

## FORTY-SEVENTH DAY

Monday, April 10, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:05 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Chaplain Wayne Anderson, Castle Medical Center, after which the Roll was called showing all Senators present.

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

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 454 to 456) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 454, transmitting H.C.R. No. 198, H.D. 1, which was adopted by the House of Representatives on April 7, 1995, was placed on file.

By unanimous consent, H.C.R. No. 198, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PROMOTION OF DUAL-USE TECHNOLOGY," was referred to the Committee on Economic Development.

Hse. Com. No. 455, transmitting H.C.R. No. 251, H.D. 1, which was adopted by the House of Representatives on April 7, 1995, was placed on file.

By unanimous consent, H.C.R. No. 251, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ADOPTION OF A STATEWIDE POLICY TO SUPPORT SMALL BUSINESS IN HAWAII," was referred to the Committee on Economic Development.

Hse. Com. No. 456, transmitting H.C.R. No. 319, which was adopted by the House of Representatives on April 7, 1995, was placed on file.

By unanimous consent, H.C.R. No. 319, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING THE LEGISLATURE'S COMMITMENT AND URGING THE GOVERNOR AND THE UNIVERSITY ADMINISTRATION TO INVOLVE STUDENTS IN THE BUDGET AND LEGISLATION OF THE UNIVERSITY OF HAWAII," was referred to the Committee on Higher Education, Culture, and Arts.

## STANDING COMMITTEE REPORTS

Senators Fernandes Salling and Grauly, for the Committee on Transportation and Government Affairs and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 1364) recommending that S.R. No. 228 be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Liu and carried, the joint report of the Committees was adopted and S.R. No. 228, entitled: "SENATE RESOLUTION REQUESTING A FEASIBILITY STUDY ON TRANSFERRING THE TRAFFIC VIOLATIONS BUREAU FROM THE JUDICIARY TO THE VARIOUS COUNTIES," was referred to the Committee on Ways and Means.

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

Rep. No. 1365) recommending that S.R. No. 131, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1365 and S.R. No. 131, S.D. 1, entitled: "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO RENEW THE HIGHLY SUCCESSFUL U.S. SUGAR PROGRAM IN THE 1995 FARM BILL," was deferred until Wednesday, April 12, 1995.

Senator Kanno, for the Committee on Agriculture, Labor, and Employment, presented a report (Stand. Com. Rep. No. 1366) recommending that S.C.R. No. 148, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1366 and S.C.R. No. 148, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO RENEW THE HIGHLY SUCCESSFUL U.S. SUGAR PROGRAM IN THE 1995 FARM BILL," was deferred until Wednesday, April 12, 1995.

Senator Kanno, for the Committee on Agriculture, Labor, and Employment, presented a report (Stand. Com. Rep. No. 1367) recommending that S.R. No. 145, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1367 and S.R. No. 145, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING EFFORTS TO FOSTER THE GROWTH OF DIVERSIFIED AGRICULTURE WITHIN THE STATE," was deferred until Wednesday, April 12, 1995.

Senator Kanno, for the Committee on Agriculture, Labor, and Employment, presented a report (Stand. Com. Rep. No. 1368) recommending that S.C.R. No. 166, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1368 and S.C.R. No. 166, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING EFFORTS TO FOSTER THE GROWTH OF DIVERSIFIED AGRICULTURE WITHIN THE STATE," was deferred until Wednesday, April 12, 1995.

Senator Kanno, for the Committee on Agriculture, Labor, and Employment, presented a report (Stand. Com. Rep. No. 1369) recommending that S.R. No. 239 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1369 and S.R. No. 239, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO EXPLORE THE POSSIBILITY OF INCREASING THE USE OF HAWAII JOB CORPS STUDENTS AT PERFORMING VOLUNTEER CLERICAL SERVICES THROUGHOUT THE STATE ADMINISTRATION," was deferred until Wednesday, April 12, 1995.

Senator Kanno, for the Committee on Agriculture, Labor, and Employment, presented a report (Stand. Com. Rep. No. 1370) recommending that S.C.R. No. 279 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1370 and S.C.R. No. 279, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO EXPLORE THE POSSIBILITY OF INCREASING THE USE OF HAWAII JOB CORPS STUDENTS AT PERFORMING VOLUNTEER CLERICAL SERVICES THROUGHOUT THE STATE

ADMINISTRATION," was deferred until Wednesday, April 12, 1995.

Senator Kanno, for the Committee on Agriculture, Labor, and Employment, presented a report (Stand. Com. Rep. No. 1371) recommending that S.C.R. No. 283 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1371 and S.C.R. No. 283, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AGRIBUSINESS DEVELOPMENT CORPORATION, THE HAWAIIAN SUGAR PLANTERS' ASSOCIATION, THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, THE DEPARTMENT OF AGRICULTURE, THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES OF THE UNIVERSITY OF HAWAII AT MANOA, THE DEPARTMENT OF HEALTH ENVIRONMENTAL CONSERVATION UNIT, AND THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCE CONSERVATION SERVICE, AND THE MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO DEVELOP A CLEAR CONSENSUS ON THE VISION, GOALS, OBJECTIONS, AND PRIORITIES OF AN AGRIBUSINESS RESEARCH CENTER AND SET FORTH AN IMPLEMENTATION PLAN," was deferred until Wednesday, April 12, 1995.

Senator Chumbley, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1372) recommending that S.R. No. 75 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1372 and S.R. No. 75, entitled: "SENATE RESOLUTION SUPPORTING THE DEVELOPMENT OF VOCATIONAL, TECHNICAL, AND CORE ACADEMIC EDUCATION ('TECH-PREP') PROGRAMS IN HAWAII HIGH SCHOOLS," was deferred until Wednesday, April 12, 1995.

Senator Chumbley, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1373) recommending that S.C.R. No. 88 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1373 and S.C.R. No. 88, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF VOCATIONAL, TECHNICAL, AND CORE ACADEMIC EDUCATION ('TECH-PREP') PROGRAMS IN HAWAII HIGH SCHOOLS," was deferred until Wednesday, April 12, 1995.

Senator Chumbley, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1374) recommending that S.R. No. 170 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1374 and S.R. No. 170, entitled: "SENATE RESOLUTION URGING ALL HAWAII PUBLIC SCHOOLS TO IMPLEMENT A STUDENT CODE OF CONDUCT TO PROMOTE HARMONY, RESPECT, AND AMBITION IN THE PURSUIT OF ACADEMIC EXCELLENCE," was deferred until Wednesday, April 12, 1995.

Senator Chumbley, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1375) recommending that S.C.R. No. 204 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1375 and S.C.R. No. 204, entitled: "SENATE CONCURRENT RESOLUTION URGING ALL HAWAII PUBLIC SCHOOLS TO IMPLEMENT A STUDENT CODE OF CONDUCT TO PROMOTE HARMONY,

RESPECT, AND AMBITION IN THE PURSUIT OF ACADEMIC EXCELLENCE," was deferred until Wednesday, April 12, 1995.

Senator Ige, for the Committee on Higher Education, Culture, and Arts, presented a report (Stand. Com. Rep. No. 1376) recommending that S.R. No. 160, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1376 and S.R. No. 160, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, AND THE STATE FOUNDATION ON CULTURE AND THE ARTS TO EXECUTE ARTISTS' CONTRACTS IMMEDIATELY AND TO REPORT TO THE LEGISLATURE THIS SESSION," was deferred until Wednesday, April 12, 1995.

Senator Ige, for the Committee on Higher Education, Culture, and Arts, presented a report (Stand. Com. Rep. No. 1377) recommending that S.C.R. No. 181, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1377 and S.C.R. No. 181, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, AND THE STATE FOUNDATION ON CULTURE AND THE ARTS TO EXECUTE ARTISTS' CONTRACTS IMMEDIATELY AND TO REPORT TO THE LEGISLATURE THIS SESSION," was deferred until Wednesday, April 12, 1995.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 1378) recommending that S.R. No. 93, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1378 and S.R. No. 93, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT A STATE WATER CONSERVATION PLAN BE DESIGNED AND DEVELOPED," was deferred until Wednesday, April 12, 1995.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 1379) recommending that S.C.R. No. 107, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1379 and S.C.R. No. 107, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT A STATE WATER CONSERVATION PLAN BE DESIGNED AND DEVELOPED," was deferred until Wednesday, April 12, 1995.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 1380) recommending that S.C.R. No. 286 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1380 and S.C.R. No. 286, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH THE CONCEPT OF, AND STANDARDS FOR, GOOD LAND STEWARDSHIP," was deferred until Wednesday, April 12, 1995.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1381) recommending that S.R. No. 67, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1381 and S.R. No. 67, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DESIGN AND DISTRIBUTION OF SPECIAL MOTORCYCLE LICENSE PLATES FOR VETERANS," was deferred until Wednesday, April 12, 1995.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 1382) recommending that S.C.R. No. 80, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1382 and S.C.R. No. 80, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DESIGN AND DISTRIBUTION OF SPECIAL MOTORCYCLE LICENSE PLATES FOR VETERANS," was deferred until Wednesday, April 12, 1995.

Senator Fernandes Salling, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1383) recommending that S.R. No. 237 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1383 and S.R. No. 237, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIPAHU CENTENNIAL CELEBRATION ADVISORY COMMISSION," was deferred until Wednesday, April 12, 1995.

#### ORDER OF THE DAY

#### MATTERS DEFERRED FROM FRIDAY, APRIL 7, 1995

#### ADOPTION OF RESOLUTIONS

Stand. Com. Rep. No. 1179 (S.R. No. 25):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.R. No. 25, entitled: "SENATE RESOLUTION REQUESTING ALL STATE AGENCIES INVOLVED IN THE DELIVERY OF SERVICES TO, OR THE DESIGNING OF INFRASTRUCTURE FOR, THE BIG ISLAND'S PUNA DISTRICT TO CONDUCT PERIODIC INTERAGENCY PLANNING MEETINGS THAT ARE OPEN AND ACCESSIBLE TO, AND SENSITIVE TO THE NEEDS OF, PUNA RESIDENTS," was adopted.

Stand. Com. Rep. No. 1180 (S.C.R. No. 29):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.C.R. No. 29, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING ALL STATE AGENCIES INVOLVED IN THE DELIVERY OF SERVICES TO, OR THE DESIGNING OF INFRASTRUCTURE FOR, THE BIG ISLAND'S PUNA DISTRICT TO CONDUCT PERIODIC INTERAGENCY PLANNING MEETINGS THAT ARE OPEN AND ACCESSIBLE TO, AND SENSITIVE TO THE NEEDS OF, PUNA RESIDENTS," was adopted.

Stand. Com. Rep. No. 1181 (S.R. No. 196, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.R. No. 196, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A

STUDY ON THE FEASIBILITY OF ENGAGING NONPROFIT ORGANIZATIONS TO ASSIST IN THE MANAGEMENT OF STATE PARKS," was adopted.

Stand. Com. Rep. No. 1182 (S.C.R. No. 226, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the joint report of the Committees was adopted and S.C.R. No. 226, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY ON THE FEASIBILITY OF ENGAGING NONPROFIT ORGANIZATIONS TO ASSIST IN THE MANAGEMENT OF STATE PARKS," was adopted.

Stand. Com. Rep. No. 1183 (S.C.R. No. 232, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.C.R. No. 232, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIAL SELECTION COMMISSION TO PROVIDE THE LEGISLATURE WITH A CODE OF ETHICS FOR THE COMMISSION BEFORE THE LEGISLATURE'S ADJOURNMENT SINE DIE OF THE 1995 REGULAR SESSION; AND REQUESTING THE ATTORNEY GENERAL TO REVIEW ITS OPINION ISSUED MAY 8, 1992, WITH REGARDS TO THE APPLICABILITY OF THE STATE'S ETHICS CODE, CHAPTER 84, HAWAII REVISED STATUTES, TO THE JUDICIAL SELECTION COMMISSION," was adopted.

Stand. Com. Rep. No. 1184 (S.R. No. 21):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.R. No. 21, entitled: "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT HOUSE BILL, H.R. 602, THE OMNIBUS TERRITORIES ACT, SUBMITTED BY REPRESENTATIVE ELTON GALLEGLY, AS IT PERTAINS TO GRANTING HAWAII JURISDICTION OVER SEVEN TERRITORIAL ISLANDS AND ATOLLS," was adopted.

Stand. Com. Rep. No. 1185 (S.C.R. No. 25):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.C.R. No. 25, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT HOUSE BILL, H.R. 602, THE OMNIBUS TERRITORIES ACT, SUBMITTED BY REPRESENTATIVE ELTON GALLEGLY, AS IT PERTAINS TO GRANTING HAWAII JURISDICTION OVER SEVEN TERRITORIAL ISLANDS AND ATOLLS," was adopted.

Stand. Com. Rep. No. 1187 (S.R. No. 227):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.R. No. 227, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF RECONSTRUCTED VEHICLES," was adopted.

Stand. Com. Rep. No. 1188 (S.C.R. No. 265):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.C.R. No. 265, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF RECONSTRUCTED VEHICLES," was adopted.

Stand. Com. Rep. No. 1216 (S.R. No. 20, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.R. No. 20, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE STATE ADMINISTRATION TO REVIEW THE VIABILITY OF THE MARINE PATROL UNIT WITH A VIEW TOWARDS TRANSFERRING IT FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted.

Stand. Com. Rep. No. 1217 (S.C.R. No. 24, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.C.R. No. 24, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE ADMINISTRATION TO REVIEW THE VIABILITY OF THE MARINE PATROL UNIT WITH A VIEW TOWARDS TRANSFERRING IT FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted.

Stand. Com. Rep. No. 1218 (S.R. No. 254, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.R. No. 254, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE KALIHI VALLEY NEIGHBORHOOD BOARD NO. 16 TO DEVELOP A CONCEPT FOR A PASSIVE PARK IN KALIHI VALLEY," was adopted.

Stand. Com. Rep. No. 1219 (S.C.R. No. 302, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.C.R. No. 302, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE KALIHI VALLEY NEIGHBORHOOD BOARD NO. 16 TO DEVELOP A CONCEPT FOR A PASSIVE PARK IN KALIHI VALLEY," was adopted.

Stand. Com. Rep. No. 1220 (S.R. No. 110):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.R. No. 110, entitled: "SENATE RESOLUTION URGING THE NATIONAL PARK SERVICE, IN PARTNERSHIP WITH THE OFFICE OF HAWAIIAN AFFAIRS, TO HONOR THE HANSEN'S DISEASE PATIENTS SENT TO KALAUPAPA ON MOLOKAI," was adopted.

Stand. Com. Rep. No. 1221 (S.C.R. No. 126):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.C.R. No. 126, entitled: "SENATE CONCURRENT RESOLUTION URGING THE NATIONAL PARK SERVICE, IN PARTNERSHIP WITH THE OFFICE OF HAWAIIAN AFFAIRS, TO HONOR THE HANSEN'S DISEASE PATIENTS SENT TO KALAUPAPA ON MOLOKAI," was adopted.

Stand. Com. Rep. No. 1222 (S.R. No. 197, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.R. No. 197, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF HEALTH, THE OFFICE OF HAWAIIAN AFFAIRS, THE UNIVERSITY

OF HAWAII, ALU LIKE, AND E OLA MAU TO SUPPORT AND ASSIST THE NATIVE HAWAIIAN HEALTH CARE SYSTEMS IN CARRYING OUT THEIR MANDATE TO IMPROVE THE HEALTH STATUS OF NATIVE HAWAIIANS," was adopted.

Stand. Com. Rep. No. 1223 (S.C.R. No. 227, S.D. 1):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.C.R. No. 227, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH, THE OFFICE OF HAWAIIAN AFFAIRS, THE UNIVERSITY OF HAWAII, ALU LIKE, AND E OLA MAU TO SUPPORT AND ASSIST THE NATIVE HAWAIIAN HEALTH CARE SYSTEMS IN CARRYING OUT THEIR MANDATE TO IMPROVE THE HEALTH STATUS OF NATIVE HAWAIIANS," was adopted.

Stand. Com. Rep. No. 1224 (S.C.R. No. 290):

On motion by Senator Ihara, seconded by Senator Liu and carried, the report of the Committee was adopted and S.C.R. No. 290, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION OF THE DEPARTMENT OF PUBLIC SAFETY'S HANDLING OF PRISONER TRANSFERS AND RELEASES," was adopted.

Stand. Com. Rep. No. 1186 (S.C.R. No. 99, S.D. 1):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 1186 be adopted and S.C.R. No. 99, S.D. 1, be adopted, seconded by Senator Tanaka.

Senator Matsuura rose in support of the measure as follows:

"Mr. President, I'm rising in support of the resolution.

"However, let me read a portion of the resolution. If all of you will turn to page 4 of the resolution, and it reads on line 8: 'Whereas, the Legislature was a member of the Association of Pacific Island legislatures, but recently withdrew from the organization;' and turn to page 6, one of the 'Be it further resolved' on line 18: 'BE IT FURTHER RESOLVED that the President of the Senate and the Speaker of the House of Representatives are requested to review their decision to withdraw from the Association of Pacific Island Legislatures toward consideration of formally re-joining the association;'.  
 "The reason I cite these statements is because the Senate joined the Pacific Island Legislature Association by adopting a Senate resolution. We joined the Western Legislative Conference, Western Fisheries Council; we have sister-state associations all by resolutions. And I don't know whether the Speaker and the President can unilaterally, without the Senate or House body concurring, withdraw. And the reason why I cite these things is primarily because the Pacific Island government people don't do things like we do over here. When we have a motion on the floor, if there are 15 people for it and one against it, theoretically that measure passes. But that is not true with the Pacific Island governments. They must have total consensus. Majority rule is not the way it is done in the Pacific Island government.  
 "In one of the first A.P.I.L. meetings I attended, the Marshall Islands government was going to withdraw. Just like what we have done. And it's interesting that the entire A.P.I.L. organization was going to dissolve primarily because one island government said that they were going to withdraw. I was asked to talk to the

delegates of the Marshall Islands to change their minds, which I did.

"Let me give you a little history behind the State of Hawaii's association with the Pacific Island Legislatures. When I first got involved with the Western Legislative Conference (W.L.C.), the W.L.C. formed a new committee called Ocean Resources. Sam Farr, who is now a congressman from California, and I were made co-chairmen of that committee. These Pacific Island governments, although they may be small, when you include their ocean EEZ, they are big. An island like Palau may be a small island, but when you group all their small islands and look at their EEZ jurisdiction, they are as big as the United States. When you combine all of the A.P.I.L. islands, you are talking about a huge area. What Sam and I did was to get these island governments to join and get involved with the Western Legislative Conference. They all joined and they all actively participated.

"I guess to reciprocate, the A.P.I.L. members suggested that maybe they might consider some other states to become members of the A.P.I.L. So the states of Alaska, Washington, Oregon, California and Hawaii requested to be considered for membership. The A.P.I.L. legislators chose only Hawaii to be a member of the A.P.I.L. They refused the other states from joining them. It was at our request that we joined the A.P.I.L. Now there is a little predicament here because they have been informed that the State of Hawaii has withdrawn. And I think they are having some major problems now because they don't know what to do. The proper procedure was to request A.P.I.L.'s permission to withdraw from the A.P.I.L. first and only with their approval, withdraw from the A.P.I.L.

"Let me cite examples as to the benefits of being part of the A.P.I.L. Recently, we had an A.P.I.L. conference in Hawaii and let me cite some of the persons they met. The A.P.I.L. delegation went to meet Mr. Fulim who is a fiberglass boat manufacturer in the State of Hawaii. Because of the visit, there is a tentative contract between the Government of Ponape and Fulim to manufacture these fiberglass boats in Ponape. Hawaiian Tel has their operation in Saipan. Dr. Seiji Naya met with the delegation and he was offered a contract with these Pacific Island governments to work for them as a consultant. Parsons, a Hawaii Company, wants to do the airports in Palau. Mr. Alfred Yee, is also involved in extending Ponape's airports. Presently, all these island governments only have a 6,000 ft. runway and they can't land the bigger jets.

"One of the reasons why I have been active in A.P.I.L. is because of the Ocean Resources of these islands. Believe me, there's only one place in the world that can feed the world as far as fisheries is concerned. The State of Hawaii has made major breakthroughs in the reproduction of mullets, milk-fish, and the mahimahi, but one of the best places to grow these fish to feed the world is in these Micronesian Island waters. Their oceans are flat. I mean there are no waves. You look 80 feet down in the ocean waters and you'll see the bottom. There is an abundance of natural feed for the fish.

"I can go on. Bank of Hawaii has their branches on all the islands. Now First Hawaiian Bank is planning to move into every island. Let me tell you that when Palau got \$110 million as the first payment of their \$300 million grant from the United States, guess where they put their \$110 million -- not in the Bank of Guam, not in a Japan bank. They put all that money into the Hawaii bank, primarily because of our association in this A.P.I.L. organization.

"Japan Airlines is now going to provide service to Palau from Japan. We were involved in that. Hawaii market development into China can be made through Palau because Palau may be the telecommunications hub between the Philippines, Indonesia and China. It will be China to Palau to Guam to Hawaii and the rest of the United States.

"I cite all of these things, Mr. President, because I feel all these A.P.I.L. legislators are totally confused. They don't know why the State of Hawaii had pulled out of A.P.I.L. When I was told that the State of Hawaii has pulled out, I talked to Speaker Souki. He was at the Outrigger Hotel. I asked him Why? And he said that he had no intention of pulling out. So, Mr. President, will you yield to a question?

The Chair having responded in the affirmative, Senator Matsuura inquired:

"The question I think we need an answer and an explanation to these members of A.P.I.L. is that why did the State of Hawaii withdraw, especially when they were most hospitable and we have tried to do our best to help them? The future of feeding the world may rest in their hands because they have the ocean resource but they need Hawaii's helping hand in technology because that's where we have been effective so far. The A.P.I.L. is having a conference soon. There were a number of people from Hawaii who were going to the conference. However, none of us have received an invitation to the conference. We need to explain and assure these A.P.I.L. legislators that there's nothing that they did because I think they feel that they did something wrong which resulted in the State of Hawaii pulling out. They haven't done anything wrong. I strongly feel that we owe them an explanation as to why we pulled out."

The Chair then responded:

"We will take your comments under advisement and I will be meeting with the Speaker again."

Senator Matsuura interjected:

"Could you answer my question? You didn't answer my question. Why did we pull out of the A.P.I.L.?"

The Chair responded:

"Senator Matsuura, I will take your comments from the Journal and review it as to the appropriateness of rejoining that particular Pacific Conference and spending \$5,000 for membership. I will consult with the Speaker and a decision will be forthcoming."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.C.R. No. 99, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PACIFIC ISLANDS BUSINESS DEVELOPMENT MASTER PLAN FOR THE STATE OF HAWAII AND BETTER COMMERCIAL RELATIONS WITH THE PACIFIC ISLAND JURISDICTIONS," was adopted.

#### AGREE/DISAGREE

S.B. No. 82, S.D. 2 (H.D. 2):

By unanimous consent, action on S.B. No. 82, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIME," was deferred until Wednesday, April 12, 1995.

S.B. No. 287 (H.D. 1):

By unanimous consent, action on S.B. No. 287, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER DEVELOPMENT," was deferred until Wednesday, April 12, 1995.

S.B. No. 432, S.D. 2 (H.D. 3):

By unanimous consent, action on S.B. No. 432, S.D. 2, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," was deferred until Wednesday, April 12, 1995.

S.B. No. 443, S.D. 2 (H.D. 2):

By unanimous consent, action on S.B. No. 443, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDERS," was deferred until Wednesday, April 12, 1995.

S.B. No. 588, S.D. 2 (H.D. 1):

By unanimous consent, action on S.B. No. 588, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred until Wednesday, April 12, 1995.

S.B. No. 853, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 853, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," was deferred until Wednesday, April 12, 1995.

S.B. No. 858, S.D. 1 (H.D. 2):

By unanimous consent, action on S.B. No. 858, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE BENEFIT PLANS," was deferred until Wednesday, April 12, 1995.

S.B. No. 1028, S.D. 2 (H.D. 2):

By unanimous consent, action on S.B. No. 1028, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A REPRESENTATIVE PAYEE SYSTEM," was deferred until Wednesday, April 12, 1995.

S.B. No. 1141, S.D. 2 (H.D. 1):

By unanimous consent, action on S.B. No. 1141, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," was deferred until Wednesday, April 12, 1995.

S.B. No. 1245, S.D. 2 (H.D. 1):

By unanimous consent, action on S.B. No. 1245, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," was deferred until Wednesday, April 12, 1995.

S.B. No. 1559, S.D. 2 (H.D. 2):

By unanimous consent, action on S.B. No. 1559, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," was deferred until Wednesday, April 12, 1995.

S.B. No. 1695, S.D. 1 (H.D. 2):

By unanimous consent, action on S.B. No. 1695, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRECINCT OFFICIALS AND OTHER ELECTION DAY OFFICIALS," was deferred until Wednesday, April 12, 1995.

S.B. No. 1701, S.D. 1 (H.D. 2):

By unanimous consent, action on S.B. No. 1701, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS," was deferred until Wednesday, April 12, 1995.

At 11:19 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

### THIRD READING

H.B. No. 1839, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 1839, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEAT INSPECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1848, H.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 1848, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDE RESIDUE LABELING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 18, H.D. 2, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, H.B. No. 18, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JITNEY SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 251, H.D. 1, S.D. 1:

On motion by Senator Iwase, seconded by Senator Ige and carried, H.B. No. 251, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHORELINE CERTIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1502, H.D. 1:

On motion by Senator Gaulty, seconded by Senator McCartney and carried, H.B. No. 1502, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CANDIDATES' FINANCIAL DISCLOSURE STATEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1193 (H.B. No. 397, S.D. 1):

On motion by Senator Gaulty, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1193 was adopted and H.B. No. 397, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL

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

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

Stand. Com. Rep. No. 1194 (H.B. No. 1274):

On motion by Senator Graulty, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1194 was adopted and H.B. No. 1274, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC IMPROVEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1195 (H.B. No. 2049, H.D. 1):

On motion by Senator Graulty, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1195 was adopted and H.B. No. 2049, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT LAW ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 379, H.D. 2, S.D. 1:

On motion by Senator Tam, seconded by Senator Aki and carried, H.B. No. 379, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USED OIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1790, H.D. 1, S.D. 1:

On motion by Senator Tanaka, seconded by Senator Solomon and carried, H.B. No. 1790, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GAME MAMMALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1963:

On motion by Senator Chumbley, seconded by Senator Kawamoto and carried, H.B. No. 1963, 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, 24. Noes, none. Excused, 1 (Bunda).

H.B. No. 867, H.D. 1:

On motion by Senator Bunda, seconded by Senator Chumbley and carried, H.B. No. 867, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1311, H.D. 1, S.D. 1:

On motion by Senator Bunda, seconded by Senator Chumbley and carried, H.B. No. 1311, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

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

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

H.B. No. 1884, H.D. 1, S.D. 1:

On motion by Senator Bunda, seconded by Senator Chumbley and carried, H.B. No. 1884, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2179, H.D. 1, S.D. 1:

On motion by Senator Bunda, seconded by Senator Chumbley and carried, H.B. No. 2179, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 756, H.D. 1, S.D. 1:

On motion by Senator Graulty, seconded by Senator McCartney and carried, H.B. No. 756, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 813, H.D. 1, S.D. 1:

On motion by Senator Graulty, seconded by Senator McCartney and carried, H.B. No. 813, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 814, S.D. 1:

On motion by Senator Graulty, seconded by Senator McCartney and carried, H.B. No. 814, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1188, S.D. 1:

On motion by Senator Graulty, seconded by Senator McCartney and carried, H.B. No. 1188, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ETHICS COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1427:

On motion by Senator Graulty, seconded by Senator McCartney and carried, H.B. No. 1427, entitled: "A BILL FOR AN ACT RELATING TO THE PROBATE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1499, H.D. 1, S.D. 1:

On motion by Senator Grauly, seconded by Senator McCartney and carried, H.B. No. 1499, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INTERESTS DISCLOSURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1211 (H.B. No. 112, H.D. 2, S.D. 2):

On motion by Senator Grauly, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1211 was adopted and H.B. No. 112, H.D. 2, S.D. 2, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1212 (H.B. No. 360):

On motion by Senator Grauly, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1212 was adopted and H.B. No. 360, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1213 (H.B. No. 1313, H.D. 1):

On motion by Senator Grauly, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1213 was adopted and H.B. No. 1313, H.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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1214 (H.B. No. 1800, H.D. 1, S.D. 2):

On motion by Senator Grauly, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1214 was adopted and H.B. No. 1800, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1215 (H.B. No. 2324, H.D. 1, S.D. 2):

On motion by Senator Grauly, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1215 was adopted and H.B. No. 2324, H.D. 1, S.D. 2, 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, 24. Noes, none. Excused, 1 (Bunda).

H.B. No. 775:

On motion by Senator Holt, seconded by Senator Grauly and carried, H.B. No. 775, entitled: "A BILL FOR AN ACT RELATING TO ENDOWMENT FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1226 (H.B. No. 7, H.D. 1):

On motion by Senator Holt, seconded by Senator Ihara and carried, Stand. Com. Rep. No. 1226 was adopted and H.B. No. 7, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1227 (H.B. No. 26, H.D. 2, S.D. 1):

On motion by Senator Holt, seconded by Senator Ihara and carried, Stand. Com. Rep. No. 1227 was adopted and H.B. No. 26, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1228 (H.B. No. 552):

On motion by Senator Holt, seconded by Senator Ihara and carried, Stand. Com. Rep. No. 1228 was adopted and H.B. No. 552, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 530, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 530, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE CERTIFICATES OF AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 605:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 605, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 553, H.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 553, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 554:



On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 554, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 556:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 556, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 896, H.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 896, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1096, S.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1096, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1169, H.D. 2, S.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1169, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1217:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1217, entitled: "A BILL FOR AN ACT RELATING TO LIMITED INSURANCE LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1282:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1282, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1376, H.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1376, H.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, 24. Noes, none. Excused, 1 (Bunda).

H.B. No. 1385, H.D. 2, S.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1385, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG PRODUCT SELECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1557, H.D. 2, S.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1557, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1246 (H.B. No. 1921, S.D. 1):

On motion by Senator Holt, seconded by Senator Ihara and carried, Stand. Com. Rep. No. 1246 was adopted and H.B. No. 1921, S.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, 24. Noes, none. Excused, 1 (Bunda).

H.B. No. 1927, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1927, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1928:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1928, 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, 24. Noes, none. Excused, 1 (Bunda).

H.B. No. 1929:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1929, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF CAPITAL OF A FINANCIAL INSTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1930:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1930, entitled: "A BILL FOR AN ACT RELATING TO CONSENT ORDER OF REMOVAL

OR PROHIBITION FOR ANY FINANCIAL INSTITUTION-AFFILIATED PARTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1932:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1932, entitled: "A BILL FOR AN ACT RELATING TO SUBMISSIONS TO THE COMMISSIONER OF FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1933:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1933, entitled: "A BILL FOR AN ACT RELATING TO CLARIFYING THE REQUIREMENTS OF THE CODE OF FINANCIAL INSTITUTIONS AS IT RELATES TO THE HAWAII BUSINESS CORPORATION ACT IN CONVERSION, MERGER, OR CONSOLIDATION SITUATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1934:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1934, entitled: "A BILL FOR AN ACT RELATING TO FORMS OF DEPOSIT IN HAWAII FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1935:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1935, entitled: "A BILL FOR AN ACT RELATING TO POWERS OF TRUST COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1936:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1936, entitled: "A BILL FOR AN ACT RELATING TO CHANGES TO THE FIELD OF MEMBERSHIP OF HAWAII CREDIT UNIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1937, H.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1937, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE BANKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1939, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1939, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING RECORDS OF MASSAGE THERAPISTS AND MASSAGE THERAPIST APPRENTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1940, H.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1940, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1942, H.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1942, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM LICENSING REQUIREMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1943, H.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 1943, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2204, H.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 2204, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2275, H.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 2275, H.D. 1, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1264 (H.B. No. 149, S.D. 1):

On motion by Senator Gaulty, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1264 was adopted and H.B. No. 149, S.D. 1, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1265 (H.B. No. 715, H.D. 1, S.D. 2):

On motion by Senator Gaulty, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1265 was adopted and H.B. No. 715, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1266 (H.B. No. 1485, H.D. 2, S.D. 1):

On motion by Senator Gaulty, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1266 was adopted and H.B. No. 1485, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1268 (H.B. No. 2051, H.D. 1, S.D. 2):

On motion by Senator Gaulty, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1268 was adopted and H.B. No. 2051, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2237, H.D. 1:

On motion by Senator Gaulty, seconded by Senator McCartney and carried, H.B. No. 2237, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1277, H.D. 2, S.D. 1:

On motion by Senator Gaulty, seconded by Senator Ikeda and carried, H.B. No. 1277, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALARY OF JUSTICES AND JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1271 (H.B. No. 1133, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1271 was adopted and H.B. No. 1133, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1272 (H.B. No. 1148, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1272 was adopted and H.B. No. 1148, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE GOVERNOR'S AGRICULTURE COORDINATING COMMITTEE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1273 (H.B. No. 1486, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1273 was adopted and H.B. No. 1486, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1275 (H.B. No. 1686, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1275 was adopted and H.B. No. 1686, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1277 (H.B. No. 1996, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1277 was adopted and H.B. No. 1996, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1278 (H.B. No. 1997, H.D. 3, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1278 was adopted and H.B. No. 1997, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1280 (H.B. No. 2089, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1280 was adopted and H.B. No. 2089, H.D. 1, S.D. 1, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1281 (H.B. No. 2107, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1281 was

adopted and H.B. No. 2107, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1282 (H.B. No. 2239, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1282 was adopted and H.B. No. 2239, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEE'S RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1284 (H.B. No. 1919, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1284 was adopted and H.B. No. 1919, H.D. 1, S.D. 2, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1285 (H.B. No. 1959, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1285 was adopted and H.B. No. 1959, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONCILIATION PANELS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1286 (H.B. No. 2215, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1286 was adopted and H.B. No. 2215, H.D. 2, S.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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1287 (H.B. No. 1626, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1287 was adopted and H.B. No. 1626, H.D. 1, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1288 (H.B. No. 1736, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1288 was adopted and H.B. No. 1736, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENT-COMMUNITY NETWORKING CENTERS," having been read

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

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

Stand. Com. Rep. No. 1289 (H.B. No. 1819, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1289 was adopted and H.B. No. 1819, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1290 (H.B. No. 1903, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1290 was adopted and H.B. No. 1903, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1291 (H.B. No. 1965, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1291 was adopted and H.B. No. 1965, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 269, H.D. 2, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 269, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KONA COFFEE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1849, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 1849, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2000, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2000, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS OF EMPLOYEES ON PUBLIC WORKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 22, H.D. 1, S.D. 1:

On motion by Senator Tam, seconded by Senator Aki and carried, H.B. No. 22, H.D. 1, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1302 (H.B. No. 1491, H.D. 2, S.D. 1):

On motion by Senator Gaulty, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1302 was adopted and H.B. No. 1491, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1304 (H.B. No. 513, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1304 was adopted and H.B. No. 513, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1305 (H.B. No. 518, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1305 was adopted and H.B. No. 518, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1306 (H.B. No. 1878, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1306 was adopted and H.B. No. 1878, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1307 (H.B. No. 39, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1307 was adopted and H.B. No. 39, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDING AND DOCKAGE FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1308 (H.B. No. 123, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1308 was adopted and H.B. No. 123, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE METHODS OF TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1309 (H.B. No. 1962, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1309 was adopted and H.B. No. 1962, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GIFTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1310 (H.B. No. 2050, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1310 was adopted and H.B. No. 2050, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSAL OF IMPOUNDED VESSELS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1314 (H.B. No. 1691, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1314 was adopted and H.B. No. 1691, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF VETERANS' SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1316 (H.B. No. 1466, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1316 was adopted and H.B. No. 1466, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAXIMIZING FEDERAL REIMBURSEMENT FOR HAWAII'S VOCATIONAL REHABILITATION PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1318 (H.B. No. 1806, H.D. 2, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 1318 and H.B. No. 1806, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 1319 (H.B. No. 1991, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1319 was

adopted and H.B. No. 1991, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE COUNCIL ON INDEPENDENT LIVING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1320 (H.B. No. 337, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1320 was adopted and H.B. No. 337, S.D. 1, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1321 (H.B. No. 898, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1321 was adopted and H.B. No. 898, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAPIOLANI HEALTH CARE SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1322 (H.B. No. 1968, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1322 was adopted and H.B. No. 1968, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RUBELLA TESTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1323 (H.B. No. 1976, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1323 was adopted and H.B. No. 1976, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY HOSPITALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1324 (H.B. No. 1980, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1324 was adopted and H.B. No. 1980, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1325 (H.B. No. 386, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1325 was adopted and H.B. No. 386, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1326 (H.B. No. 745, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1326 was adopted and H.B. No. 745, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPROVE EFFECTIVENESS OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1327 (H.B. No. 1425, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1327 was adopted and H.B. No. 1425, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1328 (H.B. No. 115, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1328 was adopted and H.B. No. 115, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE FOR INCREASED PUBLIC ACCESS OF LEGISLATIVE PROCEEDINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1329 (H.B. No. 792, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1329 was adopted and H.B. No. 792, H.D. 2, S.D. 1, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1330 (H.B. No. 837, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1330 was adopted and H.B. No. 837, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1331 (H.B. No. 1426, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1331 was adopted and H.B. No. 1426, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1332 (H.B. No. 1763, H.D. 3, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1332 was adopted and H.B. No. 1763, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN FISHPONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1333 (H.B. No. 1787, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1333 was adopted and H.B. No. 1787, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1334 (H.B. No. 1985, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1334 was adopted and H.B. No. 1985, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1208, H.D. 1, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 1208, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1909, H.D. 1, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 1909, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1339 (H.B. No. 1920, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1339 was adopted and H.B. No. 1920, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1341 (H.B. No. 187, H.D. 1, S.D. 1):

On motion by Senator Graulty, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1341 was adopted and H.B. No. 187, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 819, H.D. 1, S.D. 1:

On motion by Senator Graulty, seconded by Senator McCartney and carried, H.B. No. 819, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1345 (H.B. No. 2333, H.D. 1, S.D. 2):

On motion by Senator Graulty, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1345 was adopted and H.B. No. 2333, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEGAL REPRESENTATION OF COUNTY OFFICERS AND EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1346 (H.B. No. 298, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1346 was adopted and H.B. No. 298, H.D. 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1347 (H.B. No. 1409, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1347 was adopted and H.B. No. 1409, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1348 (H.B. No. 2137, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1348 was adopted and H.B. No. 2137, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIKIKI AQUARIUM," having been read throughout, passed

Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1349 (H.B. No. 566, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1349 was adopted and H.B. No. 566, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1350 (H.B. No. 1988, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1350 was adopted and H.B. No. 1988, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1351 (H.B. No. 111, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1351 was adopted and H.B. No. 111, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOBBYING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1352 (H.B. No. 929, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1352 was adopted and H.B. No. 929, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE STATUS OF WOMEN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1354 (H.B. No. 1853, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1354 was adopted and H.B. No. 1853, H.D. 2, S.D. 1, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1355 (H.B. No. 1857, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1355 was adopted and H.B. No. 1857, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read

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

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

Stand. Com. Rep. No. 1356 (H.B. No. 2022, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1356 was adopted and H.B. No. 2022, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF DEFENDANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1357 (H.B. No. 2023, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1357 was adopted and H.B. No. 2023, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1358 (H.B. No. 2024, S.D. 1):

By unanimous consent, Stand. Com. Rep. No. 1358 and H.B. No. 2024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 1359 (H.B. No. 2031, H.D. 1, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1359 was adopted and H.B. No. 2031, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1360 (H.B. No. 2038, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1360 was adopted and H.B. No. 2038, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TAX PENALTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

### THIRD READING

H.B. No. 181, H.D. 1, S.D. 1:

Senator Gaulty moved that H.B. No. 181, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator McCartney.

Senator Gaulty rose in support of the measure as follows:

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

"Mr. President, this bill represents a major initiative by your Judiciary Committee this session in the fight against



crime. The bill addresses property crime in our state. Testimony in support of this bill was received from the Attorney General's office, the Judiciary, the Honolulu Police Department, and the chiefs of police of the City and County of Honolulu, Hawaii County and Maui County.

"Chief Howard Tagamori testified that Maui County, like the rest of the state, suffers from one of the highest property crime rates per capita in the nation. In fact, our state ranked fifth in the nation in 1993 in property crimes per capita. Chief Tagamori testified that he had no doubt that a large number of these offenses were committed by juveniles. The HPD reported that in 1994, 15,007 juveniles were arrested. Burglaries and theft offenses totalled 5,651, or a third; status offenders totalled another third, and all other remaining offenses made up the balance.

"As it stands, Mr. President, property crimes are extremely difficult to solve as very few of these cases are committed in front of witnesses. That's why we need this bill. We need to enter fingerprints of all juveniles taken into custody so that we can develop a fingerprint data base for law enforcement purposes. AFIS has the capability. All they need from us is the legislative authority. I urge all my colleagues to vote 'aye' on this bill.

"Thank you, Mr. President."

The motion was put by the Chair and carried, and H.B. No. 181, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN AUTOMATIC FINGERPRINT IDENTIFICATION SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 51, H.D. 1:

Senator Tam moved that H.B. No. 51, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aki.

Senator Tam then offered the following amendment (Floor Amendment No. 1) to H.B. No. 51, H.D. 1:

SECTION 1. H.B. No. 51, H.D. 1, section 2, is amended by amending page 1, lines 16-19 to read:

"§342F- Noise control. By June 30, 1996, the department shall adopt a state community noise code pursuant to chapter 91, which recognizes differences in noise level standards in urban and non-urban areas of the State and noise level standards of each county."

Senator Tam moved that Stand. Com. Rep. No. 1196 be received and placed on file, seconded by Senator Aki and carried.

Senator Tam then moved that the amendment be adopted, seconded by Senator Aki and carried.

By unanimous consent, H.B. No. 51, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," was placed on the calendar for Third Reading on Wednesday, April 12, 1995.

H.B. No. 87, H.D. 1, S.D. 1:

Senator Grauly moved that H.B. No. 87, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator McCartney.

Senator Grauly rose in favor of the measure and stated:

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

"Mr. President, federal matching funds may be available to the counties under Public Law 103-322, the Omnibus Crime Bill. Securing such funds could contribute greatly to improving the law enforcement capability in our state. Unfortunately, matching funds are not available due to our bleak fiscal situation.

"Allowing the counties to set their own amounts for traffic fines with the floor being set at current levels, the amount from which will continue to be paid to the state to compensate the state for maintaining the traffic violations court system, will enable the counties to participate in this federal largesse for law enforcement purposes. Successful programs like 'No Hope in Dope' and Drug Awareness Reduction Education or DARE can continue to be supported and enhanced. Programs to deal with youth gangs and improved campus security can likewise benefit.

"I'd like to thank my vice-chairman Senator McCartney and my co-chairman Senator Fernandes Salling for their work on this bill. I urge all my colleagues to vote 'aye.' Thank you."

The motion was put by the Chair and carried, and H.B. No. 87, H.D. 1, S.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, 24. Noes, none. Excused, 1 (Bunda).

H.B. No. 871, S.D. 1:

Senator Holt moved that H.B. No. 871, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ihara.

Senator Baker, in support of the measure, then said:

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

"The purpose of H.B. 871, S.D. 1, is to repeal the state's existing time share law and to authorize the counties to regulate the sale, operation, management and use of time share properties within their jurisdiction.

"While I agree that this may be an innovative approach to a thorny problem, I am concerned whether the counties have the expertise and resources necessary to properly regulate and enforce time share rules.

"I am equally concerned about the time frame afforded the counties to get these new ordinances in place. The bill contemplates that such county rules be adopted by January 1, 1996. Is this time frame realistic? For if these regulations are not established by that time, we run the risk of having no regulation at all.

"Consumers can ill-afford to have the time share industry go unregulated or unscrutinized for any period of time. The industry's checkered past and its current proliferation in Hawai'i demand strict regulation and full disclosure if consumers are to be protected.

"Now is not the time for the state or the counties to return to the long discarded philosophy of 'caveat emptor' or let the buyer beware.

"It is important to note that the counties have not asked for this responsibility and I question whether this is an appropriate delegation of authority.

"While I acknowledge the potential for the counties to raise revenues from their regulation of this industry, this bill begs more questions than answers, and I hope that the conference committee takes a hard look at the ramifications of this bill before recommending this approach for final consideration.

"Thank you, Mr. President."

Senator Holt rose in support of the measure and said:

"Mr. President, I'm rising to speak in support of this measure.

"I think I would like to point out to the members of the committee that while I am in agreement with some of the statements made by previous speaker, I would just like to point out some facts that this whole time share issue is administered by one person whose salary is about \$55,000. The revenues that we generate from time sharing are on the low side. In fact, there was a consideration to double all fees this past year. If we do that, revenues will be at approximately \$64,000. If we impose a one percent tax on registration which is what Florida does, that would bring the total to \$92,000 which would basically cover the administrative costs. The revenues that we are talking about totally, from my understanding, comes out to about \$250 million.

"I think that the idea behind this is to spread the responsibilities back to the counties. I don't think we're mandating any additional costs to the counties. They will recover their fees. They will probably recover in excess of the fees to run the program.

"And as far as the time table that the previous Senator referred to, I'm open to discussing that in conference to possibly give the counties sufficient time to adopt the appropriate ordinances. Thank you."

The motion was put by the Chair and carried, and H.B. No. 871, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 873, H.D. 1, S.D. 1:

Senator Holt moved that H.B. No. 873, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ihara.

Senator Baker rose to speak against the bill as follows:

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

"As written, H.B. 873, S.D. 1, creates an exemption from the mandatory seller disclosures in real estate transactions law for the sale of time share interests.

"I firmly believe that the exemption of time share sales is not consistent with other transactions provided the exemption under Act 214, SLH 1994 and now codified as Chapter 508D-3.

"If anything, time share, by its very nature and questionable sales practices, should have full and complete disclosure and very tight regulation.

"In light of the changes contemplated by the Senate draft of H.B. 871 which we previously considered, it seems to me to be all the more important that we continue to provide for full disclosure for consumers in time share sales.

"Time share is trying to take on the guise of respectability, but their high pressure sales practices have not changed. Until that happens, maintaining and mandating full disclosure may be the only safeguard left for consumers.

"At this point in time, time share has not earned this exemption and I urge my colleagues to join me in voting 'no' on this measure."

Senator Holt then rose in support of the measure and said:

"Mr. President, I rise in response and in support of this bill. This is not a Senate amendment. This is a House amendment that came across. We expect to have continued discussion on it to address the concerns of the previous speaker. And again, in light of the fact that we did send another time share bill across just before this one, that will be included in the discussion as well.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 873, H.D. 1, S.D. 1, 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, 21. Noes, 3 (Baker, Levin, Matsuura). Excused, 1 (Bunda).

H.B. No. 994, H.D. 1, S.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, H.B. No. 994, H.D. 1, S.D. 1, 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, 24. Noes, none. Excused, 1 (Bunda).

H.B. No. 1244, S.D. 1:

Senator Holt moved that H.B. No. 1244, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ihara.

Senator Baker rose to speak against the measure and stated:

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

"In 1990, 1991 and 1993, this body passed measures to provide much needed regulation of activity providers and activity desks, a segment of our visitor industry that has developed numerous problems over the years, exacerbated by the involvement of time share sales using discounted activities as a lure to snare unsuspecting consumers to high pressure time share presentations. In recognizing the often unfair and unscrupulous practices of some of these small businesses, the state implemented numerous regulations to ensure the highest standard of consumer protection and leveled the playing field between the activity desks and activity providers.

"The original purpose of this bill was to continue the enforcement of these regulations beyond the sunset date of June 30, 1995. There is widespread agreement that these regulations should continue, and I fully support the bill's original intent.

"The Senate draft before us would shift the regulatory function to the counties. That approach raises grave concerns. The counties have not requested such authority, and I am not confident that the counties will have enough time to get any new regulations in place and we may end up with no regulations at all. That would mean having to start from scratch, leaving the consumer, mostly our visitors, at the mercy of unfair and deceptive practices.

"It is the state's responsibility to protect all consumers from unfair and deceptive business practices, and I further believe the DCCA should continue to regulate this industry as it is an appropriate function within their purview of consumer protection.

"For these reasons I will be voting 'no' on this measure. Thank you."

Senator Holt, rising in support of the measure, then said:

"Mr. President, I'm speaking in support of this bill. I don't like to use the words 'home rule' but there seems to be a lot of things coming out of my committee that are going to the counties this year. The primary reason that we made the amendment was because we found out that a clerk-typist 2 is sufficient to handle the workload of this program. The workload is very minimal and a full-time person is not really needed. With that we felt that the counties could handle these activities. I don't think it is imposing a huge burden on them because most of the workload is spread out over each county and I think they can handle it accordingly without raising taxes.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 1244, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY PROVIDERS AND ACTIVITY DESKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Baker, Levin, Matsuura). Excused, 1 (Bunda).

H.B. No. 1834, H.D. 2, S.D. 1:

Senator Fernandes Salling moved that H.B. No. 1834, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ikeda.

Senator Matsuura rose in support of the measure and said:

"Mr. President, I'm going to vote in favor of this bill with reservations.

"The Senate draft of this bill intends to preserve centralized procurement, which was the main feature of this comprehensive procurement code passed in the 1993 Special Session. That's why a Chief Procurement Officer's office has been created. The Senate must stand firm against the House version of this bill which would decentralize procurement while retaining the CPO's office. That is clearly not cost-effective.

"Professional services will be procured in a more streamlined manner, yet there will still be some

safeguards. Normally, I would be against the loosening of the present requirements because the present procurement law has only been in effect about eight months. However, I have great faith in our current Attorney General and in her ability and willingness to examine the written records to make sure that contracts are awarded fairly and without favoritism.

"My one reservation is about one of the exemptions from competitive bidding contained in Section 3 of this bill. Many of these exemptions are needed and follow common sense. They deal with small purchases such as books, speeches, athletic opponents, and the like. But I don't like the exemption from bidding for public utility services. Those services should be subject to the public bidding process of the current law. If such a major change is to be made, there should be a public debate on this issue.

"I cite an example of GTE Hawaiian Tel, which is a public utility. GTE Hawaiian Tel had a sole source state contract for the state telecommunication services. The amount of the contract was exorbitant. However, let me clarify one point very carefully. It wasn't GTE that gave them that lucrative contract. GTE had little to do with it. The guys that really did it were state employees with the Department of Budget and Finance. That was sole source contract. This year the state went on a bid for generally the same telecommunications service. All of you know that the price dropped 50% when they went out for bid. The state has saved millions of dollars.

"So other than that reservation, Mr. President, I support this bill. Thank you."

Senator Fernandes Salling rose to speak in favor of the measure and said:

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

"The Committees on Transportation and Government Affairs and Ways and Means concur in the main with the intent and purpose of the administration's proposals as contained in the companion bills, S.B. No. 1783 and H.B. No. 1834.

"As amended, H.B. No. 1834, H.D. 2, S.D. 1, is the result of a process of dialogue between the legislature and those in the state agencies and the private sector who have had 'hands on' working experience with the Hawaii Public Procurement Code, originally enacted at the 1993 Special Legislative Session. The process of clarification and refinement of the code began last year with H.B. No. 3300, C.D. 1, and continued this year with hearings in the House and two hearings in the Senate.

"The refinements of the code have focused on areas where administrative processes (such as hiring of attorney services) should be distinguished from procurement processes. Under the proposed amendment in Section I of this bill, the Attorney General will now be better able to supervise the delivery of legal services to the state and its agencies.

"With regard to mandatory centralized procurement, correctly interpreted, the existing law requires only that the policy, not the actual process itself, be centralized in the procurement administrator's office. Therefore, deletion of mandatory centralization is not necessary to the credibility of the code and has been removed from the administration's bill.

"With regard to procurement of professional services, the new law will put all procurement methods on the same plane as sealed competitive proposals. Agency heads will have necessary flexibility when procuring professional

services, and the process will insure that competent professional services are provided at the lowest cost to the state.

"Parceling is now specifically prohibited in the process of making small purchases of goods and services.

"I would just like to conclude, Mr. President, by saying that what we have done in this case is to make the necessary changes, the fine tuning, that was necessary in order to make the code work. Thank you."

The motion was put by the Chair and carried, and H.B. No. 1834, H.D. 2, S.D. 1, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1267 (H.B. No. 1977, H.D. 1, S.D. 2):

On motion by Senator Gaulty, seconded by Senator McCartney and carried, Stand. Com. Rep. No. 1267 was adopted and H.B. No. 1977, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1274 (H.B. No. 1586, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1274 was adopted and H.B. No. 1586, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1276 (H.B. No. 1785, H.D. 1, S.D. 1):

Senator Ikeda moved that Stand. Com. Rep. No. 1276 be adopted and H.B. No. 1785, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Liu then stated:

"Mr. President, I rise to request that although I'll be voting 'aye' on this bill, I do have some reservations. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1276 was adopted and H.B. No. 1785, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE COUNSELING, TRAINING, AND OTHER SERVICES TO DISLOCATED WAIALUA SUGAR COMPANY WORKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1279 (H.B. No. 1998, H.D. 1, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1279 was adopted and H.B. No. 1998, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH PROGRAMS FOR STATE CONSTRUCTION CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1283 (H.B. No. 1918, H.D. 2, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1283 was adopted and H.B. No. 1918, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH MAINTENANCE ORGANIZATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Liu). Excused, 1 (Bunda).

Stand. Com. Rep. No. 1293 (H.B. No. 1037, H.D. 1):

By unanimous consent, Stand. Com. Rep. No. 1293 and H.B. No. 1037, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," were recommitted to the Committee on Agriculture, Labor, and Employment.

Stand. Com. Rep. No. 1294 (H.B. No. 1431, H.D. 1, S.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 1294 was adopted and H.B. No. 1431, 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, 22. Noes, 2 (Ige, Iwase). Excused, 1 (Bunda).

H.B. No. 1770, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 1770, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 471, H.D. 2, S.D. 1:

Senator Fukunaga moved that H.B. No. 471, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Holt.

Senator Matsunaga rose in support of the measure and said:

"Mr. President, I rise in support of this bill with reservations.

"Mr. President, I will be voting 'yes' on this measure. However, as I communicated to the chair, I have some concerns. The committee report states that the 'Committees acknowledge that the present Senate draft leaves many issues unresolved; however, it is another step in the continuing dialogue over the ways in which competition can effectively be introduced into Hawaii's telecommunications markets.'

"Mr. President, I would ask -- and I'm confident that the chair will consider these issues fully in conference -- that the chair consider whether the creation of the advance telecommunications foundation and universal services program would simply create more bureaucracy in a government that may have enough bureaucracy as it is.

"Secondly, I understand that all or most of the affected parties are currently against this version of the measure, so I will be voting 'yes' with these reservations. Thank you."

Senator Matsuura rose to speak against this measure as follows:

"Mr. President, I rise to speak against this bill. I realize that in doing so I'm not going to be a conferee on this bill. Nevertheless, I might as well cite my objections.

"I rise to oppose H.B. No. 471, as amended in the Senate. The bill as it passed the House was not perfect but it did represent an agreement between major competitors -- the Consumer Advocate and the Public Utilities Commission. The House bill established a process to bring the benefits of telecommunications competition to consumers through an orderly transition from a monopoly local exchange market to a competitive market. As all of you know, I've been working to instill competition in telecommunications for I don't know how many years, and this is the first time that a bill had an agreement with all the parties. (That was the original House bill.)

"The Senate amendment to the House bill on the other hand inserted disincentives to competition and investment. To require competitive companies to give away service; to maintain subsidies in competitive rates; to support government functions through hidden taxes; and to allow the monopoly provider of local telephone service to buy its way out of rate-of-return regulation, does little to encourage competition.

"I want to emphasize that I clearly support the need of schools and libraries and hospitals to have the ability to access information and advanced technology. That should be a priority funding item for our state budget. But I cannot support a requirement that a private telecommunications industry provide free service any more than I could support a requirement that publishers loan free books or school bus manufacturers give free school bus service.

"It has been argued that this is voluntary. Yet, I heard in the committee hearing that competitive companies are not rate-of-return regulated but under this bill Hawaii would subject competitive companies to rate-of-return regulations unless they give free service and give a contribution to a government foundation. I do not think we can call that voluntary.

"Also, we heard that the Consumer Advocate opposes this bill because the monopoly company who should be rate-of-return regulated until there is effective competition could buy their way out of the rate-of-return regulation by giving free service and a contribution to the foundation. This free service and contribution would not be free to the monopoly's customers who would pay more in their local telephone rates. This contribution to the foundation could be passed on to the ratepayers, like you and me. Even if we were to require that such costs could not be passed on to the ratepayers, the only regulation that could ensure this is the rate-of-return regulation of which we are allowing them to buy their way out, if we pass this bill.

"I support open and fair competition in the telecommunications markets. This is absolutely essential if Hawaii wants to remain competitive in world markets; if we want to have incentives for business development; if we want the creation of jobs and state-of-the-art infrastructures that serve the needs of our schools, libraries, business and government. The bill before us does not do this.

"Mr. President, for the immediate future, I can see only two ways that the state can get out of this financial nose-dive that we are in. One is the new computer that the chairman of the Ways and Means Committee promised for the Department of Taxation because I think that is one place where I know there is a lot of money that we can collect now before the statute of limitations runs out. I'm not joking; some of you may laugh, but give the Department of Taxation a new computer that will be compatible with the IRS computer and I promise you there are going to be a lot of people who are going to pay their taxes because the penalty will no longer be a mere \$1,000 -- it will be \$125,000. It will no longer be only a misdemeanor. If the Senate bill passes, it is going to be a felony. The crooks will go to jail. There are a lot of back taxes yet to be collected. We must do it now before the statute of limitations runs out!

"The other thing that provides some bright future in getting the state out of this financial nose-dive is the telecommunications industry. We must open up competition. I think that in itself will take care of our financial woes.

"And with that, Mr. President, I'm opposing this bill."

Senator Fukunaga rose in support of the measure and stated:

"Mr. President, I rise to speak in favor of this measure. This bill in its current form may not be a perfect draft by any means, but it is intended to continue the debate on how we can best introduce competition into our local phone markets.

"Essentially, the bill builds upon the original H.D. 2 and adds the following: it would open up telecommunications to competition even faster if telecommunications providers are willing to invest in underserved areas, or to invest in alternatives like the advanced telecommunications foundation.

"Not everyone will agree that this approach is preferable to the original H.D. 2. However, it does address the underlying issue in this whole debate and that is: What should the new definitions of universal service be and how will we provide it for all?

"Under the original H.D. 2 approach and the broad definitional language that is contained in it, most of the private sector participants and the Public Utilities Commission agree that the definition of 'universal service' in a competitive marketplace should be basic service or what we call 'POTS' -- Plain Old Telephone Service.

"Under this approach, with competition, most of us on Oahu and urban Honolulu will be able to get advanced services for lower prices. If you wanted to surf the Internet, do videoconferencing from your home or office, enjoy the full benefits of distance learning or telemedicine, without the current Senate draft you would have to pay a lot of extra costs for ISDN lines or other services so that you would not have to sit in front of a screen for five minutes or more to access and send video or graphic images.

"Those of you on the neighbor islands who live in rural areas or sparsely populated areas will only be entitled to basic touchtone service -- and what we Oahu residents will subsidize through the 'universal service' surcharge will only be for 'POTS'.

"The assumption is that under the original draft, over time, the amount of business generated on Oahu and other areas will cause more investment to flow to the outlying areas and eventually those of you who live in rural areas will be entitled to the same kinds of advanced services that residents of Oahu will enjoy.

"The Senate's approach, on the other hand, has been to say that providing two different standards for telecommunication services is not acceptable. We say that ALL RESIDENTS of our state are entitled to advanced services -- and then we propose to set up specific mechanisms by which we can incrementally give neighbor island residents affordable access to advanced services too.

"One of the reasons why we think this approach makes a lot of sense is that the PUC currently has a rural telephone docket 7497, in which instance all of us throughout the state are going to end up subsidizing the costs of providing 'POTS' to rural island residents. Currently, GTE Hawaiian Tel's estimated cost for installing this 'POTS' service is \$38 million. The PUC has so far allowed for \$20 million in costs to be shared over the rest of the state.

"If we follow the House's approach on opening up competition, and the likely definitions of universal service under the PUC's present definition, we on Oahu will end up paying twice -- first to install old technology to bring single-line touchtone service to rural neighbor island residents, and then to subsidize residential rates over a longer period of time via the universal service surcharge.

"With the Senate's approach, on the other hand, since we on Oahu are going to be subsidizing rural areas anyway, we would strategically deploy one level of advanced services into every neighbor island community's schools and public facilities. By taking this approach, we accelerate the process of insuring that all residents share in public benefits.

"This approach is consistent with our long-standing policy of helping the neighbor islands rebuild their economies. It fosters self-sufficiency and insures that neighbor islanders have equal access to all the range of improved education, health care and public services that telecommunications can offer.

"For these reasons, I urge all of my colleagues to join me in supporting H.B. No. 471 in its present form. Thank you."

Senator Matsuura rose again and stated:

"I don't want to be the last speaker on this, but I just want to clarify a few points that I forgot to mention.

"I am not disagreeing with the former speaker. The only thing that I am saying is that these advance services are not part of the universal service in any of the states in the Union. High-speed transmission is not included in the universal service for the rest of the United States. The only thing that I want to reiterate is, make contributions to these foundations voluntary. That is the only thing everyone is asking.

"Telecommunications is a subject that is very complex. It's hard for a person like myself to understand. But in the public hearing, let me just mention one thing, for the

original H.B. No. 471, H.D. 2, everybody -- and I mean everybody, GTE, PUC, the Consumer Advocate, all the providers -- all testified in favor. For the Senate amendment, not a single person testified in favor because they all had reservations. So that is the big difference. That is why we have public hearings. We added ten pages more to the House bill. And I can't recall a single telecommunications provider or the Consumer Advocate or the PUC or any individual who testified in support of the Senate amendments. So why do we have public hearings if we are not going to heed their concerns and advice?

"Thank you very much."

Senator Fukunaga rose and responded as follows:

"Mr. President, I rise in rebuttal to the prior speaker.

"First, Mr. President, I would like to reiterate that, while no state has yet adopted this universal service definition (which guarantees advanced services to all residents), most states are currently re-examining the definitions of universal service in their statutes. This approach has also been endorsed by Vice President Gore in pending federal legislation before the U.S. Congress. And I would hope that Hawaii continues its long-term commitment and strong public policies favoring good services for all residents rather than restricting those services to a select few.

"Secondly, I would like to point out that, during the public hearings which were held on this measure, while none of the private sector providers endorsed the proposal that the Senate is adopting it was endorsed and supported by a large number of individual users as well as public service advocates.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 471, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Anderson, Matsuura). Excused, 1 (Bunda).

H.B. No. 1186, H.D. 1, S.D. 1:

Senator Fukunaga moved that H.B. No. 1186, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Holt.

Senator Liu rose against the measure and said:

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

"Mr. President, I appreciate the effort of the chair of Consumer Protection to bring about more home rule and fairness to the county level and I think he was well-intentioned. But I think along the way, perhaps because of the very clever arguments by the City and County of Honolulu, this piece of the measure regarding gross receipts tax was slipped in. The language of the bill indicates that each county shall establish a gross receipts tax not to exceed 2-1/2%. I do not think that if the counties decided not to pass some kind of tax, I do not think that they will be following the law under that instance so that in effect they will have to pass some kind of tax, whether it be a 1/2% or 1%, up to 2-1/2%.

"Make no bones about it and make no mistake about it, this is a tax which will flow to the consumer. It will

not be upon GTE or any other telecommunications provider because this bill goes beyond just GTE. It will go to other providers of communications also.

"But we got confirmed from the hearing, from the PUC as well as from the Consumer Advocate, that this tax is an allowable tax and will be an allowable tax that will be passed through to the consumer. Whether it is a residential consumer or whether it is a commercial consumer, it will be passed on to the consumer.

"The same thing happens with the franchise tax which has been used as the basic reason why we have to reformulate this kind of tax or taxes upon the utilities industry to create fairness, because whereas GTE does not pay the franchise tax, Hawaiian Electric and BHP do. However, the franchise tax itself is also passed on to persons like you and me and to other users. It is not a tax upon the actual entity of the company, per se.

"As such, Mr. President, I think what we are doing here, indirectly or directly, depending on how you look at it, is passing a tax upon the people of this state at the worst time possible. So I would hope that during conference that particular portion of the measure is eliminated in its entirety.

"I also have further reservations, Mr. President, concerning another portion of the bill regarding the time required in which a rate case has to be decided, but I think others are aware of that so I will not belabor the point here.

"Thank you, Mr. President."

Senator Fukunaga rose in support of the measure and stated:

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

"While the points raised by the Minority Leader are indeed good ones, your committees have taken into account the fact that, when we are considering major changes in our telecommunications regulations, it is also a time for us to examine more closely the means by which we subject all of the telecommunications as well as other regulated utilities to appropriate forms of taxation. There has been a lot of discussion on the issue of whether or not the franchise tax that was originally extended to cover the electrical utilities was in fact an appropriate means of reaching telecommunications providers. The current draft of the bill represents one way of looking for an appropriate means of continuing that discussion.

"I would like to reassure the Minority Leader and others that these issues will be discussed further in conference to find the appropriate balance. Thank you."

Senator Matsuura rose in support of the measure and said:

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

"The intent of this bill originally was to have the telecommunications companies, primarily those that have the CPCN (Certificate of Public Convenience and Necessity) to pay the franchise tax which was for the use of the county right of way. The county would get some monies out of the use of their right of way. They don't pay anything today for the use of the county's right of way or their services such as the police and firefighters. The county wanted some revenues from these telecommunications companies for using the county's right of way.

"The reason why Hawaiian Tel didn't pay the franchise tax is because Hawaiian Tel is the only local exchange company in the United States that can provide international and inter-state service. Hawaiian Tel is a little different from any other small Bell telephone company because Hawaiian Tel was part of the kingdom. Congress grandfathered all the rights and privileges the company had at that time. And that's one of the reasons the counties couldn't charge Hawaiian Tel for the franchise tax. This bill will change that.

"As the previous speaker said, this is a pass-through tax. I have some other concerns also, Mr. President. I have a prepared speech that I would like to insert into the Journal. Thank you."

The Chair having so ordered, Senator Matsuura's speech reads as follows:

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

"This version of H.B. No. 1186 received its first and only public hearing on Friday morning. At that time, several speakers identified significant problems with this measure. It has become, I am afraid, a 'station wagon' measure containing a collection of ideas, most of them not well thought out.

"This bill would, among other things, remove the requirement for the Public Utilities Commission to reach at least an interim decision in rate proceedings within nine months. This would send a negative message to the financial communities that provide the capital necessary for our utilities to operate. I realize that delay is the ultimate form of denial and whether or not that is the intent here, it certainly is the effect. Under the present law the PUC is required to issue an interim decision, subject to refund to the consumer if the PUC's final decision is less than the interim.

"Another provision would require notification by mail to every utility customer of the public hearing for a utility rate increase request. While this sounds laudable, this would add tens of thousands of dollars to consumer costs.

"A third provision would require the PUC to conduct rate reviews of utilities every four years. This, despite complaints by the consumer advocate that he has insufficient staff to deal with rate requests within the current nine-month period, and despite the fact that the PUC can order such a review any time it feels that rates may be out of line with utilities costs and capital needs.

"This bill also imposes new taxes on telecommunications companies in an effort to funnel additional monies to the counties. While it appears the goal is to get around the inability to impose a franchise tax on GTE Hawaiian Tel, the provision affects every telecommunications company including those who do not use the county rights of way for their facilities. However, I do not oppose GTE Hawaiian Tel or any company that operates under the CPCN (Certificate for Public Convenience and Necessity) and uses the county rights of way to pay a tax similar to the franchise tax."

Senator Holt rose in support and said:

"Mr. President, I rise to speak in support of the bill and in response to the comments of the previous speakers.

"I believe this is an attempt to address the long standing inequities in the application of the franchise tax to public utilities, in particular, Hawaiian Telephone and telephone utilities. Finally, if this bill passes, the

telephone company will be paying taxes to the counties for county services such as fire, police, road upkeep, civil service, etc. which they do not pay a cent for today.

"This bill did not receive any opposition from the consumer advocate, from the gas utilities or the electric utilities. In fact, the electric utilities alone under this franchise tax contribute \$23 million a year. They receive support from various elements in the community, various neighborhood boards -- Kaneohe, Waikiki, Salt Lake, Aliamanu and Waipahu. And in response to the issue of this thing being automatically passed on to the consumer, my conversation with the consumer advocate was that this would not be automatic because they have to go to the PUC rate filings and the PUC looks at the telephone's revenues; they'll look at their expenses; they'll look at their other costs, such as this tax, if it holds, and then they'll make a determination on the rate filing.

"I urge all members to support this bill. Thank you."

Senator Liu rose again to state:

"Mr. President, in response to the prior speaker and some other comments, I think the message has been put forward and I'm confident that they will take into consideration the points made on the floor this morning concerning problems with this measure. But let me also underscore the fact that the chief attorney for the Public Utilities Commission confirmed that this tax, as is a franchise tax, is an allowable pass-through tax to the consumer. We pay that \$23 million under the franchise tax. We pay it right now. That's why Hawaiian Electric and BHP did not oppose this bill. In fact, GTE probably shouldn't have shown up either because they won't really pay the tax, we will.

"And in regards to the public testimony which came forward, I think it was unfortunate and perhaps wasn't clearly made known at every step of the way that many of the neighborhood board representatives have very close employment ties to the City and County of Honolulu. And perhaps, just perhaps, in the discussion on the measure some of these other points at the Neighborhood Board level were not made known, as well as other features of the bill, since this bill does have significant points -- some very good and some which need further discussion in regards to this whole area.

"I appreciate the chance to address this body. Thank you, Mr. President."

The motion was put by the Chair and carried, and H.B. No. 1186, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Anderson, Fernandes Salling, Ige, Liu, Solomon). Excused, 1 (Bunda).

H.B. No. 1868, S.D. 1:

Senator Fukunaga moved that H.B. No. 1868, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Gaulty.

Senator Matsunaga rose in support of the measure and said:

"Mr. President, I rise to speak in support of this measure with reservations.

"Mr. President, I have confidence that the chairwoman of the CPU Committee will consider the following points which I have already discussed with her:

1. Decisions of this magnitude should not be done without the full review and adequate consideration of all relevant issues, and I'm hopeful that the task force which was created in 1995 by Hawaii Inc. to consider the very issue of fees for electronic records will be consulted;
2. Consideration of the issue of whether taxpayers have already paid for this information through our taxes and whether imposing fees for government information will pose a double charge on taxpayers;
3. If we ask each county to come up with its own rules and regulations, whether or not that might pose problems of having uniformity of access to government records in our state;
4. When we distinguish between commercial and public users, it's very important how we define a commercial user. For example, if the media is considered a commercial user, will we invoke certain First Amendment concerns? And lastly, Mr. President,
5. Whether fees should be limited to the cost of compiling those records.

"And let me close by quoting testimony from the Office of Information Practices: 'We must be ever vigilant not to create a society of information haves and have nots based upon one's financial status. Thus the bottom line for Hawaii is whether government's user and copy fee policies for electronic records will create socio economic classes of information holders, thus serving as an obstacle to public access to information. A structure based on the information rich and the information poor would be unacceptable in our open and democratic society.'

"Thank you, Mr. President."

Senator Matsuura then rose and said:

"Mr. President, I have the same kind of concerns so would you record the comments of the previous speaker as my own. Thank you."

The Chair so ordered.

Senator Fukunaga rose in support of the measure and said:

"Mr. President, I would like to thank the Senator from Palolo for his cogent comments and in response to a number of issues that were raised during decision-making, we reiterate our intention to address these concerns during the conference proceedings.

"However, the committees have been guided by two underlying principles: Here, we are proposing for further discussion the notion that those who profit from commercial usage of public information should pay something back to the public, and general public usage should thereby benefit from free access to electronic information (which has been enhanced through private sector value added activities).

"Thank you very much, Mr. President."

The motion was put by the Chair and carried, and H.B. No. 1868, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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



H.B. No. 388, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 388, H.D. 1, S.D. 1, was deferred to the end of the calendar.

H.B. No. 1220, H.D. 1, S.D. 1:

Senator Ikeda moved that H.B. No. 1220, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Ikeda rose in support of the measure as follows:

"Mr. President, I rise to speak in support of H.B. No. 1220, S.D. 1.

"Mr. President, as you know, this year has been one of extraordinary circumstance. We face tremendous shortfalls in our state's general fund. Originally, the state was facing a three year shortfall of over \$250 million and then last week the Council of Revenues painted an even bleaker picture by adding an additional \$100 million to that figure. Needless to say, the challenges we face are great. I am proud to say that your committee on Ways and Means faced the challenge with resolve and integrity. Your committee has been tough, bold and above all, innovative in meeting our state's current fiscal crisis. We have made substantial reductions in the state's general fund obligations, while not traumatically affecting the level of service to the people of Hawaii.

"Our goal was to craft a government that was efficient, yet responsive. Your committee's philosophies in approaching the budget were simple -- be aggressive, forward-thinking and above all, responsible.

"Reducing state expenditures is easy if there is no concern for impact. Your committee, however, went the extra mile in avoiding the arbitrary. We took every step to carve out resources rather than swing the budget axe wildly.

"In economic development alone, we have eliminated duplicative and inefficient programs and have proposed a dedicated source of funding for tourism promotion by implementing the 2% increase in the transient accommodational hotel room tax. While this modest increase allows Hawaii to remain below the national average, it also generates sufficient resources to market Hawaii as a world-class tourist destination while contributing towards reducing the Department of Business and Economic Development's general fund requirements by over \$60 million over the next two years.

"In health, your committee took a bold step towards improving the fiscal and administrative operations of our state hospital system while reducing the overall state general fund commitment by over \$24 million over the next two years. Through H.B. No. 1976 and S.B. No. 1674, the hospitals will acquire more fiscal autonomy, allowing them to generate greater revenues and attract the best and brightest to Hawaii's state healthcare system.

"In human services, your committee has taken a hard look at our social services system, eliminating duplication by consolidating youth and aging programs within the Department of Human Services. And Hawaii's general assistance program, the only one of its kind in the nation, has had additional funding pared back, yet still allows the Department of Human Services to review more efficient and effective means of providing such assistance.

"Funding for the JOBS program, a program which your committee has some serious concerns has also been pulled

back, again providing time for both transition and the development of more viable alternatives.

"Education has continued to be a high priority of the committee. This year the Department of Education has submitted a budget which has juggled figures and obscured the true needs of our schools. Your committee has taken the budget submitted by the department and has both reallocated resources and tapped previously undocumented federal resources. The end result, Mr. President, is that we have provided for our schools, yet remained within the department's budget ceiling. Through this efficient use of our resources, your committee has provided the following: text and equipment for 22 newly constructed school facilities; over 200 new teachers coupled with over 100 teachers from the state and district offices to fully accommodate the state's growing enrollment; cafeteria equipment and supplies for five schools; \$1.3 million to help the department meet its workers' compensation costs; and finally, over \$14,000 for the first year and \$8,000 for the second year solely for the purchase of text and library books for every school in the state.

"Your committee has made sure that the classroom is the highest priority and through reallocation, has eliminated the shortfall claimed by the department. With this budget, your committee hopes to continue its efforts to make teachers and children the primary focus of our educational system.

"Likewise, higher education has seen some bold initiatives. The University of Hawaii was faced with massive budget cuts to meet the current fiscal crisis. But through H.B. No. 1257 your committee has developed the strategy which provides substantial non-general funds support, while relieving the state's general fund obligation by over \$50 million. Instructional integrity shall be maintained while revenues will be generated to allow our higher educational system to flourish.

"Mr. President, I am proud to put forth the Senate budget for the next fiscal biennium. The road to this point was long and arduous and I would like to thank the members of the committee along with the subject matter chairs for their invaluable assistance in crafting this budget. With your help we have drafted a budget that is austere but more importantly, responsible. I commend all of your hard work and urge your support in adopting H.B. No. 1220. Thank you."

Senator Liu rose in support of the bill as follows:

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

"I concur with the chairwoman of Ways and Means and I think of all of the budgets so far submitted by the various entities involved in the process, the House and the Administration, what we have before us is perhaps a budget with the most integrity behind it. You can see the numbers a lot more clearly and I think there was a tremendous effort to do exactly as she says.

"However, this is a very, very critical time in this state and it is not temporary. I think it is long term. I think what we need to do in the ensuing two or three weeks is to look further to not merely reform, but to consider actually replacing certain assumptions and certain practices and functions of government in a very, very deep and fundamental way.

"There was a lot of talk about privatization during the last campaign by the major candidates for governor from all parties, yet we have not seen one significant suggestion from this administration in terms of follow-through, in

terms of where we might be headed. So I would propose that this body, that the Legislature look in that area to show leadership and to show that it can be done. I believe it can.

"Impact, staying where we are, the impact of trying to mitigate, the impacts of where we are with certain individuals in our continued state government which has grown beyond its means, I think is important. But we must look at the impact of maintaining the status quo and I believe that would be even worse.

"The other area where I have concerns, Mr. President, is that in terms of the financial plan for the state, there is strong consideration to raising taxes. And although we have considered and there is another measure here which is tied to the budget regarding the TAT tax, I'd also indicate at this point that I believe that is the wrong way to go.

"With that, Mr. President, I believe we have time to do further work on this measure. I do commend the chairwoman and her staff. I think they did a tremendous job under very tough circumstances and I appreciate the time you have allotted me here. Thank you."

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

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

"Several weeks ago when the chairperson of Ways and Means made a comment when I made the request for a computer for the Department of Taxation, I didn't realize that the amount that was going to be cut from the Office of Children and Youth and Aging was going to be so severe. But I'm supporting the budget bill, even though I know that the Office of Children and Youth and the Executive Office on Aging are pretty much being totally eliminated. That's the body count and the budget. The responsibilities are now being shifted to the Department of Human Services. I also realize that the supplemental budget for the second year of the general assistance program will be totally wiped out.

"Nevertheless, I have to thank the chairwoman of Ways and Means because she did save some of the items where there's a lot of federal match. Although we saved \$4.3 million of state monies for the Office of Children and Youth, we lose \$3.7 million federal match for that program. For the Office of Aging, we saved the state \$6.7 million by eliminating the program, but we lose \$5.3 from the federal match. The second year is approximately the same.

"Most of the things that have been preserved, the federal match is fantastic. As an example, for the homeless, mentally disadvantaged people, the state allocates \$60,000 and the state gets \$2 million of federal money. For the vocational rehab program, for every dollar the state allocates, the federal government gives us \$9. So when you look at all of the programs in human services, it's like economic development. The state puts out \$1 and the state gets \$9 right back from the federal government. One could never get this kind of return even in Las Vegas.

"Even though I do not support the cuts in the human services area, I'm still supporting the state budget because I know the state is in a financial bind. I trust and I think the chairperson is doing a good job. However, in giving up all of this money, I only ask, in all sincerity, that a computer is given to the Department of Taxation. I further request that whatever money the Department of Taxation gets because of the computer, that it comes back to the Department of Human Services so that we can

restore all of these programs again. Only for that reason I am in total support of this reduction right now. Thank you."

Senator Baker rose in support of the measure and said:

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

"Mr. President, we entered this legislative session fully aware of our state's bleak economic outlook. Governor Cayetano's state-of-the-state address confirmed that Hawai'i would be facing a \$250 million shortfall in revenues and that we would be hard-pressed to come up with creative ways to raise revenues, cut waste and develop a budget that would meet critical needs. This task was made even more challenging as recent numbers show us almost \$350 million in the red, prompting us to consider more drastic measures to preserve our state's continued ability to meet the increasing needs of the people.

"The road to reaching the budget that sits before us was a difficult one. Your committee had the unenviable task of reducing funding for many important programs and projects throughout the state. Very few were spared. But tough times require tough decisions. And I believe your committee has exercised tremendous resolve in having the courage to consider a wide range of revenue enhancing and cost cutting measures in fashioning this budget, even though this approach may be unpopular. And our work is not over.

"Your committee, in reaffirming its commitment to a fair yet balanced budget, took a critical look at increases in government spending over the years and re-evaluated the effectiveness of many programs. As a result, your committee successfully downsized programs and operations, consolidated duplicative and overlapping functions, and eliminated ineffective and nonessential programs, services and operations.

"Make no mistake that making some of these choices were difficult. But if there is a silver lining to this gray cloud of a budget, it is that we are better positioned to enter the 21st century a lot leaner, a lot tougher and a lot wiser in how we allocate scarce resources.

"The people of Hawai'i will have to make some sacrifices in the short term -- but we can all look forward to a government that is better equipped to face the many challenges of the future.

"I would like to commend the Ways and Means chair and her diligent staff for their hard work and dedication in bringing the budget to this point.

"I urge all of you to support this measure and the future of our state. Thank you."

Senator Chumbley rose in support of the measure as follows:

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

"Mr. President, the Ways and Means chair was very humble in her comments about education and I would like to just expand on those for a moment. I think it is important that all my colleagues understand that we were criticized early on in this year and we were doubted if education was our priority. Well, the Ways and Means chair has made sure that we have textbooks, that we have library books, that we have teachers, that we have equipment, that we have supplies, and that we have money for repairs and maintenance at the school level, Mr. President.

"This department will receive in excess of \$50 million more than it received in the last biennium. I say that is a priority to education and that all of the members on the Committee on Ways and Means and all of us in this body are making a commitment that education will be a priority for us and that we have put children first in this state.

"Thank you to the Ways and Means chair and to all the members and I urge all my colleagues to support education through this budget. Thank you."

Senator McCartney rose to speak in favor of the bill and said:

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

"This is the first year that I have not sat on the Ways and Means Committee and I don't envy the task that the members or the chair had to go through and I would like to commend them for putting together a very innovative and courageous budget. I would like to commend the staff for working really hard in partnership with the Senators.

"And Mr. President, I just want to say that I agree with the Minority Leader that this is a time and an opportunity to re-think, to re-engineer, to restructure, to replace and to reduce our budget and to reform it so that we can come up with a budget that fits the needs of the state. As we know, the budget has grown and grown and grown and we have to realize that we are managing the people's money, and we are, and this budget reflects that. This budget also recognizes that we can't be all things to all people; that government can't be everywhere and anywhere all the time, and that people have to assume personal responsibility.

"On the education side, Mr. President, I'd like to thank the Education chair for his previous remarks and I think we need to commend the Ways and Means Committee for putting their money where their mouth is and saying that education is a priority -- \$22.9 million the first year and \$25.1 million the second year above and beyond existing budgets. The only department to see an increase was education. I think it is something very, very important for us to recognize.

"Also Mr. President, what's important about this budget is that it puts money where learning takes place -- in the classroom. We all realize that we can't put more money into the same outdated system, Mr. President, and what this budget does with the budget provisos is to insure that the money gets to where the learning takes place -- in the classroom. And it is not the same system of taking tax dollars from the people and not getting it to the classroom. I think the chair needs to be commended for some of the provisos in there to insure that the money actually gets spent where learning takes place.

"Thank you, Mr. President."

Senator Ikeda rose again and said:

"Mr. President, just some short remarks so that people don't get the impression that we are cutting programs that are going to hurt children and the aged and that we are in essence losing federal funds by doing that. I think I need to tell you that we, in crafting the budget, also are very much aware of what is going on in Congress and that the next hit will be in those areas and the monies that we currently enjoy receiving as matching funds are very much in jeopardy. So where we have made those cuts, we do so in anticipation of having to wrestle with an even

tougher problem should Congress finally reduce the human services allocations to this state.

"I would also like to add, Mr. President, that in eliminating the Office of Children and Youth and the Office on Aging attached to the Office of the Governor, we have not taken away programs. The program monies have been sent or delegated to the Department of Human Services for implementation, though we have reduced staff. Thank you."

Senator Holt rose in support of the bill and said:

"Mr. President, I would like to relay a message in speaking in support of the budget. The chairman wants to thank you for keeping me busy on insurance and workers' compensation because that has kept me away from the budget, but hopefully we can wrap those two items up real fast so I can get back to the budget. Thank you very much."

The motion was put by the Chair and carried, and H.B. No. 1220, 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, 24. Noes, none. Excused, 1 (Bunda).

H.B. No. 1262, H.D. 1, S.D. 1:

Senator Ikeda moved that H.B. No. 1262, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Liu rose to speak on the measure as follows:

"Mr. President, in regards to the Judiciary budget I would just like to express some concerns, although I will be voting in favor of the bill, and to indicate that my concern rests in the area of the planned moving of the Family Court Center to Kapolei. I do realize that there is a working committee right now of attorneys and judges in the Judiciary to review that process to make sure that we don't harm the services which are provided and the ability of the people in urban Honolulu, East Oahu and Windward Oahu from receiving family court services at a distance which is reasonable. I think we have to be concerned that we don't throw the baby out with the bath water in making this move and would hope that my words are taken to heart by the Judiciary as they proceed in planning the new Family Court Center in Kapolei.

"Thank you, Mr. President."

The motion was put by the Chair and carried, and H.B. No. 1262, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 12:53 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:01 o'clock p.m.

H.B. No. 1780, H.D. 1, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 1780, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1315 (H.B. No. 331, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1315 was adopted and H.B. No. 331, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOUSING THE HOMELESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Liu). Excused, 2 (Bunda, Holt).

Stand. Com. Rep. No. 1317 (H.B. No. 1643, H.D. 1, S.D. 1):

Senator Ikeda moved that Stand. Com. Rep. No. 1317 be adopted and H.B. No. 1643, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Tam rose in support of the measure and stated:

"Mr. President, I stand to vote in favor of this bill with reservations.

"Mr. President, I have reservations because of the expressed concern of the affordability of nursing facilities here in Hawaii from many senior citizen associations within my district, the 13th Senatorial District. More than 50% of my residents are senior citizens, so I have a very large population.

"It is unfortunate that the federal government is willing to give Hawaii federal dollars only if Hawaii has a nursing facility tax. Perhaps by next year's session, we can find legislation to relieve Hawaii of this tax concern or perhaps the federal government will ease its laws on us. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1317 was adopted and H.B. No. 1643, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING FACILITY TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Liu). Excused, 2 (Bunda, Holt).

H.B. No. 1472, H.D. 1, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 1472, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Liu). Excused, 2 (Bunda, Holt).

H.B. No. 48, H.D. 2, S.D. 1:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 48, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 133, H.D. 2, S.D. 1:

Senator Kanno moved that H.B. No. 133, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ikeda.

Senator Kanno rose in support of the measure and said:

"Mr. President, I rise to support this measure with reservations.

"Mr. President, at the public hearing on this bill, we heard much opposition to this measure. There were grave concerns about the impacts of furloughs on people's lives. What was being proposed is a one-day furlough per month. Over the course of a year it would mean 12 days and although when you look at it on a one-month basis, one day may not seem to be that much. However, when taken in total, it means approximately one-half of one month's salary. I am aware of many family situations who are really one paycheck away from being homeless. So I do share their concern and am deeply concerned about this measure.

"In Section 5 of the bill, however, are important provisions that would protect workers from any interruption in employment benefits that would be needed should a furlough be necessary. I am aware that there are plans already being considered by the administration to look at layoffs and furloughs and feel that the measure is important at addressing those important benefit concerns of the workers.

"Mr. President, over the next two or three weeks we are going to be taking the measure up in conference and I will do my best to look out for the interests of the workers and provide the necessary protections in case a furlough program needs to be implemented.

"Thank you."

Senator Baker rose in support of the bill as follows:

"Mr. President, I rise to speak in favor of H.B. No. 133, the measure which is referred to as the 'furlough bill.'

"I believe the bill has met with opposition largely because it has simply been misunderstood. It is intended to provide a temporary and reasonable alternative to the harsh reality of employee lay offs and terminations. It is also intended to help manage the budget deficit without reducing the current levels of services offered to the general public.

"We are in the midst of the most challenging financial crisis that the state has ever undergone. We are faced (as of last week) with a spiraling budget deficit of at least \$350 million over the next fiscal biennium, potential losses due to decreases in federal allocations and no acceptable avenues to generate sorely needed additional revenues.

"The state's current economic scenario is dismal at best. Programs will be cut; services will be reduced; and worst of all, in addition, there is serious talk of raising taxes at every corner. If that were not enough, there is the strong likelihood that employees will ultimately be laid off or terminated in the process.

"Mr. President, the furlough bill gives us an alternative to these disheartening prospects.

"First, it will give us an opportunity to discuss yet another budget-balancing option in conference committee before we choose from among competing but bleak deficit-reducing solutions that we know will be on the negotiating table.

"Second, the bill will give reasonable legislative safeguards to limit indiscriminate or arbitrary action if lay

offs and terminations become necessary. This point should be lost to no one.

"The administration tells us that it already has the authority to furlough state workers. Even if this position is correct, the furlough bill is critical because it provides safeguards to ensure that employees will not suffer a loss of important benefits since the bill established that a furlough will not be considered a break in employment, or cause a decrease in the employee's time in service for purposes of the employee's pension, retirement and deferred compensation plans.

"Absent the legislative safeguards of this bill, furlough action by the administration could leave some departments relatively unscathed from the impact of either furloughs or terminations, while severely impacting others.

"We could, for example, very well see further reductions in needed library services and personnel, while at the same time, see no corresponding reduction in prison services and correctional programs.

"Last and most importantly, the furlough bill is clearly intended to soften the blow of the hard times ahead by preserving jobs and assuring that there is no drastic reduction in the current level of public services.

"This bill provides state workers with a 'choice'. They can keep their jobs and avert lay offs and terminations by deciding to accept the furlough program. I should actually say 'we' instead of 'they', since the bill would apply across the board to the executive, judiciary and legislature.

"Yes, the furlough process envisioned in this bill will help to assuage the budget deficit if our legislative framework is put into place, but more importantly, it will save people's jobs.

"It can achieve this end and assure that current levels of public services are maintained by carefully scheduling furloughs so that services are not adversely affected.

"Mr. President, given these positive objectives of the furlough bill and absent other real solutions, I urge each of my colleagues to vote in favor of this measure."

Senator Ikeda rose in support of the measure and said:

"Mr. President, I rise to speak in favor of this bill but with some very serious reservations. In doing so, I would like the words of the Labor chair incorporated as my own. I want to commend him for his sensitivity to this situation and I think that while we have some real concerns about mandating any kind of furlough, obviously there are things that need to be considered should the furlough be implemented -- things that would protect the worker from being hurt further than they already would by way of a furlough. And I think I can support this measure, although I have reservations, because I think that there is still time to re-work it so that it does provide for some continuity at least where health benefits are concerned, retirement benefits, sick leave, and so on and so forth.

"I also think, Mr. President, that there is time to restructure this measure to make sure that those who are on the bottom of the totem pole, salary-wise, are not adversely affected as opposed to those on the upper end of the scale, who could more easily afford to forfeit a day's pay.

"Having stated my reservations, it is my intention to work with the chair of the Labor Committee in conference

to fashion a bill that will hopefully be more palatable. Thank you."

Senator Grauly rose in support of the measure as follows:

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

"Mr. President, I think that with regard to the comments made by the previous speakers, their points are all well taken. My concerns relate to the fact that there are 26,000 civil service employees and there is probably an equal number of exempt employees and other employees, many of whom were added on to government's payrolls during the last administration. And I would hope that before we get to the point of furloughs, we would examine very closely those employees who were added on contract or who are exempt employees who are not either DOE or University of Hawaii or Attorney General or Public Defender, because my information is that there are a lot more employees under the exempt category that I think should be the first to have to bear whatever sacrifices as necessitated by our budget situation before we get to the civil service employees. And it is for that reason that I have some reservations on this bill.

"Thank you, Mr. President."

Senator Matsuura rose in support of the bill and said:

"Mr. President, I also will be voting 'aye' on this measure but with reservations. The reasons have been expressed by the previous speaker. Thank you."

The motion was put by the Chair and carried, and H.B. No. 133, H.D. 2, S.D. 1, 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, 22. Noes, 2 (Iwase, Liu). Excused, 1 (Bunda).

H.B. No. 313, S.D. 1:

Senator Grauly moved that H.B. No. 313, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator McCartney.

Senator Matsunaga requested a ruling from the Chair as follows:

"Mr. President, I wish to disclose a potential conflict on both sides. I am a certified public accountant and I'm also an attorney who represents some financial institutions who are opposed to this bill."

The Chair ruled that Senator Matsunaga was not in conflict.

The motion was put by the Chair and carried, and H.B. No. 313, S.D. 1, 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, 23. Noes, 1 (Levin). Excused, 1 (Bunda).

H.B. No. 2094, H.D. 2, S.D. 1:

Senator Grauly moved that H.B. No. 2094, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ikeda.

Senator Grauly rose in support of the bill and said:

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

"Mr. President, your Committees on Judiciary and Ways and Means have been working on a campaign spending reform bill over the last two years. Much time, energy and effort have gone into this 61-page bill by your joint committees and I'd like to thank Senator Ikeda for her support and assistance and Senator Baker, the Majority Leader and thank you, Mr. President, for your support and assistance on this bill.

"This bill is one in a series of bills which responds to the great public call for more ethics in government, more disclosure in our laws on lobbying and significant reform in our campaign spending laws. I will not get into the many specifics found in this 60-page bill. I would like to highlight a few of its major provisions, however:

1. Any person who has received \$50,000 or more in state contracts shall be required to register and report that fact with the Campaign Spending Commission within 30 days of the date of the contract, or 30 days of the date of the contribution, whichever occurs later;
2. Any loan to a candidate shall be deemed a contribution and subject, therefore, to the contribution limits unless it is a loan made in the ordinary course of business by a financial institution regulated by the state or federal government;
3. More information will be required from non-candidate committees -- the name, address, occupation and employer of each donor contributing an aggregate of \$100 or more. No contributions can be received from corporations and organizations;
4. The name, address, employer and occupation of each person contributing an aggregate of \$1000 or more to a candidate or party committee during an election period will be required;
5. Electronic filing will be required of all candidates for governor, lieutenant governor, mayor and prosecuting attorney;
6. Contributions from political parties will be limited to \$50,000 for governor, \$40,000 for lieutenant governor, \$20,000 for the state Senate and \$10,000 for the state House; and
7. Public financing for legislative seats will be available for the first time, hopefully allowing more individuals to run for public office.

"Mr. President, this is a good bill. It is a fair bill, and this bill will go a long way towards bringing back the trust of the public in state government and the people who represent them. I urge all my colleagues to vote 'aye'. Thank you."

Senator Baker, speaking in favor of the bill, then stated:

"Mr. President, I have some written remarks in support of this measure and I ask that it be included into the Journal."

The Chair having so ordered, Senator Bakers remarks read as follows:

"Mr. President, I rise to speak in strong support of H.B. 2094, H.D. 2, S.D. 1, relating to campaign spending.

"This omnibus bill would amend our current campaign spending laws to bring about significant, needed reform. In recent years, the costs of political campaigns have increased rapidly and with that has come the increased public perception that candidates are unduly influenced by so-called special interest contributions. The limitations on types of contributions and the amounts contemplated in this measure, as well as the increased disclosure provisions of contributions accepted, will go a long way toward restoring the public trust in the integrity of the political process. This measure also contains provisions which will encourage a greater number of candidates to abide by the voluntary campaign spending limits set for each race. It helps to level the playing field for others seeking office by increasing the amount of public financing available.

"Mr. President, it is essential that the public have confidence in the political process. Comprehensive campaign spending reform is a must if we are to stem the increasing tide of public cynicism and regain the public's trust. This bill goes a long way in doing just that, and I encourage all of my colleagues to join me in voting for this measure."

The motion was put by the Chair and carried, and H.B. No. 2094, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1353 (H.B. No. 1833, S.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1353 was adopted and H.B. No. 1833, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHANGE OF NAME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Liu). Excused, 1 (Bunda).

Stand. Com. Rep. No. 1361 (H.B. No. 821, S.D. 2):

Senator Ikeda moved that Stand. Com. Rep. No. 1361 be adopted and H.B. No. 821, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Tanaka rose in support of the measure and said:

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

"Mr. President, two years ago you entrusted me to chair your Committee on Tourism and Recreation to use my experience as a businessman and also as a former council member who chaired Tourism and Economic Development on Maui. Through those years, I have learned that planning is very important for the future growth in businesses. HVB is no different, Mr. President. We need to plan for the future and this 2% TAT tax will be HVB's permanent funding. With this 2%, I am sure they will be able to promote and market Hawaii in the best possible way.

"In the last three years, I have been watching the HVB budget very carefully and it has been very inconsistent, so the bottom line, Mr. President, is that we do need permanent funding for HVB.

"Thank you."

Senator Solomon rose in support of the measure and stated:

"Mr. President, I rise in support of this measure. I just want to support the remarks made by the previous speaker. Thank you."

Senator McCartney rose in favor of the bill and said:

"Mr. President, I rise to speak in support of this bill with some reservations as it relates to increasing the TAT tax.

"Right now we have a 4% GE tax and we are also going to have a total tax of 12% if we raise the TAT to 8%. I wouldn't be so concerned about this but the City and County of Honolulu's County Council is talking right now about increasing the real property tax for hotels. We are hitting hotels at the real property level and we are hitting them at this level. Ultimately they are going to be passed on to the visitor that stays here and we need to be cognizant of how that impacts our delicate economy.

"And if anything, in conference I would hope that maybe we can have discussions with the City Council to get them to back off on their hotel property tax because we are providing in this measure financing to the City and County of Honolulu. In fact, they will get 44% of the money remaining. And if that is not enough money to balance their budget and they need to go after hotel property taxes, I think that we are going to be hitting the hotel industry twice and we need to take a serious look at that.

"Thank you, Mr. President."

Senator Anderson rose to speak against the measure as follows:

"Mr. President, I would like to speak against the bill primarily because of what the chairman said -- that it is a business that you are looking at -- and also because of the vice president's remarks on what the county is doing.

"You have got to remember that it is not just the hotel room tax that we are looking at. If you are going to tax somebody, every business -- be it hotels, restaurants, clothing stores, whatever -- if it is a tourist buying an item, it is across the board that everybody is getting some money. And you can't just keep hitting the industry. We have got to make sure that everyone that draws a dollar is going to look at this as an increase that we are going to have to bear, every one of us -- not just the hotel industry.

"We have put out in the past, Mr. President, several millions of dollars in promotion and I guess this is one way to take care of the HVB's promotion money. But it is an unfair way to do it. The HVB used to do a darn good job of promoting and marketing. Once the state got involved and started giving large sums of money, the state got involved in telling the HVB what to do. That's where we went wrong. The HVB mishandled and misused funds for promotion because the state got involved and the state said, this is how you should be doing it. We micromanaged. The DBEDT told them almost daily, hourly, how to manage and market the funds for promoting Hawaii. And this was wrong.

"And if we would have gone along with what we were going to do three years ago I guess it was, we were going to give the counties some \$50 million a year and they had use of the tourist tax. We not only can't give them \$50 million a year, we're taking back whatever portions we could get. Now we say we are going to increase the tax and we are going to make sure that we are taking care of

the industry. We are harming it. We have to look at what we are doing.

"So I am going to be voting 'no' on this. And every other bill that we have looked at, I have reservations like the rest of you.

"I am hoping that if we have your committees going into conferences, that everyone is involved in the committee. Let's have dialogue and make sure that we are all involved so it's not just the few at the top who are involved, but every one of us because we are interested. That's why we're elected; that's why we're appointed; that's why we should be involved.

"Thank you, Mr. President."

Senator Ikeda rose in support of the measure and stated:

"Mr. President, I rise to speak in favor of this measure. And in doing so, I'd like to commend the chair of the Tourism Committee for his wisdom in noting that the HVB should be run as a business.

"In response to the previous speaker's concerns regarding the county raising the property tax on hotels, there is very little that we can do about that. Obviously, the counties can do whatever they want to. However, I think that as chair, we will note that a great percentage, in fact 95% of the tourist tax currently goes back to the counties. And I would certainly consider in conference, perhaps reducing that amount proportionate to any increase in the property tax so that it would amount to a wash.

"I don't think that we are hitting the industry unnecessarily. As a matter of fact, I think everyone here knows that every year the HVB comes in asking for more and more money and for more and more dollars to promote Hawaii as a world-class tourist destination. The amount has never gone down. It has always gone up. This dedicated source of funding would provide them with a stable budget. But in the event that they don't want it, I would be more than happy to take the suggestion of one of the Senators and turn the whole thing over to the private sector because, certainly, if they feel that they can handle the funding and they want total jurisdiction and control over marketing and promotion, I think that the people of this state could benefit by utilizing the monies elsewhere.

"Thank you."

Senator Anderson then responded:

"Mr. President, just a short rebuttal.

"Just for a little history, some years back when Mr. Hamilton was alive, Professor Hamilton, and he took over the HVB, the state at that time gave very, very little to the Hawaii Visitors Bureau. And as I said also, I was a member because I was a hotel and transportation representative years back in a private business, and I belonged to the Hawaii Visitors Bureau, not as a hotel person, but for my own business because I did represent hotel and transportation companies and I did make my living that way. So I belonged to that organization.

"Years back, the hotel industry already had a room tax by the counties. They charged them by the room. It was not something new that we did. They also pay nine-point-something dollars for their tax over and above anything else that we have. You and I pay \$3.52, I think, on our property tax. They pay over \$9. We are hitting the industry when we're saying we're not. We are

hitting the total industry. I'm not just talking about the hotels. We've been looking at the buses with the tour operators. We've done everything to travel agents. That hurts the entire industry. And all I'm trying to say is if we are going to do it, let's look at what we're doing and how we're going to look at this responsibly.

"Thank you very much."

Senator Tam rose in support of the measure as follows:

"Mr. President, I speak in favor of this bill. And if I may, I would like to add a comment.

"Basically, at this time this is the only way we can provide more funds to the visitor industry. And also in due fairness to other businesses in the community, we are not supporting them in terms of their marketing strategy and so forth so the hotel industry should really be thankful. Thank you."

Senator Holt rose in support and said:

"Mr. President, I am speaking in support of the bill.

"Historically going back to 1974 when I remember Senator Mamoru Yamasaki mentioning this tax that they had wanted to impose was defeated and his feeling was that the state had been carrying all the costs for tourism infrastructure and related services. And that bill never passed until another 12 years later. I think in 1986 we finally got something passed and in that year Senator Buddy Soares and Senator Richard Henderson talked about permanent funding for HVB as part of the deal in passing the transient accommodations tax.

"When I chaired the committee in 1988 we were still talking about permanent funding. We never got there. And finally this year, through the efforts of Senator Tanaka and Senator Ikeda, we finally have a vehicle that will provide permanent funding for the Hawaii Visitors Bureau. I support it and I hope everyone else can support it because it is something the industry has been advocating for many years. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1361 was adopted and H.B. No. 821, S.D. 2, 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, 22. Noes, 2 (Anderson, Liu). Excused, 1 (Bunda).

Stand. Com. Rep. No. 1362 (H.B. No. 1257, H.D. 2, S.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1362 was adopted and H.B. No. 1257, H.D. 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, 24. Noes, none. Excused, 1 (Bunda).

H.B. No. 1828, H.D. 2, S.D. 1:

Senator Grauly moved that H.B. No. 1828, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aki.

Senator Grauly rose in support of the measure and said:

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

"Mr. President, we are on the verge of something historic. House Bill 1828 will provide a settlement to correct long-standing injustices committed against the Hawaiian people in our state. When the United States Congress passed the Hawaiian Homes Commission Act in 1920 and set aside 203,500 acres of public lands as Hawaiian home lands for the rehabilitation of native Hawaiians, the United States affirmed the trust responsibility it has assumed towards the Hawaiian people. On August 21, 1959, under the Admission Act, the State of Hawaii assumed the trust responsibility to carry out the mandates under the Hawaiian Homes Commission Act. It was taken until 1995, hopefully, by this Eighteenth Legislature to right the wrongs and make good and fully meet our trust responsibilities.

"Mr. President, I would like to thank my co-chairmen on the bill, Senator Ikeda and Senator Aki and our Majority Leader Senator Baker for their hard work on this bill. We have dealt with many complex issues under three broad categories -- financing, finality and fairness. Mr. President, your three chairs have been able to bring all these complex issues revolving around the three F's -- financing, finality and fairness -- in this bill.

"Let us all look forward to a new day for the Hawaiian people. I urge all my colleagues to vote 'aye.'

"Thank you, Mr. President."

Senator Aki rose in support of the measure as follows:

"Mr. President, I also rise to speak in support of this bill. In doing so I cannot overstate the importance of this bill to the Hawaiian community and to our state.

"This bill has been worked on by many people throughout the years and it is long overdue. And in working on this bill I would like to acknowledge the work of the Committees on Judiciary and Ways and Means, and all the Senators and members of this body because without your support I don't think we would be here today. This bill needs to be addressed during this session of the Legislature, not next year, and definitely not 75 years from now.

"I am asking all members to please vote in support of this bill. Thank you."

Senator Matsuura rose in support of the bill and said:

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

"I would like the remarks made by the Judiciary chairman to be my own. And in all honesty, Mr. President, if we didn't pass a measure such as this, we would have united all the Hawaiian people and we would have had a major problem on our hands. I thank all the three committee chairmen and thank God we didn't include in this measure, raising the taxes.

"Thank you very much."

Senator Baker, rising in support of the measure, then said:

"Mr. President, I have some written remarks in support of this measure that I would like to have inserted into the Journal."

The Chair having so ordered, Senator Baker's remarks read as follows:



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

"Mr. President and colleagues, the measure before us today, H.B. 1828, H.D. 2, S.D. 1, is the result of a lot of hard work, commitment to fairness and a great deal of 'aloha'.

"Today, we bring to this chamber a bill that settles the numerous claims against the Hawaiian Homes Trust and acknowledges the years of neglect and irresponsibility exercised in administering the lands set aside for native Hawaiians. For many years, the native people of these islands have waited to settle on the lands that were designated to them. However, government bureaucracy and mismanagement have allowed the squandering of these lands and denied thousands of native Hawaiians access to settle on the aina that is rightfully theirs.

"In crafting this measure, Mr. President, your committees were challenged to provide a resolution to the legitimate claims against the state for breaches against the trust with a financing mechanism that was fair to everyone. And while a one-year increase in the excise tax was a worthy consideration, I am pleased that the committees were able to establish a financing structure that does not require the inordinate burden of a tax increase, yet provides the necessary resources.

"This bill addresses three crucial areas:

First, the financing plan closely resembles that contemplated in the Memorandum of Understanding and calls for a payment of \$600 million over the next twenty years. Your committees recognized that this debt did not accrue overnight and felt that the burden of paying this debt should be spread out intergenerationally. With regard to the financing structure, your committees devised a flexible plan that allows the state through issuance of bonds, cash or other consideration. It also allows for prepayment, without penalty, at which time the state may benefit from a discounted value.

Secondly, we have earmarked over 16,000 acres of state land to be added to the trust's inventory in recognition of the thousands of acres lost to other interests. With the replenishing of these lands, it is critical that our congressional delegation take the appropriate action to legally convey these lands to the corpus of the trust and renew the federal government's responsibilities to the native Hawaiian people.

Finally, this bill brings closure to title issues and allows attention to be turned to infrastructure development to enable native Hawaiians on the waiting list to realize their homesteads.

"Mr. President and colleagues, we stand on the threshold of making this issue pono, or right, for the native Hawaiian people. I am proud of the work put in by the members of the committees, especially the efforts by chairs Grauly, Ikeda and Aki, in assembling this settlement package and urge all of you to support this measure.

"Thank you, Mr. President."

Senator Solomon then stated:

"Mr. President, I too have some remarks that I would like inserted into the Journal."

The Chair so ordered and Senator Solomon's remarks read as follows:

"Mr. President, I rise to speak on H.B. No. 1828, relating to Hawaiian Lands.

"Your committees on Judiciary, Hawaiian Affairs and Ways and Means have, by the way of statement in their report on the referenced bill, reminded the federal government of its co-trustee responsibilities to native Hawaiians under the terms of the Hawaiian Homes Commission Act of 1920. In making that statement, correct as far as it goes, your committees did not fully set out the legal obligations of the federal government relative to the public lands of Hawaii.

"Your committees have neglected to set out the fact that the federal government has continuing obligations to the inhabitants of Hawaii as well as to native Hawaiians regarding all the public lands of Hawaii.

"Both the Annexation Treaty of 1897 and the Annexation Resolution of 1898 set out that:

- A. 'The absolute fee and ownership of all public, government and crown lands' was transferred to the United States of America on annexation; and
- B. All the revenue and proceeds of those lands excepting those committed to federal purposes 'shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.'

"In 1992, I was privileged to serve as chairman of the Governor's Committee on Hawaiian Entitlements. That committee, aided by the Washington law firm of Arent, Fox, Kinter, Plotkin and Kahn, was successful in having included an item in the 1992 platform of the Democratic Party stating that the U.S. Government should 'recognize its trustee obligations to the inhabitants of Hawaii in General, and to native Hawaiians in particular.'

"That item is evidentiary that the Clinton Administration accepts and is committed to the performance of the federal government's obligations as co-trustee with the State of Hawaii.

"Consequently, the trust relationship established in 1898 between the federal government and the inhabitants of Hawaii continues notwithstanding the interpositioning of the State of Hawaii as owner of such lands -- the state's ownership being as it is conditioned on the performance of the terms of the grant to it. Thus, as to any question concerning possible misuse or misapplication of the public lands or proceeds therefrom, whether committed as Hawaiian Home Lands or not, the inhabitants of Hawaii can look for redress either to the state or to the federal government. Thank you."

Senator Ikeda then requested from the Chair the inclusion of her remarks on the measure into the Journal, and the Chair so ordered.

Senator Ikeda's remarks read as follows:

"Mr. President, I rise to speak in favor of H.B. No. 1828, S.D. 1.

"Today we have before us an opportunity of monumental significance:

- an opportunity to repair historic obligations;
- an opportunity to position homestead lands for a far more successful future; and

- an opportunity to transform the Hawaiian Home Lands Program into a source of pride and harmony for our people.

"Management problems have plagued the entire history of the program. While territorial administrators were notoriously negligent in caring for the trust, the state has clearly taken its responsibilities more seriously.

"In recent years, many positive and constructive actions have been initiated to improve the program's effectiveness. These include:

- cancelling past executive orders that appropriated trust lands;
- substantially improving funding support; and
- enacting a limited 'right to sue' law.

"However, these actions have not done enough for native Hawaiians. They have not provided a 'final resolution' to the controversies surrounding the Hawaiian Homes Commission Act.

"The measure before us -- while not in itself a complete 'resolution' -- goes a long way toward bringing closure to the disputes arising over the Hawaiian Homes Land Trust.

"House Bill 1828, S.D. 1, is a major step toward fulfilling the intended goal of the Hawaiian Homes Commission Act -- the rehabilitation of our indigenous people.

"Among other things, H.B. No. 1828, S.D. 1, proposes to resolve one of the oldest controversies surrounding the Hawaiian Homes Commission Act -- the fate of the so-called 'missing acres'.

"The 'missing acres' are the difference between the initial 203,500 acres included as trust lands under the language of the Hawaiian Homes Commission Act and 187,414 acres that are the actual accountable inventory of trust lands. The total 'missing acres' equals some 19,086 acres.

"Because of discrepancies in the description of the land -- due mostly from the failure of congress to include a metes and bounds description of the trust's corpus -- the fate of these 'missing acres' has never been reconciled.

"In 1994, Governor Waihee called for the transfer of 16,518 acres of non-trust lands to replace a portion of these 'missing acres'. The transferred acreage was intended to decrease the amount of 'missing acres'.

"However, because of the 'non-fungible' nature of land, the substitution of the 16,518 acres for the same amount of 'missing acres' is not possible without an amendment to the Hawaiian Homes Commission Act. Since this amendment may have the effect of diminishing the beneficiaries rights, congressional approval is necessary.

"Although H.B. No. 1828, S.D. 1, seeks to include the 16,518 acres within the 'missing acres', the measure must be approved by Congress.

"In light of this, I recommend that the 16,518 acres of land be returned to the state should congress fail to take action on this bill within a reasonable amount of time.

"Today we have an opportunity that almost certainly will never come again:

- an opportunity to bring about 'final closure' to many of the divisive issues confronting the kanaka maoli;

- an opportunity to move native Hawaiians closer to the lands they long to obtain; and, most importantly,

- an opportunity to improve the harmony of our multi-racial communities.

Let's not waste it.

"I respectfully urge your support for H.B. No. 1828, S.D. 1. Mahalo."

The motion was put by the Chair and carried, and H.B. No. 1828, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

#### **MATTER DEFERRED FROM EARLIER ON THE CALENDAR**

H.B. No. 388, H.D. 1, S.D. 1:

By unanimous consent, H.B. No. 388, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY," was recommitted to the Committee on Ecology and Environmental Protection.

#### **RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following Senate concurrent resolutions that were offered:

Senate Concurrent Resolution	Referred to:
No. 61	Committee on Ways and Means
No. 235	Committee on Higher Education, Culture, and Arts

#### **RE-REFERRAL OF SENATE RESOLUTION**

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

Senate Resolution	Referred to:
No. 205	Committee on Higher Education, Culture, and Arts

At 1:35 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:43 o'clock p.m.

#### **ADJOURNMENT**

At 1:48 o'clock p.m., on motion by Senator Ihara, seconded by Senator Liu and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 12, 1995.