

FORTY-SIXTH DAY

Tuesday, April 12, 1994

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, convened at 11:05 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Mari Gabrielson, Unity Church of Hawaii, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Forty-Fifth Day.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 320, dated April 7, 1994, submitting a report of approval granted for an increase to the Federal fund expenditure ceiling to the University of Hawaii, (UOH 906 - Community College Systemwide Support), pursuant to Act 289, Section 157, SLH 1993, was read by the Clerk and was placed on file.

At 11:08 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

STANDING COMMITTEE REPORTS

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2967) recommending that S.C.R. No. 60, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 60, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ACQUIRE LAND ALONG WAILUA RIVER," was adopted.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2968) recommending that S.C.R. No. 80 be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 80, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A LEGAL OPINION AND A STUDY ON THE ADVISABILITY OF MODIFYING THE VOTE ENTITLEMENT OF LAND OCCUPIERS OF A SOIL AND WATER CONSERVATION DISTRICT," was adopted.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2969) recommending that S.R. No. 59 be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 59, entitled: "SENATE RESOLUTION REQUESTING A LEGAL OPINION AND A STUDY ON THE ADVISABILITY OF MODIFYING THE VOTE ENTITLEMENT OF LAND OCCUPIERS OF A SOIL AND WATER CONSERVATION DISTRICT," was adopted.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand.

Com. Rep. No. 2970) recommending that S.C.R. No. 239, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 239, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ACQUIRE THROUGH LAND EXCHANGE, LANDS IN PAHOA, HAWAII, FOR COMMUNITY USES," was adopted.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2971) recommending that S.R. No. 192, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 192, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ACQUIRE THROUGH LAND EXCHANGE, LANDS IN PAHOA, HAWAII, FOR COMMUNITY USES," was adopted.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2972) recommending that S.C.R. No. 273, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 273, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ENTER INTO A LEASE/PURCHASE AGREEMENT FOR A NEW STATE OFFICE BUILDING IN KAPOLEI, OAHU," was adopted.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2973) recommending that S.R. No. 220, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 220, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ENTER INTO A LEASE/PURCHASE AGREEMENT FOR A NEW STATE OFFICE BUILDING IN KAPOLEI, OAHU," was adopted.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2974) recommending that S.C.R. No. 277, be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 277, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONTINUE PROVIDING WAIVERS AND DEFERRALS FOR LEASE RENT PAYMENT FOR THOSE LESSEES STILL AFFECTED BY HURRICANE INIKI," was referred to the Committee on Ways and Means.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 2975) recommending that S.R. No. 224, be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 224, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONTINUE PROVIDING WAIVERS AND DEFERRALS FOR LEASE RENT PAYMENT FOR THOSE LESSEES STILL AFFECTED BY HURRICANE INIKI," was referred to the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2976) recommending that S.C.R. No. 58 be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 58, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE EXPANSION OF THE FOOD SAFETY CONSULTATIVE AND EDUCATION PROGRAM OF THE DEPARTMENT OF HEALTH," was adopted.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2977) recommending that S.C.R. No. 85, be referred to the Committee on Consumer Protection.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 85, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY AND REPORT ON THE NEED TO REGULATE THE PRACTICE OF RESPIRATORY CARE," was referred to the Committee on Consumer Protection.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2978) recommending that S.C.R. No. 132, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 132, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING IMPLEMENTATION OF RECOMMENDATIONS MADE BY THE AUDITOR PURSUANT TO REPORT NO. 93-29, 'AUDIT OF THE STD/AIDS PREVENTION PROGRAM IN THE DEPARTMENT OF HEALTH'," was adopted.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2979) recommending that S.R. No. 101, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 101, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING IMPLEMENTATION OF RECOMMENDATIONS MADE BY THE AUDITOR PURSUANT TO REPORT NO. 93-29, 'AUDIT OF THE STD/AIDS PREVENTION PROGRAM IN THE DEPARTMENT OF HEALTH'," was adopted.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2980) recommending that S.C.R. No. 149, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 149, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING

THE DEPARTMENT OF HEALTH TO CHANGE ITS POLICIES AND PROGRAMS IN REGARD TO CHILDREN WITH CANCER AND THEIR FAMILIES," was adopted.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2981) recommending that S.R. No. 114, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 114, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CHANGE ITS POLICIES AND PROGRAMS IN REGARD TO CHILDREN WITH CANCER AND THEIR FAMILIES," was adopted.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2982) recommending that S.C.R. No. 246, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 246, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CLARIFYING THAT APPROPRIATIONS MADE UNDER HTH530 TO THE DEPARTMENT OF HEALTH FOR 'FAMILY HEALTH SERVICES' UNDER ACT 296, ACT 300, AND ACT 289, SESSION LAWS OF HAWAII, 1991, 1992, AND 1993, RESPECTIVELY, ARE APPROPRIATIONS WHICH INCLUDE IN PART FUNDING AVAILABLE ONLY FOR THE BROAD RANGE OF CHILD ABUSE AND NEGLECT PREVENTION ACTIVITIES," was referred to the Committee on Ways and Means.

Senator B. Kobayashi, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2983) recommending that S.R. No. 199, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 199, S.D. 1, entitled: "SENATE RESOLUTION CLARIFYING THAT APPROPRIATIONS MADE UNDER HTH530 TO THE DEPARTMENT OF HEALTH FOR 'FAMILY HEALTH SERVICES' UNDER ACT 296, ACT 300, AND ACT 289, SESSION LAWS OF HAWAII, 1991, 1992, AND 1993, RESPECTIVELY, ARE APPROPRIATIONS WHICH INCLUDE IN PART FUNDING AVAILABLE ONLY FOR THE BROAD RANGE OF CHILD ABUSE AND NEGLECT PREVENTION ACTIVITIES," was referred to the Committee on Ways and Means.

Senator Matsunaga, for the Committee on Science, Technology and Economic Development, presented a report (Stand. Com. Rep. No. 2984) recommending that S.C.R. No. 59, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 59, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO AUDIT GTE HAWAIIAN TEL," was referred to the Committee on Ways and Means.

Senator Matsunaga, for the Committee on Science, Technology and Economic Development, presented a report (Stand. Com. Rep. No. 2985) recommending that S.R. No. 47, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 47, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO AUDIT GTE HAWAIIAN TEL," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Tungpalan, for the Committee on Transportation and the Committee on Higher Education, Culture and Arts and Historic Preservation, presented a joint report (Stand. Com. Rep. No. 2986) recommending that S.C.R. No. 17 be referred to the Committee on Planning, Land and Water Use Management.

On motion by Senator Solomon, seconded by Senator Reed and carried, the joint report of the Committees was adopted and S.C.R. No. 17, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE BOARD OF LAND AND NATURAL RESOURCES TO ISSUE A LEASE FOR THE PRIVATE DEVELOPMENT OF CERTAIN FAST AND SUBMERGED LANDS AT KAWAIIHAE, HAWAII, FOR MARINA PURPOSES," was referred to the Committee on Planning, Land and Water Use Management.

Senators B. Kobayashi and Chang, for the Committee on Health and the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a joint report (Stand. Com. Rep. No. 2987) recommending that S.C.R. No. 169, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the joint report of the Committees was adopted and S.C.R. No. 169, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ENCOMPASSING THE MEDICAL COMMUNITY, THE BUSINESS COMMUNITY, THE VISITOR INDUSTRY AND CERTAIN AGENCIES OF STATE GOVERNMENT, TO UNDERTAKE A HEALTH NEEDS ASSESSMENT OF THE PACIFIC RIM, TO DETERMINE THE ECONOMIC FEASIBILITY OF THE PRIVATE SECTOR BUILDING A WORLD CLASS HEALTH FACILITY IN HAWAII TO SERVE ASIA AND THE PACIFIC RIM," was adopted.

Senators B. Kobayashi and Chang, for the Committee on Health and the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a joint report (Stand. Com. Rep. No. 2988) recommending that S.R. No. 129, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the joint report of the Committees was adopted and S.R. No. 129, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ENCOMPASSING THE MEDICAL COMMUNITY, THE BUSINESS COMMUNITY, THE VISITOR INDUSTRY AND CERTAIN AGENCIES OF STATE GOVERNMENT, TO UNDERTAKE A HEALTH NEEDS ASSESSMENT OF THE PACIFIC RIM, TO DETERMINE THE ECONOMIC FEASIBILITY OF THE PRIVATE SECTOR BUILDING A WORLD CLASS HEALTH FACILITY IN HAWAII TO SERVE ASIA AND THE PACIFIC RIM," was adopted.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 2989) recommending that S.C.R. No. 171, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was

adopted and S.C.R. No. 171, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATIVE STAFF OFFICES OF THE DEPARTMENT OF TRANSPORTATION," was adopted.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 2990) recommending that S.C.R. No. 213, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 213, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF TRANSPORTATION EXAMINE WAYS THAT THE LAND BETWEEN, UNDER, AND SURROUNDING HIGHWAY INTERCHANGES AND INTERSECTIONS CAN BE BEAUTIFIED," was adopted.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 2991) recommending that S.R. No. 171, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 171, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF TRANSPORTATION EXAMINE WAYS THAT THE LAND BETWEEN, UNDER, AND SURROUNDING HIGHWAY INTERCHANGES AND INTERSECTIONS CAN BE BEAUTIFIED," was adopted.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 2992) recommending that S.C.R. No. 276, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 276, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF DEMOLISHING THE OLD ANAHOLA STREAM BRIDGE, KAUAI," was adopted.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 2993) recommending that S.R. No. 223, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 223, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF DEMOLISHING THE OLD ANAHOLA STREAM BRIDGE, KAUAI," was adopted.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 2994) recommending that S.R. No. 147, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 147, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII STATE SENATE STANDING COMMITTEE ON TRANSPORTATION TO EXAMINE THE ADEQUACY OF WATER TRANSPORTATION SERVICES TO MEET

EXISTING AND FUTURE NEEDS OF THE STATE FOR INTERISLAND MOVEMENT OF PASSENGERS AND CARGO," was adopted.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 2995) recommending that S.C.R. No. 275, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 275, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO EVALUATE THE 'DESIGN AND BUILD' CONCEPT FOR SELECTED HIGHWAYS PROJECTS," was adopted.

Senator Fernandes Salling, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 2996) recommending that S.R. No. 222, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 222, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO EVALUATE THE 'DESIGN AND BUILD' CONCEPT FOR SELECTED HIGHWAYS PROJECTS," was adopted.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 2997) recommending that S.C.R. No. 237, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 237, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO PROCEED EXPEDITIOUSLY WITH EFFORTS TO CLEAR ITS PRESENT BASEYARD OPERATIONS FROM THE KAKAOKO PENINSULA AND KOKEA STREET AREAS," was adopted.

Senator Chang, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs, presented a report (Stand. Com. Rep. No. 2998) recommending that S.R. No. 190, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 190, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO PROCEED EXPEDITIOUSLY WITH EFFORTS TO CLEAR ITS PRESENT BASEYARD OPERATIONS FROM THE KAKAOKO PENINSULA AND KOKEA STREET AREAS," was adopted.

Senators Chang and Kanno, for the Committee on Government Operations, Environmental Protection and Hawaiian Programs and the Committee on Labor and Employment, presented a joint report (Stand. Com. Rep. No. 2999) recommending that S.C.R. No. 3 be referred to the Committee on Ways and Means.

On motion by Senator Solomon, seconded by Senator Reed and carried, the joint report of the Committees was adopted and S.C.R. No. 3, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE TO REINVEST STATE MONEYS INTO SOUTH

AFRICAN INVESTMENTS," was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3000) recommending that S.C.R. No. 146 be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 146, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING STATE EMPLOYEES TO DONATE TO THE HAWAII FOODBANK STATE EMPLOYEES' FOOD DRIVE," was adopted with Senator Solomon voting "no."

Senator Tungpalan, for the Committee on Higher Education, Culture and Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 3001) recommending that S.C.R. No. 100 be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 100, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO REVIEW PROJECT MA'ALO AND MAKE RECOMMENDATIONS WHETHER IT SHOULD BE ESTABLISHED AT THE UNIVERSITY OF HAWAII AT HILO OR ELSEWHERE," was adopted.

Senator Tungpalan, for the Committee on Higher Education, Culture and Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 3002) recommending that S.R. No. 73 be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 73, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO REVIEW PROJECT MA'ALO AND MAKE RECOMMENDATIONS WHETHER IT SHOULD BE ESTABLISHED AT THE UNIVERSITY OF HAWAII AT HILO OR ELSEWHERE," was adopted.

Senator Tungpalan, for the Committee on Higher Education, Culture and Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 3003) recommending that S.C.R. No. 179, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 179, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII TO FOLLOW THE RECOMMENDATIONS OF THE AUDITOR," was adopted.

Senator Tungpalan, for the Committee on Higher Education, Culture and Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 3004) recommending that S.R. No. 139, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.R. No. 139, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII TO FOLLOW THE RECOMMENDATIONS OF THE AUDITOR," was adopted.

Senator Tungpalan, for the Committee on Higher Education, Culture and Arts and Historic Preservation, presented a report (Stand. Com. Rep. No. 3005) recommending that S.C.R. No. 165, as amended in S.D. 1, be adopted.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and S.C.R. No. 165, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO ESTABLISH A PHYSICIAN ASSISTANT PROGRAM AT THE SCHOOL OF PUBLIC HEALTH," was adopted.

ORDER OF THE DAY

THIRD READING

H.B. No. 2287, H.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, H.B. No. 2287, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2327, H.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, H.B. No. 2327, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSE PLATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2778 (H.B. No. 3729, H.D. 1):

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2778 was adopted and H.B. No. 3729, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER'S LICENSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2190, S.D. 1:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 2190, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3137, S.D. 1:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 3137, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCESS FOR CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2781 (H.B. No. 2285, H.D. 2, S.D. 1):

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2781 was adopted and H.B. No. 2285, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NUMBER PLATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2782 (H.B. No. 1649, H.D. 1, S.D. 1):

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2782 was adopted and H.B. No. 1649, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES OR MENTAL RETARDATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2783 (H.B. No. 2361, H.D. 1):

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2783 was adopted and H.B. No. 2361, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2784 (H.B. No. 2419, H.D. 2, S.D. 1):

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2784 was adopted and H.B. No. 2419, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHIATRIC FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2785 (H.B. No. 2461, H.D. 1, S.D. 1):

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2785 was adopted and H.B. No. 2461, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES OF REAL PROPERTY OR FIXTURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2786 (H.B. No. 2197, H.D. 2, S.D. 2):

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2786 was adopted and H.B. No. 2197, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2735, S.D. 1:

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, H.B. No. 2735, S.D. 1, entitled:

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

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2599, H.D. 1, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Baker and carried, H.B. No. 2599, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEPHONE SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3180, S.D. 1:

On motion by Senator Kanno, seconded by Senator Holt and carried, H.B. No. 3180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PERSONNEL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2680, H.D. 1, S.D. 1:

On motion by Senator Iwase, seconded by Senator Kanno and carried, H.B. No. 2680, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2799 (H.B. No. 2690, H.D. 1, S.D. 1):

On motion by Senator Iwase, seconded by Senator Kanno and carried, Stand. Com. Rep. No. 2799 was adopted and H.B. No. 2690, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2800 (H.B. No. 2912, S.D. 2):

On motion by Senator Iwase, seconded by Senator Kanno and carried, Stand. Com. Rep. No. 2800 was adopted and H.B. No. 2912, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2801 (H.B. No. 2913, H.D. 3, S.D. 1):

On motion by Senator Iwase, seconded by Senator Kanno and carried, Stand. Com. Rep. No. 2801 was adopted and H.B. No. 2913, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2802 (H.B. No. 3170, H.D. 2, S.D. 1):

On motion by Senator Iwase, seconded by Senator Kanno and carried, Stand. Com. Rep. No. 2802 was adopted and H.B. No. 3170, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2803 (H.B. No. 3171):

On motion by Senator Iwase, seconded by Senator Kanno and carried, Stand. Com. Rep. No. 2803 was adopted and H.B. No. 3171, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3428, H.D. 2, S.D. 1:

On motion by Senator Holt, seconded by Senator Kanno and carried, H.B. No. 3428, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 1999, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Tungpalan and carried, H.B. No. 1999, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING CODES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3432, H.D. 2, S.D. 1:

On motion by Senator Matsunaga, seconded by Senator Baker and carried, H.B. No. 3432, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITY RATEMAKING PROCEDURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3657, H.D. 2, S.D. 1:

On motion by Senator McCartney, seconded by Senator Ikeda and carried, H.B. No. 3657, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2234, H.D. 2:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 2234, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2462, H.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 2462, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2490, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 2490, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE PRESCRIPTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2491, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 2491, H.D. 2, S.D. 1, was deferred to the end of the calendar.

H.B. No. 2825, H.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 2825, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE ORGANIZATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2944, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 2944, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3208, H.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3208, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3213:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3213, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3305:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3305, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF OSTEOPATHS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3306, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3306, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF PRIVATE DETECTIVES AND GUARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3307, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3307, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REQUIREMENTS FOR OPTOMETRY LICENSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3308:

By unanimous consent, action on H.B. No. 3308 was deferred to the end of the calendar.

H.B. No. 3309, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3309, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING REQUIREMENT FOR A PHOTOGRAPH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3312:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3312, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2823 (H.B. No. 2822, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2823 was adopted and H.B. No. 2822, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2824 (H.B. No. 3210, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2824 was adopted and H.B. No. 3210, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING HOME ADMINISTRATORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2825 (H.B. No. 3453, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2825 was adopted and H.B. No. 3453, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2826 (H.B. No. 1317, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2826 was adopted and H.B. No. 1317, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURES IN REAL ESTATE TRANSACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2827 (H.B. No. 3484, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2827 was adopted and H.B. No. 3484, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2828 (H.B. No. 3209, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2828 was adopted and H.B. No. 3209, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2829 (H.B. No. 3211, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2829 was adopted and H.B. No. 3211, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSE AIDES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2830 (H.B. No. 3431, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2830 was adopted and H.B. No. 3431, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIVISION OF CONSUMER ADVOCACY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2831 (H.B. No. 2692, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2831 was adopted and H.B. No. 2692, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2832 (H.B. No. 3329, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2832 was adopted and H.B. No. 3329, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII STATE LIBRARY FOUNDATION CONCESSIONS AT PUBLIC LIBRARY FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2833 (H.B. No. 3742, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2833 was adopted and H.B. No. 3742, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII YOUNG SCHOLARS PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2177, H.D. 2, S.D. 1:

On motion by Senator Hagino, seconded by Senator Iwase and carried, H.B. No. 2177, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2835 (H.B. No. 2027, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2835 was adopted and H.B. No. 2027, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF AN ENVIRONMENTAL HEALTH PROGRAM ENHANCEMENT AND EDUCATION FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2836 (H.B. No. 2259, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2836 was adopted and H.B. No. 2259, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON GOVERNMENT ORGANIZATION AND EFFICIENCY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2837 (H.B. No. 2450, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2837 was adopted and H.B. No. 2450, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPLEMENT THE PROJECTS OF THE WEST MAUI WATERSHED MANAGEMENT PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2838 (H.B. No. 2605, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2838 was adopted and H.B. No. 2605, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2839 (H.B. No. 2644, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2839 was adopted and H.B. No. 2644, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2840 (H.B. No. 2647, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2840 was adopted and H.B. No. 2647, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2841 (H.B. No. 2919, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2841 was adopted and H.B. No. 2919, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT TO CONTINUE AND EXPAND THE PILOT PROGRAM TO CREATE AND TEST A MODEL OF WATER QUALITY SURVEYING AND SAMPLING USING VOLUNTEERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2842 (H.B. No. 3153, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2842 was adopted and H.B. No. 3153, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS

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

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2843 (H.B. No. 3190, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2843 was adopted and H.B. No. 3190, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC DISCLOSURE OF WRITTEN OPINIONS BY THE DEPARTMENT OF TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2844 (H.B. No. 3302, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2844 was adopted and H.B. No. 3302, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPEN MEETINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2845 (H.B. No. 3333, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2845 was adopted and H.B. No. 3333, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PANAewa RESIDENTIAL LOTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2846 (H.B. No. 3433, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2846 was adopted and H.B. No. 3433, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT APPROVING THE ADVISORY OPINIONS OF THE HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS REVIEW PANEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2847 (H.B. No. 3609, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2847 was adopted and H.B. No. 3609, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSE FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2848 (H.B. No. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2848 was adopted and H.B. No. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF

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

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2849 (H.B. No. 2882, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2849 was adopted and H.B. No. 2882, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2851 (H.B. No. 3447, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2851 was adopted and H.B. No. 3447, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2853 (H.B. No. 3600, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2853 was adopted and H.B. No. 3600, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2854 (H.B. No. 3156, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2854 was adopted and H.B. No. 3156, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2855 (H.B. No. 3323, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2855 was adopted and H.B. No. 3323, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF PAYMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2856 (H.B. No. 3630, H.D. 3, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2856 was adopted and H.B. No. 3630, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN SOVEREIGNTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2857 (H.B. No. 1241, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2857 was adopted and H.B. No. 1241, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2858 (H.B. No. 2925, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2858 was adopted and H.B. No. 2925, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2859 (H.B. No. 3144, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2859 was adopted and H.B. No. 3144, S.D. 2, 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 Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2860 (H.B. No. 3151, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2860 was adopted and H.B. No. 3151, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2861 (H.B. No. 3191, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2861 was adopted and H.B. No. 3191, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAXATION OF EMPLOYEE BENEFIT PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2862 (H.B. No. 3472, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2862 was adopted and H.B. No. 3472, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been

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

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2864 (H.B. No. 3513, H.D. 3, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 2864 and H.B. No. 3513, H.D. 3, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2865 (H.B. No. 2075, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2865 was adopted and H.B. No. 2075, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT-OWNED HAWAIIAN FISH PONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2866 (H.B. No. 2965, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2866 was adopted and H.B. No. 2965, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE REVIEW COMMISSION ON THE STATE WATER CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2867 (H.B. No. 3106, H.D. 4, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2867 was adopted and H.B. No. 3106, H.D. 4, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOUNT OLOMANA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2868 (H.B. No. 3176, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2868 was adopted and H.B. No. 3176, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2869 (H.B. No. 3445, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2869 was adopted and H.B. No. 3445, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION DISTRICT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2870 (H.B. No. 2221, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2870 was adopted and H.B. No. 2221, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2871 (H.B. No. 2309, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2871 was adopted and H.B. No. 2309, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2872 (H.B. No. 2553, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2872 was adopted and H.B. No. 2553, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2873 (H.B. No. 2718, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2873 was adopted and H.B. No. 2718, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE JUDICIARY FOR THE PROVISION OF DOMESTIC VIOLENCE EDUCATION, COUNSELING, LEGAL REPRESENTATION, AND TECHNICAL ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2874 (H.B. No. 2851, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2874 was adopted and H.B. No. 2851, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SPECIAL PROSECUTION UNITS AND VICTIM WITNESS PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2875 (H.B. No. 3133, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2875 was adopted and H.B. No. 3133, H.D. 2, S.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 Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2876 (H.B. No. 3134, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2876 was adopted and H.B. No. 3134, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2877 (H.B. No. 3135, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2877 was adopted and H.B. No. 3135, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE JUVENILE JUSTICE INFORMATION SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2878 (H.B. No. 3465, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2878 was adopted and H.B. No. 3465, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2880 (H.B. No. 3506, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2880 was adopted and H.B. No. 3506, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2881 (H.B. No. 2272, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2881 was adopted and H.B. No. 2272, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE TOURISM PROMOTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2882 (H.B. No. 2333, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2882 was adopted and H.B. No. 2333, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER AUTHORITY," having been

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

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2590, H.D. 1, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Hagino and carried, H.B. No. 2590, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2884 (H.B. No. 2631, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2884 was adopted and H.B. No. 2631, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2885 (H.B. No. 2746, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2885 was adopted and H.B. No. 2746, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST AN INDUSTRIAL ENTERPRISE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2886 (H.B. No. 2945, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2886 was adopted and H.B. No. 2945, H.D. 2, S.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 Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2887 (H.B. No. 2897, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2887 was adopted and H.B. No. 2897, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2890 (H.B. No. 3607, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2890 was adopted and H.B. No. 3607, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT ASSISTANCE," having been read throughout, passed

Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2891 (H.B. No. 3164, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2891 was adopted and H.B. No. 3164, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE WORKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2892 (H.B. No. 3324, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2892 was adopted and H.B. No. 3324, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PERMANENT AUTONOMY FOR HILO AND MAUI MEMORIAL HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2893 (H.B. No. 3326, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2893 was adopted and H.B. No. 3326, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY HOSPITALS DIVISION'S PILOT AUTONOMY PROJECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2894 (H.B. No. 3327, H.D. 3, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2894 was adopted and H.B. No. 3327, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF AN AGENCY FOR COMMUNITY HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2895 (H.B. No. 3456, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2895 was adopted and H.B. No. 3456, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL EXEMPTIONS FOR THE COMMUNITY HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2896 (H.B. No. 3458, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2896 was

adopted and H.B. No. 3458, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT BY THE COMMUNITY HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2897 (H.B. No. 3461, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2897 was adopted and H.B. No. 3461, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF CORRECTIONAL MENTAL HEALTH EMPLOYEES FROM THE DEPARTMENT OF HEALTH TO THE DEPARTMENT OF PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2898 (H.B. No. 3637, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2898 was adopted and H.B. No. 3637, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL SUPPLEMENTAL FOOD PROGRAMS FOR WOMEN, INFANTS, AND CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2899 (H.B. No. 3676, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2899 was adopted and H.B. No. 3676, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3195, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, H.B. No. 3195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2902 (H.B. No. 3255, H.D. 2, S.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, Stand. Com. Rep. No. 2902 was adopted and H.B. No. 3255, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 1046, S.D. 1:

On motion by Senator Tanaka, seconded by Senator Solomon and carried, H.B. No. 1046, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2274, S.D. 1:

On motion by Senator Tanaka, seconded by Senator Solomon and carried, H.B. No. 2274, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2334, H.D. 1:

On motion by Senator Tanaka, seconded by Senator Solomon and carried, H.B. No. 2334, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2308, H.D. 1, S.D. 1:

On motion by Senator Gaulty, seconded by Senator Ikeda and carried, H.B. No. 2308, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 929, H.D. 1, S.D. 1:

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, H.B. No. 929, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3400, H.D. 1, S.D. 1:

On motion by Senator McCartney, seconded by Senator A. Kobayashi and carried, H.B. No. 3400, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 1712, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 1712, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3149, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3149, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF

FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3310, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3310, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2985, H.D. 1, S.D. 1:

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, H.B. No. 2985, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY AND HOUSEHOLD MEMBERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2920 (H.B. No. 2294, S.D. 2):

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2920 was adopted and H.B. No. 2294, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2449, H.D. 1, S.D. 1:

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, H.B. No. 2449, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2921, H.D. 1, S.D. 1:

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, H.B. No. 2921, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EQUINE ACTIVITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2923 (H.B. No. 3159, S.D. 2):

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2923 was adopted and H.B. No. 3159, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2220, H.D. 1, S.D. 1:

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, H.B. No. 2220, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CUSTODIAL INTERFERENCE," having been read

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

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2928 (H.B. No. 2186, H.D. 2, S.D. 1):

On motion by Senator Holt, seconded by Senator Iwase and carried, Stand. Com. Rep. No. 2928 was adopted and H.B. No. 2186, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2928, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Kanno and carried, H.B. No. 2928, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3426, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Ikeda and carried, H.B. No. 3426, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCREDITATION IN INSURANCE REGULATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2934 (H.B. No. 3304):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2934 was adopted and H.B. No. 3304, entitled: "A BILL FOR AN ACT RELATING TO THE TRAVEL AGENCY EDUCATION FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2935 (H.B. No. 3427, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2935 was adopted and H.B. No. 3427, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FREE NO-FAULT MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2936 (H.B. No. 3158, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2936 was adopted and H.B. No. 3158, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELIGIBILITY FOR CHORE SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3132, H.D. 1, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Hagino and carried, H.B. No. 3132, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NONPRESENTMENT OF WARRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2235, H.D. 1, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Hagino and carried, H.B. No. 2235, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM THE GENERAL EXCISE TAX OF SALES AND GROSS PROCEEDS OF SALES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2500, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2500, H.D. 1, S.D. 1, was deferred to the end of the calendar.

H.B. No. 2909, H.D. 2, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 2909, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOING OUT OF BUSINESS SALES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3017, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3017, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3416, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3416, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIFE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2946 (H.B. No. 1627, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2946 was adopted and H.B. No. 1627, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT PAYMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2948 (H.B. No. 2515, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2948 was adopted and H.B. No. 2515, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2950 (H.B. No. 3169, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2950 was adopted and H.B. No. 3169, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2951 (H.B. No. 3383, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2951 was adopted and H.B. No. 3383, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX EXEMPTIONS FOR AFFORDABLE HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2953 (H.B. No. 3443, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2953 was adopted and H.B. No. 3443, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2954 (H.B. No. 3602, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2954 was adopted and H.B. No. 3602, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2955 (H.B. No. 2623, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2955 was adopted and H.B. No. 2623, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2957 (H.B. No. 3179, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2957 was adopted and H.B. No. 3179, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3194, H.D. 2, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Hagino and carried, H.B. No. 3194, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANAGEMENT OF STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2963 (H.B. No. 3198, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2963 was adopted and H.B. No. 3198, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII INTERCOLLEGIATE ATHLETIC PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2964 (H.B. No. 3425, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2964 was adopted and H.B. No. 3425, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

Stand. Com. Rep. No. 2965 (H.B. No. 3446, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2965 was adopted and H.B. No. 3446, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSISTENCE FISHING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 3429, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3429, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chang, Levin).

H.B. No. 2640, H.D. 2, S.D. 1:

On motion by Senator Tungpalan, seconded by Senator Fukunaga and carried, H.B. No. 2640, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE BROKERS," having been read

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

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

H.B. No. 3150:

On motion by Senator Chang, seconded by Senator Tungpalan and carried, H.B. No. 3150, entitled: "A BILL FOR AN ACT RELATING TO MILITARY JUSTICE TRAINING FOR MEMBERS OF THE STATE MILITARY FORCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3155:

On motion by Senator Chang, seconded by Senator Tungpalan and carried, H.B. No. 3155, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3520, H.D. 1, S.D. 1:

On motion by Senator Chang, seconded by Senator Tungpalan and carried, H.B. No. 3520, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3610, H.D. 1:

On motion by Senator Chang, seconded by Senator Tungpalan and carried, H.B. No. 3610, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2312, S.D. 1:

Senator Grauly moved that H.B. No. 2312, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Grauly rose in support of the measure as follows:

"Thank you, Mr. President.

"Mr. President, this bill does several things.

"First, it clarifies that marriage is between a man and a woman.

"Second, it makes clear that solemnization of same-sex relationships by religious organizations that do solemnize them is not unlawful.

"Third, and most importantly, this bill conveys a clear message to the Supreme Court that this policy determination is one for the Legislature in its law-making function to address. As stated on page 3 of the bill:

'Separation of powers is necessary for the functional division of governmental power that is the foundation of our constitutional democracy. The Hawaii state legislature, as the elected representatives of the people of the State of Hawaii, is, along with the executive branch, the appropriate source of major policy initiatives. The Hawaii supreme court in *Baehr* has in effect substituted its own judgment for the will of the people of this State.'

"Fourthly, Mr. President, this bill provides for an 11-person Commission on Sexual Orientation and the Law so that the precise legal and economic benefits extended to opposite-sex couples, but not to same-sex couples, can be examined, and appropriate action be recommended to the Legislature no later than 20 days prior to the convening of the 1995 regular session.

"Mr. President, this bill represents a beginning, not an end, to the discussion and consensus-building necessary in our state on sexual orientation issues. It calls for us to be inclusive, not exclusive; to be tolerant, not judgmental -- this was your charge to me when we first began this 'odyssey' on H.B. 2312. This bill meets your very difficult charge.

"As I told Senator Ann Kobayashi and Senator Baker when I asked for their support last Wednesday night, 20 years from now -- when we are all gone from this place -- we will look back on this bill and say: 'It was the right thing to do at the right time.'

"I urge all my fellow Senators to vote 'aye.'"

Senator Solomon also rose in support of the measure and said:

"Mr. President, speaking in support and on the issue of same-sex marriage.

"Mr. President, as you know, the controversy that has surrounded this legislative consideration has preoccupied us despite other demands on our attention. I do not regret the fact that the Legislature invested so much time on this question, and I hope that we will not hear from critics saying that lawmakers are inattentive to the issues of the day.

"Mr. President, your Judiciary Committee and other members of the Senate have studied long and hard and examined the issues. We have had lengthy hearings and extended debate. We have heard from our constituents at length. Now we must vote. I urge all my colleagues -- let's be decisive. Thank you."

Senator Matsuura then rose to support the measure and said:

"Mr. President, I will be voting for this measure, but I just want to make a few comments.

"I have faced a lot of tough issues -- geothermal, water code, procurement, etc. -- but I don't remember any issue before this body that has generated more misunderstanding and angry comments than this measure. I read a letter that was addressed to the Senator from Palolo and I'm going to read you my response to that person who wrote that letter. He also sent the Senator a filthy cartoon. I said:

'Dear Mr. Nueske,

'I'm very angry to have seen the letter you sent to Senator Matsunaga and calling him a sleazy, gutter rat. How well do you know Senator Matsunaga? I'm sure you do not know him as well as I do. Senator

Matsunaga is a very fine and conscientious legislator with a lot of compassion. He works hard to understand the issues. As a lawyer, he tries to be fair and listen to both sides of the argument. But I resent when people call others all kinds of names just because the other person has a different opinion.

'I think the cartoon that you sent him was crude, unwarranted, disgusting and stupid.' (I've never to this date called anyone stupid, and I don't apologize for calling him that.) 'If anything, you should apologize to Senator Matsunaga for your sleazy behavior.'

"Those of you who are going to vote against this bill, I have a lot of respect for all of you. It's harder to vote against this measure, than to vote 'aye.' There is no right or wrong in this issue. Whichever way you vote is the right vote. It is unfortunate that the public is going to interpret your 'no' vote to mean that you're encouraging same-sex marriage. That, we all know, is far from the truth. I understand the position that you are taking and I can understand the reasons. Your stand on this issue is on equal rights.

"I remember going to Augusta, Georgia, for my ROTC summer camp. I rode on a train and I met a friend from Hawaii. He was a Hawaiian and he was kind of dark. When we arrived at the Atlanta train station, we wanted to catch a taxi. The taxi driver was Black, and he looked at my Hawaiian friend and said that he was no problem, but I was the problem because he could only pick up Black passengers. He could not take White passengers. He explained that the White taxi drivers could take both Black and White passengers, but the Blacks could only take Black passengers. The Black taxi driver had to go into the train station to get the conductor to come out to determine whether I was White or Black. When the conductor came out, he asked what kind of blood we had. I was going to answer him by saying type O, RH positive, but my Hawaiian friend said, 'White man's blood.' He had White man's blood. So the conductor asked him, 'How come?' He said, (and this is a true story) 'My ancestors ate Captain Cook.'

"Another incident involving equal rights involved Mr. Kanda of Pomohoe Experiment Station. My friend and I got fired because two of us were being replaced with another high school student who happened to be a caucasian. I remember Mr. Kanda, who was the superintendent of the station, taking us to the University of Hawaii. He was so incensed by this injustice of equal rights that he resigned his position. I said to him, 'No, you can't resign for us. We're going to go to college soon, so you can't resign.' We talked him out of it, but I still remember the words of Dr. Baron Goto. I don't know if some of you remember him, but his comment to me before leaving the job at the experiment station was, 'When you come back from the Mainland, make sure you come back with a PhD.'

"Now, with all of those comments, you may wonder why am I voting for this measure? You would think that I'd be siding with the others. The only reason why I'm voting 'aye' on this is because I personally feel that the people who wrote the Constitution had no idea that same-sex marriage was going to become an issue in regards to equal rights. Whether we allow same-sex marriage should not to be decided in the realm of the courts of law. I believe that the persons who wrote the Constitution had no idea that this issue was going to come up. Whether or not we allow same-sex marriage should be determined by this body, at the Legislative level. That's the reason why I'm voting 'aye' on this measure. However, I do have the greatest respect for those of you who differ with me. I truly respect your position. Thank you."

Senator Iwase then rose in support of the measure, as follows:

"Thank you Mr. President. First of all, I'd like to support the Senator from Hilo regarding his comments on the Senator from Palolo. Senator Matsunaga has, during his tenure here, demonstrated unquestionable character. That kind of attack on him is totally unwarranted. This is a tough issue. But like the umpire in the baseball field or the 'gyoji' in the sumo ring, we are not paid to come to this body just to show up. We are paid to come here and make a decision. We are oftentimes criticized, sometimes too harshly, but I guess like the umpire and the 'gyoji,' we have to take it, and it is unfortunate that these kinds of comments come. And by the way, I remember the individual in question. I believe he sent me a nickel, sarcastically, for my vote on the gun control bill, which I returned to him because I felt he needed the money more than I. He returned the nickel back to me and I decided to stop this post office chase, but I still think I owe him a nickel, which I will repay in five pennies.

"Mr. President, I rise to speak in support of this bill. Mr. President, there are two questions to be addressed in this bill.

"The first and specific question relates to the issue of same-sex marriage. I commend the chair for his hard work in formulating a bill which makes a sincere effort to deal fairly with the issues in this difficult case. First, it reaffirms the concept of traditional marriage. Second, it establishes a commission to conduct a studied review of the issue and to present recommendations to the next Legislature. I would like to emphasize that this Legislature has been active and fair on the question of sexual orientation. We have enacted measures barring discrimination on the basis of sexual orientation -- for example, in employment just two sessions ago.

"It is therefore, curious, given the legislative activity in this area, that the Hawaii Supreme Court would believe that a void existed which could be argued as compelling judicial action as in 1954 in the case of Brown vs. Board of Education. In historical context, there is no factual parallel.

"Which brings me to the second, broader question touched upon by the Senator from Hilo -- that of the constitutional doctrine of separation of powers.

"Very simply stated, under that doctrine there are three coequal branches of government -- the executive, the legislative and the judicial. The legislative creates policy by enacting laws, the executive carries it out and the judiciary interprets laws.

"The doctrine is the foundation, a keystone in our system of government.

"Only recently, this body affirmed the doctrine when the Senate Special Investigating Committee determined that the budget director, an employee of the executive branch, overstepped his jurisdiction when he funded a DOE project which was not approved by the Legislature. We stated, and I quote from the committee's report, 'this practice contravenes the constitutional separation of powers doctrine whereby the legislature maintains control over the power of the purse and policy formation and the executive carries out the law.'

"There is even the bold suggestion of attaching 'serious criminal penalties' to public employees who disregarded legislative mandates. That is how concerned we were.

That is how committed we were and perhaps at that time it was popular to be that way.

"Today we have, in Baehr vs. Lewin, a question involving the actions of employees of the judiciary. And today, some would argue that unlike employees in the executive branch, we, the Legislature, must remain mute and blind if such transgressions are committed by the judiciary's employees. That is wrong, and that is an abdication of our responsibility to this Legislative Branch. The governor and his cabinet, as well as the justices, each and every one of them on the Hawaii Supreme Court, have a constitutional duty to respect and to adhere to the doctrine of separation of powers. And if we do not speak out when there are unwarranted intrusions into the Legislative Branch, who will speak out for us? Certainly not the executive branch when they breach the doctrine and clearly not the judiciary when they do so.

"Long before Baehr vs. Lewin, long before any of us were elected to this body, a political figure in our history expressed strenuous opposition to the idea that the judiciary was the ultimate arbiter of constitutional issues. In the interim, Marbury vs. Madison came down and settled the question that the supreme court, under the doctrine of judicial review, is the final judge on constitutional matters and it is not argued here that they do not possess that right. It is their kuleana. However, the issue posed in this case is, what guides the court when it conducts its analysis? That's a separate question. Are judges to render decisions free from any restraint whatsoever, without any regard to the express intent of the framers, without any regard to the history of the constitutional provision at issue?

"I stand here today, Mr. President, and say that the answer to those questions is a clear and loud No. One doctrine which compels judicial restraint is the issue of separation of powers.

"And here the words of this political figure from our history is instructive on why the doctrine is so important and must be followed. Let me just quote from his writings:

'... The opinion which gives judges the right to decide what laws are constitutional and what are not, not only for themselves in their own sphere of action but for the Legislature and the executive also in their spheres, would make the judiciary a despotic branch.

'The constitution on this hypothesis is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please.'

And finally,

'... Their power (is) the more dangerous as they are in office for life and not responsible, as the other functionaries are, to the elective control.'

"Now, regarding the question on how to construe the constitution, this individual, in language which should have reverberated through the halls of the Hawaii Supreme Court said:

'On every question of construction, carry ourselves back to the time when the constitution was adopted, recollect the spirit manifested in the debates and instead of trying what meaning may be squeezed out of the text or be invented against it conform to the probable one in which it was passed.... Laws are made for men of ordinary understanding and should therefore, be construed by the ordinary rules of common sense. Their meaning is not to be sought for in metaphysical

subtleties which may make anything mean everything or nothing.'

"This individual, Mr. President, was Thomas Jefferson. And as Jefferson directed, the Baehr court and this Legislature should take ourselves back to 1950 when Article I, Section 5, was first adopted. It was a different era in Hawaii. We were a territory. It was a Hawaii ruled by an oligarchy, an oligarchy which was very conservative, a Constitutional Convention where the delegates had no intent, no intent to extend the word 'sex' in Article I, Section 5, to include sexual orientation.

"If such an intent, Mr. President, is present today, it is a policy issue to be pursued in the legislative and not the judicial arena. Pursuant to Article XVII of our Constitution this means a constitutional amendment or a legislative amendment to the Constitution -- in short, a legislative question to be decided by the people of this state and not by two unelected justices who made this decision out of 1.1 million people.

"We have observed in the public hearings on this bill that there are at least more than two people in this state who are crying out to be heard on this issue. In the creation of policy, this body is the closest to the people. We are supposed to go to the people, and unlike judges, not be put away into some little, tiny, sterile, separate room where we can analyze history. We are supposed to feel the pulse. We have felt the pulse. And that is what is required for the establishment of policy. The people of this state should be given the opportunity, either in the form of a legislative amendment or a constitutional amendment. The court should not have intruded itself and defined marriage in a manner which was never intended when the framers of the Constitution adopted Article I, Section 5.

"Thank you, Mr. President."

Senator B. Kobayashi then rose to speak against the measure and said:

"Mr. President, I rise to speak in opposition to the bill and to cite Thomas Jefferson also.

"The previous speaker noted that we are here because last year a significant Hawaii Supreme Court decision, Baehr vs. Lewin, indicated that our current marriage laws, which limit marriage to heterosexual couples, are unconstitutional on the grounds of the equal protection clause. The House of Representatives, upon seeing this, read the decision of the Hawaii supreme court and saw within it a rationale which led it to seek a compelling state interest, whereby the court might reverse its decision. The House looked and found that it was indeed difficult to find a compelling state interest other than that of propagation and offspring out of wedlock. And so it fashioned its bill along these lines to state that there was a compelling state interest greater than the equal protection clause and that compelling state interest had to do with propagation and children out of wedlock within a family setting.

"All of us know that the equal protection clause is a vital and absolute essential element of our Constitution. We do not have a government that says some men are created equal and some men are created unequal or a little less equal. We do not have a Constitution that says that some men have some inalienable rights and other men have other inalienable rights. We have an equal protection law, without which our form of government would be a very fearful one. I would fear for my life and liberty in a situation in which we did not have an equal protection clause.

"So, the House having made its decision, the matter comes to the Senate. The Senate, seeing what the House did with compelling interest, decided not to try to enunciate a compelling state interest. It said nothing at all about a compelling state interest. It rather reiterated the House conclusion that marriage should be limited to sexual couples between a man and a woman. It further went on to cite, as the previous speaker had said, that we have a principle of separation of powers. Everyone knows that in constitutional law, you have a pairing of ideas. If there is separation of powers on one hand, there is also something else on the other, and in this case we have checks and balances.

"The previous speaker cited the committee report of the Senate which states that 'The Hawaii State Legislature, as the elected representatives of the people of the State of Hawaii, is, along with the executive branch, the appropriate source of major policy initiatives.' Note that he did not say that the Legislature is the sole source of major policy initiatives. Neither did he say that the Legislature was the appropriate source of all major policy initiatives. Whether we as legislators in the Legislature like it or not and whether we call it by one name or another, the judicial branch makes laws. Some people call it judicial policy-making; some people call it judicial rule-making; some people call it judicial review. But the Court, by negation of laws on the basis of constitutionality, does indeed make very major policy decisions.

"If we go back to our Supreme Court history, we find that there is a Supreme Court case called Marbury vs. Madison. It was decided during the time of President Thomas Jefferson. In this case, the most important single Supreme Court decision in our history, the court enunciates several things. It says that the power of the legislature is 'defined and limited' by the framework of the Constitution. It further states that it is the court that can decide what is constitutional and what is not constitutional. And thirdly, that decision says that it is within the prerogatives of the court to nullify an act of Congress if the court deems it unconstitutional. Given those circumstances, the State Supreme Court exercised its power of judicial review and stated that the current Hawaii State policy of heterosexual-only marriages is unconstitutional. It allowed that if the state could find a compelling state interest, that position might be reversed.

"Now, what we have here is a case in which we have one body, the judiciary, who is not normally a policy-making body, making policy and seemingly intruding upon the arena of the Legislature. Now, even as you speak of separation of powers and three separate branches of government, you have to conclude that what this decision does is it strikes down the notion of separation of powers. Let me refer to the committee report. 'Deferral of this matter to the legislature therefore would have expressed the respect due a coordinate branch of government.' Not a coequal branch of government, but a 'coordinate' branch of government. Prospect of a government with two coequal branches of government and a third coordinate branch of government is not what our founding fathers envisioned. It is contrary to a separation of powers and the checks and balances that are paired with the notion of separation of powers.

"It is unrealistic that the court would make itself a weakling, unable to effectively use its checks and balances against another branch of government. The court in establishing Marbury vs. Madison, in establishing the doctrine of judicial review, established itself as a strong and coequal branch of government, not a coordinate branch of government as the committee report would have it.

"And so, we find ourselves in this quandary -- how do we, as legislators, reverse a decision of the court when it is the court that decides what is constitutional or not constitutional? We do not just tell the court, 'Butt out of this area. This is policy-making. We know what policy is. We know what constitutionality is and we should be the judges of our own action.' In fact, that was the position of Thomas Jefferson. Thomas Jefferson was the guy on the other side of the Marbury vs. Madison case. He was President at the time Marshall was Chief Justice of the United States Supreme Court and Jefferson believed that the legislature was the only branch of government capable of determining the validity of its own actions. The beliefs of Jefferson have not survived. They were quashed in 1803 with the Marbury vs. Madison case.

"The very doctrine set out by Chief Justice Marshall in the Marbury vs. Madison case is the prevailing doctrine that we use today. Protect ourselves from the tyranny of any one single branch of government.

"It's a tough choice. If you pick the House position, you pick the position in which you try to find the compelling interest, and if you do happen to find the compelling interest, it is a compelling interest that is tantamount to negating the equal protection clause. If you pick the Senate position, you pick a position in which you agree, or you try to get the courts to agree, to be a coordinate branch of government and then you do not have three coequal branches of government, but only two coequal branches of government and a third weaker coordinate branch of government. That's the problem.

"When you look at constitutional problems, and we have many of them, the Constitution does not always seem to be our friend and ally. Look at my district in Waikiki. We have people selling T-shirts on the public sidewalks of Kalakaua Avenue, some of the most expensive real estate in the State of Hawaii. They don't pay any lease rent. They don't even clean up. They don't pay any permit fees or have a permit to sell. They are out there because of something called the 'freedom of religion.' Is the Constitution our friend and ally when we have in Waikiki, street walkers, prostitutes who seem to have so much protection in civil and criminal matters that they are able to ply their trades openly, night, after night, after night? Is the Constitution our friend and ally when we have a situation in which prayers are not allowed in schools, but prayers are allowed in this body and in the House of Representatives above us? It would seem a very strong argument that if the Legislature can have prayers, so should students in school.

"Nevertheless, in these and many other matters, when we have a confrontation between a gut-level situation that we think is objectionable -- like T-shirt sellers in Waikiki, prostitutes in Waikiki, no prayer in schools -- we have to balance our gut instinct with our intellectual understanding of what the Constitution is. We do not throw out the Constitution when confronted with problems like prostitutes on streets or T-shirt vendors on streets. We work within the framework of the Constitution to try to correct that.

"I don't have the answer as to how we can best solve this problem. Personally, I am uncomfortable with the idea of same-sex marriage. I'm uncomfortable with the idea of the street prostitutes in Waikiki, uncomfortable with the idea of having the freedom of religion protect T-shirt vendors in Waikiki. We just don't write a law that shuts down the most important elements of our constitutional government to try to get the means to the end which we seek. That, I think, is the problem that I have with this bill.

"Thank you."

Senator Matsunaga also rose in opposition to the bill and stated:

"Mr. President, I rise in opposition to this bill. Before I do so, I'd like to thank the Senator from Hilo and the Senator from Mililani for their kind remarks. I'd also like to commend the Judiciary chair for his hard work in tackling many controversial issues this session. This is one of many, although I disagree with him.

"I oppose this bill for three reasons: 1. It is unconstitutional; 2. It is unconvincing; and 3. It is unlikely to do what proponents wish it to do.

"This bill is unconstitutional because it is an attempt by the Legislature to exercise its policy-making authority outside the bounds of our State Constitution. Our state's highest court has already ruled that denial of marriage licenses to same-gender couples is a form of gender-based discrimination, which is expressly prohibited by our State Constitution. The court's reasoning is obviously correct. As a matter of definition, if a privilege is made available to persons of one gender, while it is denied to persons of another gender, then what is taking place is indeed gender discrimination. For example, if Wilma is permitted to marry Fred, but Barney may not marry Fred, then (assuming that Fred would be a desirable spouse for either) Barney is being disadvantaged because of his gender. It is that simple.

"I've heard the arguments that there is no discrimination because members of both genders are equally forbidden from marrying anyone of the same gender. But similar arguments failed to save the laws against inter-racial marriage in which everyone was equally forbidden to marry anyone of a different race. Parallel discriminations are still, nonetheless, discriminations.

"This bill is unconvincing because it incorrectly asserts that policy changes should not come from the judicial branch of government. As much as we legislators would like to believe that we are the exclusive makers of public policy, this simply is not true. Throughout our nation's history, courts have engaged in policy-making. When the courts enforced debts after the revolution, they were making important economic policy. When they decided in the Dred Scott case that the provisions concerning slaves in the Missouri Compromise were unconstitutional, they helped set the stage for the Civil War. When they protected corporations under the cloak of the 14th Amendment, they helped create the environment in which American industrialism grew.

"From 1871 to 1964, no civil rights legislation was passed by Congress. Except for the constitutional amendment granting women suffrage, every single advance of civil rights was accomplished by judicial decision. School desegregation, the right to use birth control, women's right to an abortion all exist today because of court decisions which recognize constitutional rights. No, the legislative branch does not have a monopoly on policy-making.

"The bill is unlikely to do what proponents would like it to do, and that is overturn the Supreme Court's decision in the Baehr case because there are no compelling state interests articulated. Our Supreme Court has ruled that our marriage statute is unconstitutional unless the state can show that the gender-based discrimination is justified by compelling state interests. Where are the compelling state interests? Is it that policy should not come from the courts? Is it that the court's analysis in the Baehr opinion was flat out wrong? Is it the propagation of the human race? That is what is in this bill.

"This bill is telling the Supreme Court the analysis of the case was wrong, and furthermore, butt out -- this is a policy matter. Well, maybe it is the Legislature who should butt out of the court's business.

"This bill, by definition, is doomed to failure. And even if it were successful, imagine, if you will, what things would be like if following every progressive court decision eliminating status discrimination, the legislative branch successfully overturned such decisions. Our nation and state would then be governed by the principles of equality and justice for all, except for those of us who are Black, Chinese, Japanese, Hawaiian, Filipino, union members, physically challenged, blind, or have some other status which is unpopular.

"As Congresswoman Pat Schroeder eloquently stated in referring to the last six words of our Pledge of Allegiance, 'With liberty and justice for all -- just what part of "all" don't we understand today?'

"Thank you."

Senator Koki rose to speak in favor of the bill and stated:

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

"I think sometimes too much education makes some people insane. Tyranny comes about when people go against the very meaning of words and their intent. We are being tyrannized by the courts. That is why we have prostitution in Waikiki, and that is why we have vendors in Waikiki.

"This is not an issue about civil rights. Black's and minorities have suffered economic hardship. They've been treated as second class -- in the back of the bus, separate bathrooms. None of this applies here in this case. There is no discrimination of that sort. There is no back of the bus. There is no lack of opportunity. In fact, their incomes exceed the median income of Hawaii and the rest of the nation. We cannot allow the courts to go beyond reasonableness in interpreting law and the very meaning of simple words and thereby create legislation. We have constitutional protection -- you cannot discriminate because of ancestry. It's in the Constitution. So, if a father wanted to marry his daughter, what happens? Is our law prohibiting this marriage unconstitutional? If you follow the court's logic, it is.

"Many studies have shown that the crisis in America is the direct result of the deteriorating family structure and values. Now is not the time to embark in a bold new experiment that will take us further along that road of deteriorating family values. And in the final analysis, I know most of you do not want to redefine marriage. Some of the resistance to H.B. 2312 is due to a desire for domestic partnership legislation. This is not the appropriate vehicle, or the time. Let's address the current problem and not confuse the bill with two subject matters.

"I urge all of my colleagues to vote 'yes.' Thank you."

Senator Levin then rose in opposition to the bill and said:

"Mr. President, I may need a ruling. Is it in order to speak even though I don't have a quote from Thomas Jefferson? (Laughter. Chair: 'You may proceed.')

"I would like to thank the three prior democratic speakers for their eloquence. I think that they have very

adequately set forth the issues and I'm not going to try to match them.

"I am rising to speak against the bill and I will be voting against the bill because I do not think it is properly balanced. I had taken the position that I understood people's desires to reserve the word 'marriage' for something ceremonial, traditional, unique, a union of a man and a woman, but my belief is that we should not be taking away civil rights which have been granted, virtually granted by the court in Baehr, take away those rights without a balanced bill. And a balanced bill, I believe, would have included the authorization of a registration of domestic partnerships. This bill does not do that. I am very disappointed that it does not.

"I hope that the Judiciary chair is correct that this is a beginning, not an end, and that we are being tolerant, not judgmental. But I'm not sure that we are being tolerant. I'm not sure that we are not being judgmental in this bill.

"I have a very difficult time distinguishing between the Loving decision in 1967, which said that inter-racial marriages cannot be prohibited. That base, I'm sure, sent shock waves not very long ago, 27 years ago only, throughout the South. It's difficult for any of us here to imagine that kind of situation, but it existed and it exists today where we have an Alabama principal telling mixed-race couples that they cannot attend a prom. The situation hasn't changed. And now we face a very, very similar issue with respect to same-sex couples.

"The other point that I want to make is on page 15 of the bill. We are actually taking an action which I think is, perhaps, unique among the United States. We are saying, under the section entitled 'Contracted without the State,' meaning contracted outside the State of Hawaii, that 'Marriages between a man and a woman legal in the country where contracted shall be held legal in the courts of this State.' That may well be interpreted to mean that if California, if Florida, if any other state decides to recognize same-sex marriages, that Hawaii still will not recognize those marriages which are recognized in those states. We were worried when the Baehr decision came out that other states might not afford Hawaii what's called 'full faith and credit,' with respect to the laws and decisions of our courts, when people are in other states. Undermining the 'full faith and credit' clause of the United States Constitution is a very serious issue. And I think it has gotten virtually no attention in this discussion. We are not being neutral in this bill, saying that we're limiting all marriages to a union of a man and a woman. We're saying that even if another state is willing to allow same-sex marriage, still we will not allow those unions to be recognized in our state. I thought that one of the main arguments against the Supreme Court decision was our fear of being unique.

"As much as we have tried to fashion this bill so it need not go to conference and so that there will not be further discussion on it, if it does wind up in conference, I'm hoping that at least that provision in particular can be looked at. Thank you, Mr. President."

Senator Baker rose in support of the measure and stated as follows:

"Mr. President, I rise to speak on this measure, but with reservations.

"Mr. President, the issues raised by the Baehr vs. Lewin case have sparked some strong emotions and energized people who might otherwise not take part in the legislative process. Just the discussion on this issue alone has raised our collective consciousness, but at the same

time the discussion has often been troubling because the rhetoric used by ardent supporters of this measure has often been mean-spirited, intolerant and sought to promote a minority religious view. It's important for me to note for the record that the Christian community, like the larger community, is not of one mind on this matter.

"As evidenced by the number of drafts that this bill has gone through and the discussion that we have had today, I would suggest that my colleagues are not of one mind on this matter, either. We all have many valid and legitimate reasons for the positions that we take. This bill is a compromise going neither as far as the proponents wanted, nor does it take the route preferred by the Baehr plaintiffs.

"This bill discarded the convoluted recitation of the so-called compelling state interests, which many of us found quite offensive and discriminatory. Instead, the bill states the Legislature's desire to deal with this controversial and divisive issue. It sets up a commission to examine the legal and economic benefits extended to opposite-sex couples, but not to same-sex couples, and asks for recommendations by 1995. I believe the commission's report will enable this Legislature to forge the consensus necessary to hopefully fashion a domestic partnership statute in a manner not possible in a judicial arena.

"While I recognize that there are many who desire to preserve the word 'marriage' for male-female unions, I do believe that it is necessary to recognize that different relationships exist, that they have validity, and should be accorded equal protection of the laws. I believe the current Senate version of H.B. 2312 sets up a process to do that, and to do it in a less divisive manner than that contemplated by the courts.

"Ultimately, the issue is not whether we like same-gender relationships. They exist alongside those of us in traditional and non-traditional marriages and relationships, as well as throughout our society. Gay people are contributing members of our community, and many of them have stable relationships with a loved one around which they wish to build a life. I believe that they are entitled to that same equality and even-handed treatment under the law that all of us have the right to expect.

"I believe that the commission contemplated in the bill can help us move towards that -- to secure for same-gender couples the major economic and legal benefits accruing from a civil marriage contract, such as survivorship rights, without disturbing the traditional view of marriage. I know this is a very difficult and complex issue about which there are strong feelings. By setting those emotions aside and viewing our differences with respect and tolerance, I believe we can bring resolution to this matter with fairness for all of our citizens. Thank you."

Senator Reed also rose to speak in support of the measure as follows:

"Mr. President, I rise to speak in support of this legislation.

"I would first like to commend the Judiciary chair for doing an exemplary job in shepherding this bill through the process. He exhibited a great deal of patience and perseverance and I think that it may not have made it, had there been another chairman involved. I applaud his effort. I also want to take a minute to applaud the efforts of the community at large. This issue generated a great deal of debate and a lot of faxing and phone calls and lobbying. A relative handful of those people are in the gallery on both sides of us today and they deserve a great

deal of credit. I'm convinced that had it not been for public involvement in this issue, the bill would not have made it out of committee and would not be poised here for passage. And therefore, it is a testament to the democratic process that we're here to vote on this today.

"I would urge my colleagues to vote in support of this legislation -- first and foremost, because it is the right thing to do. It is absurd to grant special rights based on sexual behavior. It is offensive to equate homosexual behavior with ethnicity, as some members of this body and others have done in their attempt to make the homosexual campaign for minority status, and the special rights this nation affords minorities, comparable to the civil rights movement on behalf of Blacks and other legitimate minorities in our country.

"There are many former homosexuals in our community, although we don't often hear their message since the media doesn't like what former homosexuals have to say about the homosexual lifestyle, but there are no former Blacks. Homosexual behavior is not an immutable trait. Homosexuality is not a civil rights issue.

"Mr. President, the people who elected us, who pay our salaries and own the facilities that we use temporarily, want us to vote in support of traditional marriage and against homosexual marriage. Support for traditional marriage and opposition to same-sex marriage is not, as the previous speaker contends, coming from a religious minority. There's a high percentage of people in Hawaii who oppose same-sex marriage. This opposition is not borne of intolerance or, as the homosexuals would like the nation to believe, fear of homosexuality. Our community is extremely tolerant, but this tolerance does not equal acceptance. The people of Hawaii do not want government giving a stamp of approval, acceptance or a sanction to homosexuality.

"If this bill does not pass, the court is likely to approve same-sex marriage, making our state the only state in the nation where homosexuals can marry. And of course, this would have several impacts. Just to mention a couple, Hawaii would become known as the homosexual marriage capitol of the world.

"Mr. President, there are presently 23 states in our nation that still outlaw sodomy and this number is likely to go up, rather than down, in the future, as communities become more serious about combating the spread of AIDS. These states are not likely to recognize homosexual marriages legalized in Hawaii, and to avoid the appearance of discrimination, those states are likely to refuse to recognize any marriages performed in Hawaii.

"We need to consider the impact on schools, on the educational system. If this bill does not pass, the curriculum in our schools would have to be changed to teach our children that homosexuality is a completely acceptable, healthy, alternative lifestyle fully accepted by the people and government of Hawaii. This is not what most of Hawaii's people want their children taught.

"Because it is in the best interest of the people and future generations of Hawaii, I urge a 'yes' vote on this bill, a vote in support of traditional marriage and against the politically correct, but absurd proposal to grant special rights based on sexual behavior. Finally, I urge a 'yes' vote because that is the will of the people we are elected to represent.

"I would like to request, at the appropriate time, Mr. President, a roll call vote on this issue. Thank you."

Senator Fernandes Salling, rising to speak in favor of the measure, then added:

"Mr. President, I rise to speak in favor of this bill and I would like the record to be clear that I am doing so for the reasons enunciated by the good Senator from Maui, rather than by the previous speaker, my colleague from Maui and the other Senator from the Island of Kauai. Thank you."

Senator Chang then rose and stated:

"Mr. President, in the debate about procurement reform during the 1993 legislative session, I discussed at length the doctrine of separation of powers, reading from the Federalist Papers and other excerpts from the literature of American governance. I will not reprise that discussion today, but instead request that my remarks contained in Miscellaneous Communication No. 4 be appertained to the record of the discussion about this bill."

The Chair granted the request and the document is identified as Exhibit "A."

The motion was then put by the Chair and carried, and H.B. No. 2312, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Kobayashi, B., Matsunaga, Kanno, Levin).

At 1:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:08 o'clock p.m.

Stand. Com. Rep. No. 2787 (H.B. No. 3303, H.D. 1, S.D. 2):

On motion by Senator Graulty, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2787 was adopted and H.B. No. 3303, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USED MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (George, Koki, Reed). Excused, 1 (Fernandes Salling).

H.B. No. 3321, S.D. 1:

On motion by Senator Levin, seconded by Senator Nakasato and carried, H.B. No. 3321, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2641, S.D. 1:

On motion by Senator Chang, seconded by Senator Tungpalan and carried, H.B. No. 2641, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2850 (H.B. No. 3199, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2850 was adopted and H.B. No. 3199, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2852 (H.B. No. 65, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2852 was adopted and H.B. No. 65, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2863 (H.B. No. 2344, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2863 was adopted and H.B. No. 2344, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLICATION OF THE HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2879 (H.B. No. 3466, H.D. 2, S.D. 1):

Senator Ikeda moved that Stand. Com. Rep. No. 2879 be adopted and H.B. No. 3466, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hagino.

Senator Solomon, at this time, rose to request a conflict of interest ruling by the Chair, as follows:

"Mr. President, I understand that my husband's name has been submitted by the Governor for consideration of an appointment to a seat on the Hawaii Paroling Authority. As this bill will increase the compensation of members of the authority, I ask the Chair for a conflict of interest ruling."

The Chair responded:

"Members of the Senate, pursuant to Senate Rule 71(2), the President finds that there is a monetary interest on the part of the Senator from the 1st Senatorial District and, in the question of a conflict of interest, the President will excuse the Senator from the 1st Senatorial District from voting on this matter."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2879 was adopted and H.B. No. 3466, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (George, Koki, Reed). Excused, 1 (Solomon).

Stand. Com. Rep. No. 2888 (H.B. No. 3451, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2888 was adopted and H.B. No. 3451, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PUBLIC UTILITIES REGULATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (George, Koki, Iwase, Reed).

Stand. Com. Rep. No. 2889 (H.B. No. 3585, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2889 was adopted and H.B. No. 3585, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Iwase, Kanno).

H.B. No. 2181, H.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, H.B. No. 2181, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2625, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 2625, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GAME MAMMALS," was recommitted to the Committee on Tourism and Recreation.

Stand. Com. Rep. No. 2908 (H.B. No. 3290, H.D. 1, S.D. 1):

Senator Grauly moved that Stand. Com. Rep. No. 2908 be adopted and H.B. No. 3290, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Chang then rose to speak on the measure, as follows:

"Mr. President, the Senator from Mililani had raised concerns about certain provisions of this bill. I have received appropriate assurances that this matter will be taken up in conference and have so communicated to the chairman of the Committee on Judiciary and the Senator from Mililani."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2908 was adopted and H.B. No. 3290, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT OF THE STATE ETHICS CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2642, S.D. 1:

On motion by Senator Chang, seconded by Senator Tungpalan and carried, H.B. No. 2642, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION," having been read throughout, passed

Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2911 (H.B. No. 2639, H.D. 1, S.D. 2):

On motion by Senator Chang, seconded by Senator Ikeda and carried, Stand. Com. Rep. No. 2911 was adopted and H.B. No. 2639, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3253, S.D. 1:

On motion by Senator Chang, seconded by Senator Grauly and carried, H.B. No. 3253, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2918 (H.B. No. 2192, H.D. 1, S.D. 1):

Senator Grauly moved that Stand. Com. Rep. No. 2918 be adopted and H.B. No. 2192, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Matsuura rose to speak for the bill and said:

"Mr. President, I'm speaking in favor of this measure.

"There was an article in the Star-Bulletin yesterday regarding my stance on smoking and whatever was said in the article is true. I want to put into the record that there is conclusive medical evidence that people who do not smoke but who inhale the smoke from the other cigarette smokers are being exposed to harmful levels of carcinogens. It is now a health issue. Non-smoking people should not be exposed to carcinogens such as the tobacco smoke. Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2918 was adopted and H.B. No. 2192, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2919 (H.B. No. 3491, H.D. 2, S.D. 2):

Senator Grauly moved that Stand. Com. Rep. No. 2919 be adopted and H.B. No. 3491, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Grauly, in support of the measure, said:

"Mr. President, this bill presents an important policy question for the Legislature to consider and the question is: 'Does the collateral penalty of a 500-600% increase in insurance premium rates for first-time DUI offense kick in at the conclusion of the administrative revocation process, or should these increases occur upon conviction by a

court of law?' Your Committee on Judiciary believes it should be the latter. Unfortunately, a technical error in the bill does not make the policy question clear.

"There is a second issue relating to the 'Catch 22' drivers caught without no-fault insurance find themselves in. They are unable to get the SR-22 proof of financial responsibility unless they show they have no-fault coverage and they are unable to show no-fault coverage unless they have the SR-22. All those testifying before the committee supported the removal of this 'Catch-22' situation.

"I would like the Senate to allow the policy issues to be addressed in conference with the House, and should the House support these policy changes, I will come back a final time for the Senate to deliberate fully on these policy issues with the corrected language in place.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2919 was adopted and H.B. No. 3491, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Matsuura, Kobayashi, B., Matsunaga, Iwase, Ikeda, Tungpalan, George, Koki, Reed).

Stand. Com. Rep. No. 2925 (H.B. No. 740, H.D. 1, S.D. 2):

Senator Grauly moved that Stand. Com. Rep. No. 2925 be adopted and H.B. No. 740, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Chang rose to speak on the measure and said:

"Mr. President, many people assume that my field of study in college was Chinese literature or fashion design or some other equally artistic endeavor. The truth is that my major was in accounting and, as much as I hold dear the training that was provided to me, there are some concerns about this proposal that need to be resolved. I do hope that there will be some further discussion of this matter, perhaps in the conference committee, and the wrinkles ironed out at that time. Thank you."

Senator Iwase, in response to the previous speaker, remarked:

"Mr. President, having observed Senator Chang's dress for the last three years, there's no doubt in my mind that he studied public accounting. Thank you." (Laughter.)

Senator Matsunaga also responded, as follows:

"Mr. President, after hearing our Majority Floor Leader and being a fellow accounting major, I want to say that he does much for our reputation." (Laughter.)

Senator Matsuura then inquired:

"Mr. President, on a point of clarification. These three last speakers, are they for the bill or against the bill?" (Laughter.)

The Chair answered:

"Senator, I believe they speak in support of the bill, with reservations." (Laughter.)

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2925 was adopted and H.B. No. 740, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2386, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Ikeda and carried, H.B. No. 2386, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Kobayashi, B., Kobayashi, A., Matsuura, George, Koki, Reed).

H.B. No. 1733, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 1733, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RETURN OF MERCHANDISE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2929 (H.B. No. 3165, H.D. 2, S.D. 2):

On motion by Senator Holt, seconded by Senator Iwase and carried, Stand. Com. Rep. No. 2929 was adopted and H.B. No. 3165, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 3625, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 3258, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Ikeda and carried, H.B. No. 3258, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE, ANNUITIES AND SECURITIES ACTIVITIES OF BANKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2938 (H.B. No. 1663, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2938 was adopted and H.B. No. 1663, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2238, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 2238, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3212, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3212, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2947 (H.B. No. 2284, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2947 was adopted and H.B. No. 2284, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATIZATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2949 (H.B. No. 2730, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2949 was adopted and H.B. No. 2730, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (George).

Stand. Com. Rep. No. 2952 (H.B. No. 3440, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2952 was adopted and H.B. No. 3440, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2956 (H.B. No. 3003, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2956 was adopted and H.B. No. 3003, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2959 (H.B. No. 3300, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2959 was adopted and H.B. No. 3300, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," having been read

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2960 (H.B. No. 3430, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2960 was adopted and H.B. No. 3430, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE REGULATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (George, Kobayashi, B., Reed).

Stand. Com. Rep. No. 2961 (H.B. No. 1332, H.D. 2, S.D. 2):

Senator Ikeda moved that Stand. Com. Rep. No. 2961 be adopted and H.B. No. 1332, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hagino.

Senator Ikeda then rose to speak on the measure, as follows:

"Mr. President, I rise to speak in favor of this bill but with some reservations.

"There is no doubt that freeing up the acute-care beds from use by patients in need of long-term care will be cost effective and that, indeed, hospitals will become more profitable if this is done. However, this is one area where cost effectiveness could result in a reduced standard of care for those affected, and we must guard against this happening.

"I would, therefore, like to submit into the record a letter which I received from Dr. John Lewin, director of the Department of Health. This letter assures us that 'necessary safeguards have been taken to protect the health and welfare of the recipients of service' and that a criteria and adequate standards for all types of providers of care will be developed and adhered to.

"It is only with these assurances that I vote in favor of this bill. Thank you."

The Chair so ordered and the letter from Dr. John Lewin dated April 7, 1994, is identified as Exhibit "B."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2961 was adopted and H.B. No. 1332, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2962 (H.B. No. 2391, H.D. 1, S.D. 2):

Senator Ikeda moved that Stand. Com. Rep. No. 2962 be adopted and H.B. No. 2391, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hagino.

Senator Matsuura, in support of the measure, stated:

"Mr. President, speaking in favor of this bill, I just want to make a few comments.

"On H.B. 3300, I want to caution this body that the definition of the 'professional' is being expanded to include an additional 150 professional groups, one of which is the computer specialist. What this amendment does is, it makes it easier for these professionals to get a sole-source bid. When we go into conference, we need to make sure that including these 150 additional professionals do not in any way create any procurement abuse in the future.

"This bill also calls for an interim rules and regs. Our procurement code today was patterned after the American Bar Association Model Code. The American Bar Association also has model rules and regulations that go with the model code, so we should try to follow that or use that as a guideline in establishing our rules and regs regarding the procurement code.

"With that, I urge the members to vote in favor of this bill. Thank you."

Senator A. Kobayashi, speaking on the measure, said:

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

"I have the same reservations as the previous speaker. I think, adding 150 more services into the definition of professional services allows that many more people to qualify for sole-source contracts. I just hope that we'll be cognizant of that fact. Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2962 was adopted and H.B. No. 2391, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Koki).

At 1:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:37 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

THIRD READING

H.B. No. 2491, H.D. 2, S.D. 1:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 2491, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPENSING OF PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Koki).

H.B. No. 3308:

On motion by Senator Holt, seconded by Senator Iwase and carried, H.B. No. 3308, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF ACADEMIC DESIGNATIONS IN THE PRACTICE OF ACUPUNCTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Koki).

Stand. Com. Rep. No. 2864 (H.B. No. 3513, H.D. 3, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Hagino and carried, Stand. Com. Rep. No. 2864 was adopted and H.B. No. 3513, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OVERSIGHT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2500, H.D. 1, S.D. 1:

Senator Ikeda moved that H.B. No. 2500, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hagino.

Senator Kanno rose to request a ruling from the Chair as follows:

"Mr. President, I'd like to request a ruling on a possible conflict of interest. I'm an employee of the Boys and Girls Club of Honolulu."

The Chair ruled that Senator Kanno was not in conflict.

Senator Ikeda then spoke in support of the measure, as follows:

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

"Mr. President, this year your Committee on Ways and Means decided to embark on a new course in developing the budget. Before the introduction of the administrative supplemental budget, your committee went out into the community to hear the concerns of the people. Traveling to the neighbor islands, we sought to insure that the budget before you is truly a people's budget.

"Again and again we heard the same concerns. The people of Hawaii consistently expressed a desire for their Legislature to address the education of our children. We listened intently. We heard the success stories of parents and communities working together to make our schools a better place. We also listened with heavy hearts of needs yet to be met.

"As we traveled about the state, we also heard a demand for greater accountability on the part of government for its spending and for the state to use its resources more efficiently. Carrying this message from the people, we then set out to work on the supplemental budget. In the end, the Senate version provides for a \$5.2 billion operating budget, with the sum of \$3.1 billion appropriated from general funds. After careful review of the administration's budget, your committee worked diligently with your subject matter committees to produce a Senate budget that expresses the will of the people. With this, I would like to take a moment to emphasize the areas addressed in our version of the supplemental budget.

"Education is our top priority this year. Your committee set out to construct a budget that reflected concern, accountability and pragmatism. The budget was crafted to meet immediate needs of the department and, through additional funds, encourage the development of programs that effectively utilized the funds that were provided. In all, approximately \$7 million has been added to the current year's budget to meet the needs of our children.

"An example of your committee's attempts at efficiency and accountability in the area of education can be seen in the provision of funds for a systems analyst in the Department of Education. With the position, we will have spared both the department and the schools from

many hours of compiling reports for legislative review. In the coming years, legislative analysts will have the ability to review and access information directly from the department's computer files. We hope that such processes will serve to enhance the working relationship between the Department of Education and the Legislature.

"Your committee is showing its commitment to education by providing over \$2.5 million for textbooks and equipment, over \$300,000 for cafeteria equipment, and over \$500,000 for vice principals to assist in the effective administration of our schools. We were not satisfied to stop at this juncture. An additional \$1 million is being provided to the innovation and incentive grant fund to encourage educational innovation at the school level. As you can see, Mr. President, we are providing additional funds, but these funds go a long way towards improving the education of our children, and are in keeping with our pledge to government efficiency.

"Mr. President, another concern which was expressed consistently in our discussions with the community was that schools were not receiving the resources they so desperately needed. In these times we must use our resources with discretion and careful consideration. With this in mind, your committee has appropriated over \$650,000 for the parent/community networking centers program. Also, your committee has recommended passage of H.B. 3657 to address this issue by providing a mechanism for more accountability, increase resources, and greater flexibility at the school level.

"In the area of government spending, we have made a serious attempt to right-size government. As an example of this end, the total supplemental request to the Legislature was \$36 million. After adjustments this draft reflects a net increase of only \$11 million, amounting to a reduction of \$25 million. These reductions reflect amounts in fixed costs such as debt service payments and the state's share of payments in the health fund. This is but a first step toward reflecting a true picture of actual anticipated expenditures and an accurate provision for actual costs. Along with these adjustments, there are several programs that have been right-sized and we have addressed a number of exempt positions to check the growth of government.

"I would like to express my sincere thanks to the subject matter chairs and their committees for their cooperation, as well as to the members of the Ways and Means Committee for their help and support, as we look toward deliberating the merits of this bill with our counterparts in the House.

"Mr. President, we have listened to the wishes of the people, and we have taken their concerns to heart. With this, I urge all members to vote in favor of this measure."

Senator McCartney spoke in support of the measure and stated:

"Mr. President, I too would like to rise in favor of H.B. 2500 and thank the Ways and Means chairperson and the Ways and Means staff for working so hard on education. I think this year we can truly say that the budget reflects a priority in education, not only in putting more money into the system, but also setting up an accountability system for how that money is spent.

"As you know, Mr. President, the auditor just provided a report a few days ago on the amount of money we are spending on public education. And if you take the amount of money that we are providing to education directly and through other departments, we are providing over 32 percent of the general fund, over general fund revenues, to public education. And the challenge for us

in education in the future is, how do we use that money more efficiently and effectively? How do we get it to the schools and not to the bureaucracy to insure that the people most responsible for achieving student learning have the resources available?

"In H.B. 3657, the education omnibus bill, along with the education budget, there are mechanisms within those bills that you have recommended, along with the Ways and Means chair, which promote greater school autonomy, responsibility and accountability to empower schools.

"Finally, Mr. President, I'd like to insert into the Journal, if I may, with your permission, a memorandum submitted by the Legislative Auditor on April 11, 1994, looking at the budget and where money is going. As you know, last year your Ways and Means Committee along with the Education Committee re-formatted the education budget. We put in some provisos to restrict where money goes and we said money must go and stay within school budgets, unless absolutely necessary to be moved.

"Mr. President, one of the findings of the Legislative Auditor states that 'the DOE did not comply with legislative intent and statutory requirements when it transferred funds among program appropriations. It diverted \$2.8 million from school and students and added \$2.2 to state and district offices' administrative costs.' I believe that the legislation we have moving forward and the budget act will take care of this once and for all and will make sure that the money that we appropriate, and the taxpayers of Hawaii worked so hard to earn, will go directly to schools and will achieve greater accountability of the educational system. Thank you."

The Chair then granted Senator McCartney his request to insert into the Journal a memorandum from the Legislative Auditor dated April 11, 1994. The document is identified as Exhibit "C."

Senator Holt, also in support of the measure, said:

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

"I'd like to thank the chairperson and staff of the Ways and Means Committee for their excellent work on the budget. In particular, I'd like to express my deep gratitude to the chairperson of the committee for her sensitivity to people's concerns and for her accessibility by going out into the community -- as you know, it's the first time a Ways and Means Committee ever went to the neighbor islands -- and most importantly, for her tenaciousness in dealing with an experienced administration and the unlimited staff and resources that they bring. There's no question about a separation of powers issue regarding the budget, and no question about the independence of this body. Thank you."

Senator Chang then added his support for the bill and said:

"Mr. President, I'm speaking for the measure.

"Mr. President, with regard to accessibility, I've been asked by the West Hawaii Committee (which is centered, I believe, in Kailua-Kona and is represented by Senator Solomon and Senator Levin) to extend their deep appreciation to the chairperson of the Ways and Means Committee and the members of the committee for taking the time to reach out to communities directly and hear about concerns and issues within the affected communities. I wanted to insert that into the record. Thank you."

Senator Gaulty also spoke on the measure and remarked:

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

"I just wanted to take this opportunity to thank the chairperson of the Ways and Means Committee for all the many courtesies she has extended to me and the Judiciary Committee as we deliberated on some very difficult budget issues. She was always accessible and always helpful to me and the committee and I sincerely appreciate the help that she has extended to us. Thank you."

Senator George, also for the measure, then said:

"Mr. President, I would be remiss if I did not express the minority's gratitude to the chairperson of the Ways and Means Committee for her even-handed treatment of the minority in its wishes. Thank you."

Senator Tungpalan, also spoke for the measure, and stated:

"Mr. President, I also rise in support of this measure and I'd like to extend my support for the chair's efforts to recognize that education really doesn't stop at the 12th grade. It continues on throughout life and especially at our higher education institutions. Her support was evident in this budget and I want to thank her. For the first time, we're not looking at a minus. Thank you."

Senator Fernandes Salling, in favor of the measure, said:

"Mr. President, I promised Senator Ikeda I wouldn't say anything because I'm sure she and others here are anxious to leave, but, on behalf of the people of Kauai and others here that I think feel the same way, I'd like to say thank you. We would like to say thank you. It's been quite a refreshing experience for us who have been members of this body (myself for 12 years) to sit on a committee this year, a very important committee, and to be allowed the extent that was allowed us in the process of decision-making on various bills and also on budget items. Thank you, Madam Chair, Mr. President."

Senator Baker added her support of the bill and stated:

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

"I feel it necessary to give voice to the sentiments of my constituents from Moloka'i to the chair of the Senate Ways and Means Committee, to thank her for coming to the island and for taking so many of their concerns to heart. Moloka'i often feels that they get lost in the rest of the Maui County. Oftentimes, we go to the major island of Maui and forget about Moloka'i and Lana'i. But the needs of these communities are not left out in this budget and I do appreciate it on their behalf. Thank you."

The motion was then put by the Chair and carried, H.B. No. 2500, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Chang then rose on a point of personal privilege and said:

"Mr. President, in reference to the point of personal privilege raised by the Senator from Maui in regard to press access to the chamber floor, I am reporting that discussions have commenced with the president of the Capitol Correspondents Association. We are reviewing

the by-laws of the association and the different sources and forms of credentials possessed by the members of the association. I will report further developments as they occur."

Senator Reed responded:

"Mr. President, I would like to thank the Majority Floor Leader for being responsive in acting on my concern relative to restricting lobbyists' access to the floor."

ADJOURNMENT

At 1:57 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., Wednesday, April 13, 1994.

MISC. COMM. NO. 4

EXHIBIT "A"

DISSENT TO STAND. COM. REP. NO. 2777

Honolulu, Hawaii

APR 8, 1994

Honorable Norman Mizuguchi
President of the Senate
Seventeenth State Legislature
Regular Session of 1994
State of Hawaii

Sir:

RE: H.B. No. 2312, S.D. 1

I dissent from Standing Committee Report Number (SCR NO.) 2777 of the Committee on Judiciary, on House Bill 2312, S.D. 1, entitled, "A BILL FOR AN ACT RELATING TO MARRIAGE".

I concur with the majority of the Committee that the bill pass Second Reading; however, I do not join the majority report in rebuking the Hawaii Supreme Court for engaging inappropriately in public policy-making.

The power of courts to review the constitutionality of legislative and executive action, commonly called the power of "judicial review", constantly involves courts in the evaluation of policy choices.

While I agree that there must be judicial deference to legislative choices, those choices suggesting prejudice against minorities in society must be subjected to close analysis in order to preserve the values of equality and liberty.

There is insufficient information for the committee to conclude that the Hawaii Supreme Court, in its application of strict scrutiny, improperly entered into public policy analysis, supplanted the role of the legislature, encroached on legislative functions, expressed disrespect due to a coordinate branch of government, or violated the principle of separation of powers.

If the committee wishes to invite judicial restraint, I believe that proper citation to legal points and authorities would be more persuasive.

MISC. COMM. NO. 4

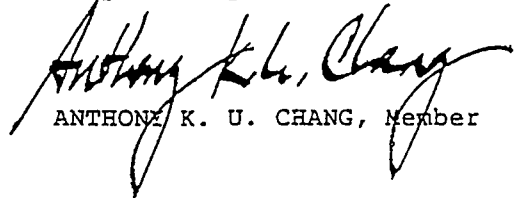
DISSENT TO STAND. COM. REP. NO. 2777
Page 2

Having chosen to advocate judicial restraint, the report (as does the bill) merely restates the history and nature of the suspect statute without providing the state interest that the court would otherwise require in its strictest scrutiny. I have no quarrel with that approach, inasmuch as the court will ultimately determine the level of analysis that it will apply.

However, the bill does provide for a studied inquiry into this subject that may provide the basis for informed judgments and choices, and for this reason I will vote for the bill despite its orientation and regardless of the report with which I differ.

I therefore concur with the recommendation that H.B. No. 2312, S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anthony K. U. Chang". The signature is fluid and cursive, with the first and last names being more prominent.

ANTHONY K. U. CHANG, Member

EXHIBIT "B"

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
File:

April 7, 1994

The Honorable Donna Ikeda
Chair, Senate Ways and Means Committee
State Capitol, Capitol Center
Hemmeter Building, Room 503
250 South Hotel Street
Honolulu, HI 96813

Dear Senator Ikeda:

RE: The Assurance of Quality for the Maluhia Hospital Waitlist
Project as Requested (SB 2692)

The following information requested by your staff, Terrence Aratani and Mark Buflo, is to provide written assurances regarding the delivery of quality care to recipients that would be enrolled in the proposed Maluhia Hospital Waitlist Demonstration Project (SB 2692).

The proposed Maluhia Hospital Waitlist Waiver Project has prepared both state and federal assurances for the health and safety of all of project clients. Both the U.S. Health Care Financing Administration (HCFA) and the state Medicaid Program (DHS/HCAD) require certain assurances to protect the clients for the waiver to be granted and continued.

Assurances to the Federal Government (HCFA):

In order to obtain federal approval from HCFA, the state's Medicaid program is required and has provided written assurance in the form of the following statement and attachment that is found in the project's proposal to HCFA:

"The state of Hawaii assures HCFA that necessary safeguards have been taken to protect the health and welfare of the recipients of the services. These safeguards include adequate standards for all types of providers that provide services under the waiver." See also Attachment A which is from pages 13-15 of the Project's proposal.

The Honorable Donna Ikeda
Page 2
April 7, 1994

As stated to HCFA, Maluhia will screen care home operators and select only those eligible based on a set of criteria. In addition, the project will provide case management to the operators, intensive ongoing monitoring of their care of clients by the Project professional clinical staff to assure health and safety requirements are met.

Assurances to the State of Hawaii:

The proposed project will fall under the direction of Maluhia Home Health Care Agency, a section of Maluhia Long-term Care Health Center, Division of Community Hospitals, Department of Health. The Maluhia Home Health Agency is a licensed home health agency that is regularly monitored by the Hospitals and Medical Facilities Branch (Licensing) of the State Department of Health and certified by Medicare. Within the Maluhia Home Health Agency, quality is continuously reviewed and maintained. Its home health care services must be in compliance with Federal, State and local laws and regulations in addition to the professional standards of medicine, nursing, social work, occupational therapy, physical therapy, speech therapy and the like. There is a Quality Assurance Committee chaired by a physician that reviews all home health patient related activities on a quarterly basis. The Maluhia Hospital Waitlist Project will abide by those same standards that have already been approved by the Medicare and the Hospital and Medical Facilities Branch of the Department of Health.

Additional Assurances and Monitoring Plans:

Maluhia has also obtained sample copies of administrative rules developed and implemented in at least 6 states. The HCFA's Region IX office in San Francisco and its headquarters in Baltimore, Maryland have been supportive in placing Maluhia in touch with the other states that have already received Medicaid waivers for this type of project.

Very truly yours,

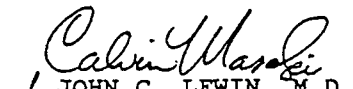

Dr. JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

EXHIBIT "C"

APR 11 1994

STATE OF HAWAII
OFFICE OF THE AUDITOR
465 S. King Street, Room 500
Honolulu, Hawaii 96813-2917



MARION M. HIGA
State Auditor
(808) 587-0800
FAX: (808) 587-0830

April 11, 1994

MEMORANDUM

TO: The Honorable Mike McCartney, Chair
Senate Committee on Education

FROM: Marion M. Higa, State Auditor *Marion*

SUBJECT: Transfers in the Department of Education's Appropriations

This memorandum responds to a request from the Senate and House education committee chairs that the state Auditor review and assess whether transfers among program appropriations made by the Department of Education (DOE) in FY1993-94 complied with legislative intent and Act 289, the 1993 General Appropriations Act. The Auditor was also asked to review expenditures made from the State Educational Facilities Improvement Special Fund and to assess whether the fund has been used for unauthorized projects.

Summary of Findings

1. The DOE did not comply with legislative intent and statutory requirements when it transferred funds among program appropriations. It diverted \$2.8 million from schools and students and added \$2.2 million to state and district administrative costs.
2. Expenditures from the Educational Facilities Special Fund appear to have been authorized but the operations of the fund are a cause for concern. The fund has yet to fulfill its purpose of meeting DOE construction needs.

Program Appropriations for 1993-95

The 1993 Legislature sought to increase the authority of schools over their budgets and expenditures. To increase flexibility, the Legislature appropriated funds for the public school system into five large programs (called EDNs) instead of the former 17. The five programs are as follows:

EDN 100--School Based Budgeting includes funding for school level instruction, management, and most services in regular and special schools, as well as special education, compensatory programs, school administration, instructional media, counseling, student services, and safety and security services.

EDN 200--Instructional Support includes assessing student needs and teaching techniques; planning, developing, and monitoring curricula; technical and consultative services to schools; psychological assessment and educational evaluation services.

- EDN 300--State and District Administration includes all administrative functions such as statewide planning, budgeting, personnel management, information processing, communications; and public relations.
- EDN 400--School Support includes food services and physical plant operation and maintenance.
- EDN 500--School Community Service includes adult education and the After-School Plus (A+) program.

The Legislature appropriated \$800 million to these five program categories. To emphasize its concern that funds reach schools and students, it appropriated 75 percent of all appropriations to EDN 100 for school based budgeting.

The Legislature attempted to balance the DOE's need for flexibility with its concern that funds in fact reach the schools. It created large EDN program categories and gave the DOE the authority to determine how funds are to be spent within each EDN. In Section 78 of the 1993 General

Appropriations Act, it also authorized the DOE to transfer funds from EDN 100 to the other program categories. At the same time it restricted the transfers from EDN 100 to those only for "directly related school/student services." The proviso also required the DOE to follow legislative intent and the budget worksheets in executing the programs.

Transfers Made

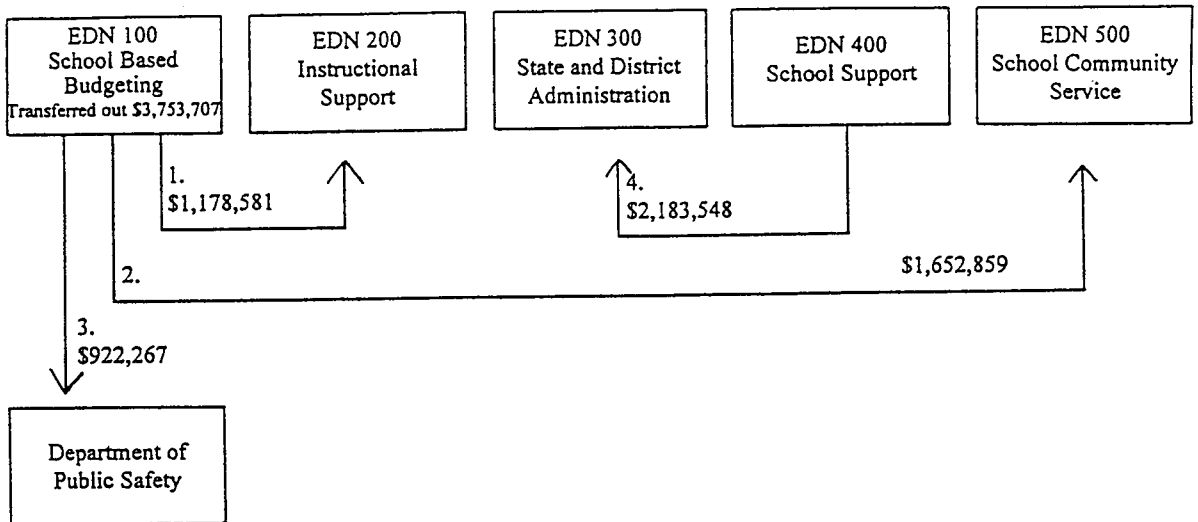
The DOE made three transfers totaling \$3.8 million from EDN 100. It said that these funds were transferred from \$10 million that the Legislature had appropriated to EDN 100 to accommodate the priority needs of the department. It made one transfer from EDN 400 to EDN 300 of \$2.2 million. Exhibit 1 shows these transfers.

- Transfer 1 shifted \$1.2 million from EDN 100 to EDN 200 for teacher training;
- Transfer 2 shifted \$1.7 million from EDN 100 to EDN 500 for the A+ program and adult education;
- Transfer 3 shifted \$922,000 to the Department of Public Safety for night security services.
- Transfer 4 shifted \$2.2 million from EDN 400 to EDN 300 for workload increases such as criminal history checks.

DOE Reasons for Transfers

The department presented various justifications at various times for the transfers. The reasons given were not always consistent with each other and with legislative intent. On different occasions, the DOE attributed the transfers to new budget program categories, erroneous appropriations, budget shortfalls, and excess funds.

**Exhibit 1
TRANSFERS AMONG PROGRAM APPROPRIATIONS**



Legend

1. \$1,178,581 from EDN 100 to EDN 200 for teacher training.
2. \$1,652,859 from EDN 100 to EDN 500 for A+, Adult Education.
3. \$922,267 to the Department of Public Safety for night security services.
4. \$2,183,548 from EDN 400 to EDN 300 to cover workload increase requirements, such as criminal history checks, special education re-certification, statistical services, records management, internal audit, etc.

- A first reason was appropriations to the wrong program categories. In a memorandum to the Director of Finance, the Superintendent requested approval of the transfer of funds by stating that the Legislature had added \$10 million to EDN 100 instead of appropriating the funds to the programs where the funds were needed. The Superintendent said that the DOE had explained to the Legislature that some of the funds were in the wrong EDN but the Legislature had responded that the DOE could transfer funds from EDN 100 when the budget was executed.
- In a December 1993 report on the transfers, the DOE gave a similar reason for the transfer that the Legislature had appropriated \$10 million to EDN 100 instead of to the programs where the funds were needed and that changes had been made in the program structure. It also added that excess funds had been generated in the school food services program through increased school lunch fees.
- In a January 1994 report on the transfers to the Chair of the House education committee, the DOE added a third explanation--that the transfers were being made because the appropriated budget left the DOE short by \$8.8 million.

It is probably true that the DOE was experiencing a budget shortfall. However, it is not true that the Legislature had appropriated funds to the wrong EDNs since the programs to which the funds were transferred had already been budgeted for in the other EDNs. Teacher training is budgeted for in EDN 200 and A+ is budgeted for in EDN 500.

Transfers Not in Compliance With Legislative Intent

We believe these transfers, except for the transfer to PSD, violated the spirit and intent of the legislative proviso since the transfers failed to follow the budget worksheets and were not directly related to schools and student services.

The transfer of \$922,000 to the Department of Public Safety (PSD) for night security guards was warranted due to an oversight. Act 146, SLH 1992, transferred the responsibility for security contracts from the DOE to PSD effective January 1, 1993. However, safety and security services continued to be budgeted for under EDN 100. The DOE had to transfer from EDN 100 to PSD the 1993-94 funds for night security services. We note that in the 1994-95 DOE budget funds for

night security continue to be in EDN 100. The 1994 Legislature should appropriate these funds to PSD so that the DOE will not have to transfer these funds to PSD again at the start of the 1994-95 fiscal year.

The first two transfers from school level programs--\$1.2 million for teacher training, and \$1.7 million for the A+ program and adult education--were not warranted and did not meet the legislative intent specified in the budget worksheets. The worksheets show that the Legislature appropriated \$10 million into EDN 100 for DOE priority needs. The education chairs said that this appropriation was intended for EDN 100 program needs. The department did not comply with the legislative instruction that the budget worksheets be followed when it transferred about a third of the \$10 million appropriation into other program categories.

While it could be argued that the transfers were for "priority needs," and ultimately would affect students, they were nevertheless supplements to programs that were budgeted elsewhere and thus not in "School-Based Budgeting," the title of EDN 100. We do not believe that they are the priority needs of students and schools.

In the fourth transfer, the DOE shifted \$2.2 million from the school lunch program which is supported by general funds, federal funds and meal fees paid by students and staff. The school lunch program operated for many years without an increase in the price of meals. The 1993 Legislature authorized an increase in the school lunch fees from 45 cents to 75 cents to set meal prices in proportion to the actual costs and to provide additional support for the program. The increased lunch fees reduced the need for general fund support and allowed the DOE to transfer \$2.2 million from EDN 400 to EDN 300 for state and district administrative costs. The objectives of the school lunch program are different from those of school and district administration. Consequently, this transfer does not meet the criteria in Section 37-74 (d), HRS that allows the DOE to transfer funds among programs with the same or similar objectives.

Furthermore, adding funds to EDN 300 for administrative costs also violated the Legislature's intent to shrink the administrative cost segment of the budget. In discussing the budget bill, the chair of the House education committee noted that "EDN 300 refers to the dreaded state and district administration. This is the part of the budget I think that all of us will agree we need to manage and shrink and try to reallocate funding from this area into the school system and other segments of the budget." The intent was to restructure the budget to put children first and enhance the concept of school-based budgeting. Instead of shrinking EDN 300, the DOE continued to expand it.

Effects of Transfers

We were not able to determine the effects of \$6 million in transfers on the programs that lost the funds. The DOE was not able to identify what the funds would have been used for had they remained in their original EDNs. Nor can the department identify which specific subprograms or schools benefitted by the transfers out of EDN 100 and EDN 400.

Exhibit 2 shows the effects of the transfers on the relative distribution and percentages of funds available for each of the program categories. While the percentages remain more or less the same for each of the program categories, it can be seen that the transfers benefitted non-school based programs at the expense of school based programs. While a drop of .4 percent in EDN 100 appears to be small, the reduction of over \$3.75 million in funds available to schools means that each school had \$15,640 less for its own needs. This should be of concern at a time when teachers complain that they have to buy supplies out of their own pockets.

Conclusion

When the DOE transfers out of School Based Budgeting a third of the \$10 million that the Legislature had intended for priority school needs, the Legislature must give thought to the kind

of language it needs to include in appropriations acts and/or statute to ensure that legislative intent will be honored. To ensure that the DOE honors legislative intent to use funds appropriated for school based budgeting for schools, the Legislature should prohibit transfers out of EDN 100 to other programs.

Operations of School Facilities Special Fund Is A Cause for Concern

The School Facilities Improvement Special Fund was established in 1989 to ensure that the facilities needs of the DOE are met. The Legislature believed that by (1) setting aside \$90 million per year in excise tax revenues for seven years and (2) spending \$80 million each year and (3) investing \$10 million, the fund would pay for \$800 million of school construction over a ten year period. For the first three years, the Legislature authorized \$90 million in cash to be deposited into this fund. However, in light of falling state revenues, in 1992 the Legislature changed the means of financing from cash to general obligation bonds. We are currently in the fifth year of the program and the second year of bond financing. It appears that progress in the DOE's capital improvement projects (CIP) program remains slow and the problem is not due to the lack of money.

Since 1989 and through the current year, the Legislature has authorized \$450 million in CIP projects for the DOE. The DOE, however, has been able to spend an average of only \$55 million per year. As of December 31, 1993, the DOE had spent less than half of the five years' accumulated authorization, or \$219 million. Or, put another way, in this fifth year of the program DOE is spending the funds of the third year.

Responsibility for the school construction program is shared between the DOE and the Department of Accounting and General Services (DAGS)--DAGS carries out the projects selected by the DOE. Both departments acknowledge that spending was slow during the first two years because much of the effort was spent on the lower-cost activities of planning and

design. The agencies maintain that once a project enters the construction phase, spending accelerates. However, whether DOE and DAGS can manage to spend up to the authorized \$90 million per year, plus the prior years' accumulated funds, remains to be seen.

Meanwhile, the Legislature should be particularly concerned about bond funds sitting unused while the State pays interest on the borrowing. For the fourth and fifth years of the special fund, the Legislature switched from cash financing to bond financing. In 1992 and 1993, despite the fact that the cash balances in the fund were greater than DOE's and DAGS' capacity to spend, the Department of Budget and Finance sold \$90 million in bonds each year. The funds were borrowed and deposited in the special fund. Especially disturbing is the fact that B&F sold bonds from the FY93-94 authorization in September 1993 when all of the borrowed funds from the previous year had not yet been spent. Without a significant step-up in the pace of school construction, the balance in the fund will continue to be comprised of borrowed money not in use.

DAGS and DOE contend that various roadblocks delay their ability to spend \$90 million each year--including problems with sites, county permitting procedures, and litigation. The two departments, however, are looking for a solution to this problem that is specious and unrelated to the cause of the slow CIP progress.

At a hearing of the joint education committee on March 9, 1994, the DOE requested legislative consideration of an increase in the annual appropriation made to the School Facilities Fund to \$140 million each year. The DOE claimed that this would give the department the flexibility to move monies which were not "authorized" for specific projects to other projects which fell short of funds. Officials assured the joint committee that they would not actually spend more than \$90 million each year. To address the DOE's concern, the Tax Foundation suggested that the Legislature appropriate the CIP projects in a Part A/Part B pattern--that those in Part A totaling

\$90 million be given priority, but should roadblocks arise, the departments would be allowed to switch to Part B projects.

While we understand the frustration of the DOE and DAGS with what they perceive to be unanticipated roadblocks, the two departments have yet to make clear whether the \$140 million or the \$90 million would apply against the State's debt limit, how the executive and legislative branches would develop their spending plans, how the allotment process would be affected (that is, how B&F releases funds for specific projects), and how this would speed up the CIP program.

More importantly, we believe this "solution" is misdirected. The DOE, like the other executive agencies, requests funds for each project in its entirety, including funds for planning, design, and construction. When the State reformed its budget process in 1970, appropriations for CIP were intended to be made in phases to coincide with the times when each project needed funds. The Legislature was supposed to be presented with planning, design, land acquisition, construction, and equipment costs separately and in phases. This would enable the Legislature to judge, for example, after obtaining the plans, whether a project should proceed. Or, after learning of the planned design, the Legislature might conclude that a project in its entirety would be too costly. In over 20 years, however, the executive branch has consistently presented CIP requests as whole cost packages. When the entire cost of each project is included in a request for authorization, the result is that fewer projects are authorized for the same \$90 million. If the DOE were to request funds in phases, it would be better able to execute a realistic, timely CIP program. This would also help reduce underestimated project costs because construction estimates would be made at appropriate times rather than at the planning phase.

DOE officials have also proposed that the school construction program be transferred from DAGS to DOE. Under the current division of responsibilities, DOE selects the projects and gives DAGS its priorities for implementation. DOE appears to believe that it could implement

the construction program more capably. This proposal needs a great deal more analysis before any legislative commitment is given. For example, the Legislature needs to consider the effect of such a transfer on DOE's practice of filling technical support positions with principals. Also, the impact on DAGS' workload and functions should be considered.

We examined the specific question of whether the Facilities Special Fund was used for unauthorized projects. Our review of expenditures made from this fund did not indicate that such was the case. In some cases, nominal funds were used from this fund to cover shortfalls for projects authorized prior to the inception of the fund.

Exhibit 2
EFFECTS OF TRANSFERS ON DOE PROGRAM CATEGORIES

EDN #	FY 93-94 APPROP	% OF TOTAL	TRANSFER IN/OUT	BALANCE	% OF TOTAL
100	\$ 603,386,070	75.4%	\$ (3,753,707)	\$ 599,632,363	75.0%
200	27,303,762	3.4%	1,178,581	28,482,343	3.6%
300	36,926,023	4.6%	2,183,548	39,109,571	4.9%
400	105,943,866	13.2%	(2,183,548)	103,760,318	13.0%
500	27,214,903	3.4%	1,652,859	28,867,762	3.6%
TOTAL	\$ 800,774,624			\$ 799,852,357	

cc: Norman Mizuguchi, Senate President
Donna Ikeda, Chair, Senate Committee on Ways and Means