more gun control laws -- on top of the tough gun control laws we already have in Hawaii -- would have any impact on crime, I would support them with enthusiasm. But the reality is that further gun control measures of this type -- banning the future sales of handguns -- will do nothing to reduce the use of guns by criminals.

"All this will do is deprive law-abiding citizens of the right to own guns. Most people who commit crimes with guns do not own them legally in the first place. So further outlawing of guns will only mean that outlaws will own guns.

"Even the proponents of this bill admit that banning handguns will not reduce crime. Why will it not reduce crime? Because it will do nothing to get the guns out of the hands of criminals, and do nothing to discourage criminals from using guns in the commission of crimes.

"So, since this bill's supporters admit that it will not reduce the crime rate in Hawaii, what is their rationale for urging 'yes' votes from this body.

"They say this bill is necessary to protect gun owners from themselves.

"Every now and then we legislators start trying to enact laws to protect people from themselves. These efforts -- as misguided as they are -- are generally well-intended. Alcohol is one of the most abused and most destructive drugs in our country, and it is good to try to discourage people from using it. But we all know that prohibition did not work. In general, government's efforts to protect people from themselves are unwise, and certainly unappreciated, even resented, by the people.

"The idea that we need to ban handguns to protect law-abiding gun owners from themselves is fallacious, and incredibly arrogant. If we're going to pass legislation to protect people from themselves in the guise of public health, we should look at the real problem areas in terms of health. Nationally, 80 percent of health problems, health care costs and premature deaths are diet-related. People are killing themselves with the food they eat. If we really want to push laws onto people to protect them from themselves, we should ban all fast-food restaurants and foods linked to disease.

"If we're really so arrogant that we feel justified in dictating to people what they can and cannot do to protect them from themselves, we should not ban guns, we should ban beef.

"But of course, I'm using absurdity to make a point. However, the facts are accurate -- what people eat causes far more damage than guns in America. I am not serious about banning beef, but I suspect that the next time I walk through the door, somebody will say, 'Hey, you're the guy who wants to ban beef.' That's probably what will happen. I'm using an absurd point to simply illustrate the absurdity of this proposal. I do not support the use of force to get people to make intelligent choices about their health. But we appear willing to use force when it comes to guns. A gun ban is even more absurd than a beef ban because the notion that taking guns from law-abiding citizens will reduce crime is a myth--popular, but nonetheless mythical.

"Study after study, Mr. President, shows that people intent on killing someone will find some other weapon if there is no gun available. I'd like to read the summary highlights of a 1991 study conducted by the Johns Hopkins University in 1991, published in the American Journal of Epidemiology. The basis of this study was that Canadians possess only one-tenth as many handguns per capita when compared to the United States. The goal was to find out whether this relative dearth of handguns in Canada translated into a lower criminal homicide rate. The study's conclusions are relevant, interesting and perhaps surprising:

'When Canadian provinces and adjoining U.S. states are compared, three- to tenfold differences in the

prevalence of handguns have not resulted in consistently different rates of criminal homicide. In the relative absence of handguns, dangerously violent Canadians commit their assaults using other means which are, on the average, as lethal as handguns.

'That Canada and the United States have the same annual rate of handgun homicides per 10,000 privately owned handguns' (This is again quoting.) 'might suggest that reducing the prevalence of handguns in the United States would lead to a reduction in the homicide rate. However, this attractive proposition is true, if, and only if, equally lethal means are not substituted for the absent handguns. The completeness with which Canadians have indeed substituted such means indicates that the proposition is untenable.'

"The study concluded:

'Major differences in the handgun prevalence have not resulted in consistently different homicide rates in Canadian provinces and adjoining US states. Homicide rates along the US-Canadian border primarily reflect underlying rates of aggravated assault and Canadians are as assaultive as their US neighbors. Canadians fully compensate for the relative dearth of handguns in Canada by effectively utilizing other means for killing one another. It can be presumed that Americans would be no less resourceful under comparable circumstances. As regards homicide rates, it can be inferred that major efforts to reduce handgun prevalence in the United States would be of doubtful utility, even if successful.'

"Mr. President, a second study that is relevant was conducted in 1988 by a Florida State University professor, and the study is known as the Kleck Study, which completely debunks the notion that handguns in the home are more likely to harm or kill the gun owner than a criminal intruder. I'd like to share the study's very brief conclusion:

'Legal defensive violence by private citizens armed with firearms is a significant form of social control in the United States. Evidence indicates that private gun use against violent criminals and burglars is common and about as frequent as legal actions like arrests, is a more prompt negative consequence of crime than legal punishment and is often far more severe. In 1980 about 1,500 to 2,800 felons were legally killed by gun-wielding civilians, about 8,700 to 16,000 felons were nonfatally wounded and guns were used defensively about one million times.'

"Incidentally, Mr. President, to update that figure, in 1993, in America, guns were used defensively--successfully--by Americans against criminals 2.4 million times. Continuing to quote from the study findings:

'Victim resistance with guns is associated with lower rates of both victim injury and crime completion for robberies and assaults than any other victim action, including nonresistance. Survey and quasi-experimental evidence is consistent with the hypothesis that the private ownership and use of firearms deters criminal behavior.'

"I also find disingenuous the argument that we should ban guns because polls show that most Hawaii residents favor such a ban.

"I have long advocated government be more responsive to the people, which is why I favor Initiative. The question, 'should we govern by polls' is a legitimate question, worthy of debate at some other time. I would simply like to suggest that those who use public opinion polls to support an illogical ban on guns should be

consistent. Those people should also be willing to support other measures favored by the majority of Hawaii's people -- measures such as Initiative, term limits for legislators, and capitol punishment for those who murder in cold blood. All of these measures are supported by the majority of Hawaii's residents. Why are the advocates of a gun ban not also urging us to pass legislation tonight providing for Initiative, term limits, and capitol punishment?

"Mr. President, obviously, the attempt to reduce the use of guns in criminal activity is laudable. We all want to stop the criminal use of guns. Contrary to the comments of one of the earlier speakers, the passage of this bill will not send a message that this Senate will not tolerate abuse of handguns. The only message that it will send is that it is willing to discriminate against law-abiding citizens and do nothing to actually stop the criminal use of guns. Let's do something that's real, not illusory. Let's pass legislation that will discourage the criminal use of guns. For instance, impose a mandatory 20-year minimum prison sentence on anyone convicted of using a gun in the commission of any crime. Secondly, let's impose the death penalty on anyone convicted of killing another person with a gun in cold blood. This approach would put the punishment in the proper place--on the criminal, rather than on the law-abiding citizen.

"It is superficial, unrealistic, and misguided to respond to the problem of guns being used for criminal purposes, by taking guns away from people who do not use them for criminal purposes. People who want to commit crimes with guns are going to have guns no matter what, so the only way to have any impact is to make the penalty for criminal use of a gun so severe that criminals will stop using them. The only way to discourage criminal use of guns is to make the penalties for such use so severe that criminals are actually afraid to use guns when they commit their crimes. Then, and only then, will we see a reduction in the criminal use of guns.

"Finally, as lawmakers we have an obligation to look more deeply at the problems we propose to solve. How can we propose legislation to solve a problem when we don't know the cause of that problem? What we're attempting to reduce is violent crime in our community -- from domestic abuse to random killings. But how can we propose any real solutions until we understand the cause of the problem? What causes violence? What is the root cause of violence? Do we know? Are we even attempting to find out? It isn't as if violence is a problem beyond our comprehension. The root cause of violent behavior is comprehensible, if we care enough to analyze it. Unfortunately, it is easier and more politically expedient to support popular band-aid remedies such as a gun ban, than to carefully and analytically determine the root cause of violence, and then propose real solutions.

"The ban on handguns that we're about to vote on is -- in a word--useless, and therefore dishonest. It can be taken seriously only by those who ignore the facts and by those who do not know the cause of the very problem they propose to solve.

"Mr. President and colleagues, I'd like to close with a quote from a respected American leader -- one of those card-carrying Democrats -- you can listen to with an open mind. This fellow Democrat said:

'Law-abiding adults should always be free to own guns and protect their homes. I respect that part of our culture, I grew up in it.'

"In today's odd political climate in Hawaii, that's the kind of statement I suspect most of you would disregard as extremist NRA rhetoric. Actually, it was President

Clinton in his State of the Union address on the subject of reducing violent crime.

"I agree with the President. Law-abiding adults should always be free to own guns and protect their homes. I vote against this bill because it will take away that freedom while doing absolutely nothing--nothing--to reduce crime."

Senator Tungpalan rose in response to the previous speaker and said:

"Mr. President, just in case the previous speaking didn't hear what I said, I said the passage of this bill will send a message that this Senate will not tolerate the misuse of guns. We're not opposed to guns in the hands of adults who are gun collectors, because they know how to use guns. We're not opposed to guns in the hands of people who are trained shooters, who are masters, who enjoy recreational use of these guns. Yes, we are not in favor of those guns which end up in the hands of 14-year-olds at Pearl City High School, or on campuses of my district, or in yours, or anywhere in this state. We are not in favor of guns in the hands of people who are so enraged, because somebody had inadvertently cut into their path while on the highway, that they use that gun to send a message that they should not be cut in front of again.

"Let's be clear about what this vote is about. This vote is an attempt to begin discussion. This is not a perfect bill, and I surely know that this bill will not be accepted by the House. They've said as much. But it's going to continue the debate. On the need to do something about crime, we will not be able to address it by just sweeping it under the rug. This bill is the first attempt to bring a resolution to many long-standing concerns in our state and I want to applaud the chairman of the Judiciary Committee in this Senate for taking this step."

Senator Reed then responded:

"Mr. President, I'd like to respond to the previous speaker.

"This bill will do nothing that she thinks it will do. The 14-year-old out of whose hands she wants to get the guns will not be impacted by this legislation. The people who she says she has faith in, in the handling of guns -- the collectors of guns, the sports shooters, law-abiding citizens -- are the ones who will be impacted by this legislation.

"The problem is it's a common myth that you can somehow get criminals or 14-year-olds who want to use a gun to obey the law. The 14-year-old who got a gun was violating the law when he obtained the gun. Somehow there's this myth that if we outlaw guns, that guns are no longer going to be available. The problem is that guns are available on the black market. Guns are obtained illegally and, if you outlaw guns, the only people who are going to have them are the outlaws. It's common sense."

Senator Tungpalan again rose in response and said:

"Mr. President, all we're saying is let this bill go forward, let us continue discussing how we can improve it. The attempt here is not to, as I said, not to take away the rights of individuals, at least that's my intent. I don't sit on the Judiciary Committee. I didn't have a chance to fashion this measure. This is the only chance I have in making sure that the citizens in my community will be safe.

"When I first got elected, I had promised that I would do my very best while I was a member of the Legislature to insure their safety. This is what I'm doing. This is my only opportunity to speak on the floor and to rework this legislation. I would like to see a conference committee eventually rework this measure and refine it to the point where we all can accept it. But if we don't allow this to go further, if we continue to say studies are what are needed, then nothing will be done. Thank you."

Senator Chang then added:

"Mr. President, before casting my vote on this measure, I'd like to compliment the chairman of the Judiciary Committee for taking the time to consider these measures and spending long hours in the Mabel Smyth Auditorium. It started in the morning and went into the late hours of the night, and I know that it took a lot of effort and energy out of him to sit there through the day and pay attention to the many different points of view.

"I do hope that if this bill is adopted, and if it should pass through the House and return to the Senate, that he will apply the same diligence in addressing the bill so as to meet the concerns that have been expressed this evening. Thank you."

Senator Holt rose in opposition to the bill and stated:

"Mr. President, reluctantly, in respect to the hard work by the chairman of the committee and by the enforcement authorities who worked on this bill, I stand to speak in opposition to this bill.

"I am not a gun owner; I don't own any guns. I don't have a conflict. I have a lot of fishing reels and a lot of fishing poles; that's my hobby. I have, however, been involved with gun legislation for the last several years, initially, as chairman of the Senate Tourism and Recreation Committee, when we started working on the hunting bills, setting up the hunting education program, working with the gun clubs, working with the skeet shooters, the legitimate gun owners in this community. I believe that there are over a hundred thousand of them out there in this state.

"These legitimate gun owners have come forward over the years, very openly, very fairly, to present their case. There are some who are a little more aggressive than others, but for the most part I have had no problems dealing with them as a group. What we have developed, even working with Senator Blair previously on the assault weapons bill two years ago when we had a big similar problem to the controversy that we have today on the clips on those pistols, we managed to work out with the gun community to their satisfaction, and I'm talking about the legal gun community out there.

"I really don't enjoy standing up here speaking against bills. Maybe I've done that five or six times in my long career. But on this one, I feel compelled to do so because some of the statements that are being made out there, despite the well intentions, are really not true, and I think that I can only say that with evidence to support me saying that they are not true. From what I've found in the last day or two, and I have taken the time to meet with the chairman to talk with him about my concerns earlier today, talking to the attorney general, talking to the police chief, I have talked to the gun owners, and what I've come up with is my understanding of what the situation is out there. I'm not here to try and lobby anybody to vote. We're all 'big boys,' we can decide what to do out here. What I'm doing is stating the facts. I'm going to lay it out there and let people decide what they want to do.

"I requested, from the attorney general, information regarding the homicides that were caused by handguns in the last three or four years, which is, I understand, the basis for this bill. They indicated that there were something like 59 handgun murders in the years 1988 to 1992. I asked for a breakdown of those homicides, if they could give me information specifically related to the handgun that was used in those homicides. This is very important, very critical to this bill. The information I got back was broken down into categories of friends and relatives, unknown, suicides, and the like. What we found was that ... and in addition to that, Mr. President, I asked for 1993 because 1993 figures, which are important, were not presented to the committee, and the chairman indicated that to me this morning that the 1993 figures are not included in the 59 homicides that were the basis for this bill. I have the figures, the figures for the first nine months of 1993 (and this is provided by the attorney general's office in the supplemental homicide report) indicates there were four handgun homicides (and I share this with anybody who wants to see it) and four homicides using a knife. Of the four handgun homicides, one was with a stranger in a bar who was shot; it wasn't at home. Another one was a drug-related homicide. The other two handgun homicides were domestic arguments. Ironically, the victims in these arguments were men. The offenders were women.

"Just to make sure you understand it, what we're talking about are the numbers which, as I understand, they can't give to me, are over 250,000, and I can get that verified. I asked the attorney general and I asked the police chief, I believe, if they could provide me with the number of legally registered handguns out there and they said it would take time and they would get back to me. But the ballpark figure I'm using is a quarter million. The chairman indicated that I think we're talking about, in the last five years, purchases of about 16,000 handguns a year.

"In the last four or five years we've seen the amounts of handgun purchases take off. However, in the attorney general's own testimony, the homicide rate using handguns has remained relatively stable over the last five years and, in fact, last year, 1993, it declined; it went the other way. So what we're seeing here is the percentages going smaller and smaller as far as the use of handguns, as compared to the number of handguns that are out there. The pattern does not seem to justify the prohibition, the ban, on legal handgun sales and legal handgun transfers. It just doesn't make sense because we've been purchasing guns for the last five years and the rates have been going down. So the compelling, or whatever attorneys use, clear and convincing evidence to support this bill is not there, not by the numbers.

"More importantly, Mr. President, and this is where I think we want to make sure that it is perfectly clear in defense of the legal gun owners out there ... 100,000 of them or so who collect guns ... they compete, they hunt ... the words are very strong saying that gun ownership is strongly associated with homicides in the home. I read that in the committee report and I said, 'Okay, well let's go find out.'

"Of the 59 handgun murders that were committed during this period, I asked the attorney general if he knew whether the guns were legally registered or not. They don't have that information; they don't know if they were stolen. I asked them if the homicide was committed on the premises of the legal gun owner. They do not have the information on these reports as to where the homicides had taken place. The point that I'm trying to raise is that we're throwing out these numbers and we're giving people the impression that it's because of the purchases of handguns that are legally registered.

"We have the strongest registration in the whole nation, and I'm going to walk through it, just for all of you, in case you don't know.

"If you want to buy a gun, to get a permit to acquire a gun from the police department, for each handgun, now, you need a license for each handgun; you have to get fingerprinted; you have to get a photograph; you have to get a medical check; you sign a waiver so that a doctor can be called so he can check on your mental state, your medical condition; you have to get a medical history check; sign a waiver so that they can check mental institutions to find out if you have been there or not; you have to get an FBI check for criminal records before you can buy a handgun; then you have, which is the strongest in the nation, a 14-day waiting period before you can register your gun.

"Mr. President, I'm not going to belabor the point anymore, and I'd like to say, in due respect to the chairman who's done a lot of hard work, I don't support this bill. I feel that it is well-intentioned, and I mean that on the part of the proponents who want to see this bill go through. I commend them for their work, but in all fairness to those legitimate gun owners out there, I think we ought to really focus on the problem, and this does not get to the problem that we are trying to address. Thank you."

The motion was then put by the Chair and carried, and S.B. No. 2347, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 8 (Chang, Holt, Reed, Hagino, Kanno, Aki, Nakasato, Levin). Excused, 1 (Koki).

The Chair then made the following observation:

"Members of the Senate, the Chair would like to thank you for your patience and diligence regarding the very difficult issue relating to firearms. I thank you for your understanding, and the time spent this morning, this afternoon and this evening in voting on this difficult measure."

ADJOURNMENT

At 9:57 o'clock p.m., on motion by Senator Chang, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 17, 1994.