

## SIXTIETH DAY

Monday, May 1, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:04 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Bishop John Mumford, The Church of Jesus Christ of Latter-Day Saints, after which the Roll was called showing all Senators present.

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

## ORDER OF THE DAY

MATTERS DEFERRED FROM  
FRIDAY, APRIL 28, 1995

## FINAL ADOPTION

Conf. Com. Rep. No. 139 (S.C.R. No. 237, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the Committee was adopted and S.C.R. No. 237, S.D. 1, H.D. 1, C.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ALA WAI WATERSHED ADVISORY COMMITTEE, THE MAMALA BAY COMMISSION, AND THE KUHIO STORMDRAIN PROJECT TO ADDRESS CONCERNS RELATED TO WATER QUALITY OF WAIKIKI AREA BEACH WATERS," was finally adopted.

Conf. Com. Rep. No. 140 (S.C.R. No. 246, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the Committee was adopted and S.C.R. No. 246, S.D. 1, H.D. 1, C.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO DRINKING WATER TESTING," was finally adopted.

## FINAL READING

Conf. Com. Rep. No. 119 (H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 119 be adopted and H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Ikeda rose in support of the measure and said:

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

"Mr. President, when I became chair of the Ways and Means Committee a year ago, I established a policy of taking the committee around the state and into the communities. We held public hearings, informed them of our fiscal condition and listened to their concerns. It was our attempt to fashion what I called a 'people's budget'. The bill before you is exactly that. It reflects the needs, concerns and requests of those who came to testify before our committee.

"Education was always at the top of the list of priorities and this year, despite the financial crunch, we have taken a major step forward in addressing most of the concerns expressed by the people:

"As an example, we constantly heard about the lack of adequate resources for our schools. By reprioritizing spending, we have met some of those needs. There is extra money in this budget for textbooks and we have funneled nearly \$30 million each year to the school level. Our commitment to education remains strong, and we have made sure that all of our school's enrollment needs have been met. We have done all this, Mr. President, without leaving the department with any shortfall whatsoever.

"We heard about the needs of Aikahi School, Waipahu Elementary, and the need for a covered playground for Waiakea Intermediate School on the Big Island. This budget addresses those needs. Unfortunately, there wasn't enough to cover all of the problems, but it's a start.

"We heard about the lack of adequate facilities at Maui and Windward Community Colleges and have provided funding to address those needs. We've attempted to assist the university system through their budget crisis by passing landmark legislation, or we will be passing landmark legislation, giving the university control over tuition and other fees. While this move has saved the state millions in terms of its general fund obligations, we have more importantly, given the university greater control over its own destiny. Rather than face the proposed \$36 million in cuts by the executive, we have developed a scheme by which higher education will not only survive, but flourish.

"Another concern raised at our hearings especially on the neighbor islands had to do with the adequacy of facilities and operations of the community hospitals. Again, as part of this budget, we have restructured our state's community hospital system. The hospitals have taken a great step towards autonomy and will now operate as a system of hospitals dedicated to providing better care to the people of Hawaii. In taking this bold step, we have also removed the state's general fund subsidy for the hospitals. This alone will save the state \$24 million in general funds over the next two years. It is our hope that when the system is run like a business, it will be profitable enough to sustain itself. There is reason for our optimism, Mr. President, since the administration has seen fit to raid over \$13 million from the hospitals' special funds and transfer that money to cover shortfalls in other areas. The most recent transfer of \$2.5 million went to cover welfare costs.

"You are probably wondering at this point how all of this is possible at a time when we are faced with a \$350 million deficit or shortfall. Well, Mr. President, it hasn't been easy, but it has been a matter of reprioritizing spending to address some of the needs expressed by the people.

"As you know, Mr. President, the Senate version of the budget was quite austere. We took a hard position and cut programs in order to consolidate where we saw duplication. We made cuts where we determined that a program, although worthy, was not essential. These proposed cuts were not easy to make, but they were done objectively and up front. We met our goal of addressing the \$250 million shortfall, only to find out that we had another \$100 million in addition.

"But people reacted to those cuts, so some of them were restored in conference committee. Some of the information disseminated by those affected, like the Office on Aging, was totally inaccurate. As an example, senior citizens were told that they would lose programs like

meals on wheels if the Senate budget prevailed; that Hawaii would be the only state without an Office of Aging and we would lose federal funds. None of these statements are true, Mr. President. Several states have chosen to use their human services departments to address elderly needs. They haven't lost their federal funding. It was never the intent of your committee to eliminate programs for senior citizens. Those moneys would have been transferred to the Department of Human Services and the programs would have continued with less administrative costs which would have meant more money going toward direct services. The Office on Aging was never supposed to be a provider of service, but over the years it has gotten into this area in direct competition with other programs which provide the same kind of care and, obviously, its administrative costs have increased. The campaign was effective. The office was restored, albeit, with a few less positions.

"Certainly, these accomplishments are not the product of timidity. In almost every area, we have made sweeping reform; we have restructured many aspects of government. More importantly, we have before us a budget that is balanced. We have met the \$350 million shortfall and have left sufficient balances to protect our state's bond rating. This, Mr. President, is the product of the Legislature, and it is something we can stand by with pride.

"But our work here is just beginning and we must continue to face the business of government head on and with integrity, which brings me to the point that must be made -- if our economy doesn't improve in the next year, we will be back here faced with the same problem. At that point in time, cutting programs will be inevitable. People must realize that programs cost money and if they are not willing to give them up, then they must be willing to pay for them somehow.

"Mr. President, I would like to end on a cautionary note. If this session taught us anything, it has taught us the danger of complacency. Like the rest of government, the Legislature too must reconsider its own role. We must act as one body and assert ourselves to the betterment of Hawaii, being both resolute and ever vigilant.

"Mr. President, I would like to thank my colleagues for their support and understanding, especially the chairs of subject matter committees who were diligent, cooperative and a joy to work with during a most difficult time. It was through their efforts that we have produced landmark legislation which will bring distinction to this legislative session.

"I would also like to thank the chair and the members of the House Finance Committee for their cooperation. This budget is truly the result of a collaborative effort.

"But most of all, Mr. President, I would like to thank my staff. No one could have asked for a better group of people -- young, energetic, intelligent, innovative and dedicated. May I introduce them at this time: Kevin Kuroda, Chief Analyst, and our Budget Supervisor, Clay Springer; analysts: Sam Acacio, Mark Buflo, Jo Ann Chang, Pono Chong, Todd Furubayashi, Sherry Hayashi, Warren Higashi, Jayna Kim, Todd Kuniyoshi, Aaron Nyuha, Tony Smalley and Galen Wong; researchers: Ed Ikuma, Chief Researcher, Vincent Lee, Clayt McDonough and UH intern, Robin Au; office staff: Terrence Aratani, Administrative Assistant, Naomi Chinen, Office Manager, Vickie Sobe, Legislative Aide, Beverly Wong, Jane Takara and Margaret Terakawa." (The Ways and Means staff rose to be recognized.)

Senator Liu then rose to speak in opposition to the measure as follows:

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

"In choosing to do so, Mr. President, I know I run the risk of offending those in this body who have worked very, very hard to take control of a situation that is clearly out of hand. Nor can I ignore the risk of a simplistic analysis of some who would say, 'Well, by opposing this bill, I oppose everything in it.' That is not the case. There are some very positive things mentioned by the chair on Ways and Means. I commend her and her staff on the very hard work which went into this budget.

"I approach my comments on this bill not from a sense of rancor or disdain for the approach taken. Rather, my comments evolve from a sense that we need to have a kind of debate on the budget, our primary document, which clearly lays out a different approach. By and large, I do believe that we let the status quo dictate what we reallocated or allocated within the budget. We took a canvas already filled in with deep dark lines and overlays of different kinds of coating over the years, and readjusted some of those lines and perhaps redrew some of the borders. But we did not redraw the picture. And what was done was under the rubric of 'we have to because the economy forces us to,' or 'we have to because the last administration screwed up,' or 'we have to because the money isn't there.' Therefore, all the while implying that if the money had been there, it would be fine and, in fact, desirable to continue in the manner of the past.

"The result is a budget that balances only for the moment. It does not anticipate, as I believe it should have, further slowing of revenues in the state due to a lagging economy, despite clear signs that growth will, at best, be at a snail's pace for the rest of the year. And I believe which could very well turn into the negative. And it is a budget which relies on sucking another \$130 million out of the private sector economy to pay for the sins of big government.

"True boldness would have meant taking up a clean canvas and beginning anew with a steady brush, the process of redefining the limits of government. This probably should have been done when the economy began to turn south in the latter half of 1990 and which has consistently done so ever since. The declines in the recent declarations by the Council of Revenues are merely a reflection of trends of the last five years. The near and medium future indicates rough times will continue.

"Growth may occur, but at a measly 2%, hardly near the 5% annual growth rate during the 1980s. The average hours worked per week continues to decline as it has since October of last year. Perhaps that makes sense when you look at the unemployment figures, and where they are down for last month, they were in fact down only because of increases in part-time work -- not full-time work. And not uncharacteristically for Hawaii, any job increases that we saw last month came through government, not from the private sector.

"This further reinforces what the U.S. Department of Commerce just last week confirmed in its release of figures regarding personal income -- that Hawaii, for 1994, increased its personal income at a rate which put it last in the country. Now true, actual absolute numbers regarding personal income places us fairly high on the list, but this is before we take into account the 30 to 35% higher cost-of-living that we have here relative to other places on the Mainland.

"Car and truck sales for the first quarter of 1994 were down by 12.3% over the same period a year ago. Quarterly earnings that translate into job expansion and investment in the future for major corporations in Hawaii have dropped. A&B, down by 49% and now they are openly indicating that they are looking for business outside of Hawaii. Bankcorp earnings are down by 18% and it already aggressively looks for expansion on the Mainland. Home and condo resales were off in March by over 30% compared to the March of 1994. Schuler Homes' earnings dropped by 33%. Visitor counts have been down for February and March and they are predicted to decline in April too.

"The decline of the dollar has yet to translate into a wave of Japanese tourists. And I believe, in fact, I am certain that the dollar's decline on the overall Japanese economy will hurt our visitor industry. Then too, we cannot forget that as much as the dollar has devalued relative to the yen, so has the peso, in spades, so that Mexico continues to be an attractive alternate destination point for U.S. mainland visitors.

"Bankruptcies in Hawaii for the first quarter were up 18% for the same period in 1994, a year in which Hawaii already had bankruptcy filings at a record rate.

"Finally, we say that the nation's economy as a whole for the first quarter grew at only 2.8%, woefully behind the 5.1% of the last quarter of 1994 and the slowest growth since mid-1993. Now, if the general rule holds, that Mainland economic trends will hit Hawaii a few months after we see them manifested in economic forecasts, this slowdown does not portend well for Hawaii, again in the near and medium future. Given, especially, that government has not been scaled down in a new era that requires reliance on the private sector, rather than government, to drive the economy.

"Very well, we should not be surprised to hear the word 'shortfall' or 'deficit,' especially since the best estimates I have are that, in fact, this budget increases, rather than decreases, the expenditures made in the last biennium. In fact, by raising revenues from taxpayers, rather than redefining core government services, we may have further fueled the economic slow-down that we are in the middle of. The tax increase upon which this budget is in large part built (the \$130 million that I spoke about earlier) will only make it more difficult for most people to make ends meet and support the private sector which needs those dollars free of any detours through government just to maintain the meager growth rate which exists right now. And why is this such a dangerous detour? The reason is that it leads to a government that despite the best intentions, a government which by this budget, will grow over the last biennium.

"I think taxpayers might accept sacrifice if the end result were, in fact, a smaller government than one in which we entered this session. But it is not. The best estimates we have is that for all funds, this budget before us over the next biennium is approximately \$1.2 billion more than the last. For general funds, although not much, relatively speaking, it is still an increase by \$34 million.

"Now I doubt that other conferees know this, but perhaps that's symptomatic of a process that also needs overhaul. The current budgeting process whereby there still lingers on a sense of secrecy, although there is an improvement since the last time I was involved in it (I will say that), there are still arcane rules about access to worksheets. And the fiction that conferees really understand how it all fits with two line explanations and the intonations of 'agree,' 'disagree,' 'staff,' 'limbo.' All of this is in part responsible for the fiscal problems that

we face. This process, like the emperor in the fairy tale, has no clothes, and this budget, which does not cut state government expenditures and raises taxes, is the proof.

"I hope, as the chair of Ways and Means has indicated, that she will, in fact, maintain her hold of the brush so that if we do face the kinds of problems which I predict we will in the future, she will be able to pick up a new canvas and totally redraw the picture of what our future will look like.

"Thank you."

Senator Matsuura then rose to speak in favor of the measure as follows:

"Mr. President, I rise in support of the bill.

"It is always difficult to make cuts when you have a budget shortfall because every project, in the eyes of the people who are involved in it, is essential. But I'm not pessimistic; I'm very optimistic.

"I want to thank the chairperson of Ways and Means because there's one item in the budget which many people may look at as insignificant, but that one line item of \$2.5 million for a new computer for the Tax Department will be, perhaps, what gives me the feeling of optimism. With that investment, the returns are going to be many, many fold.

"The Judiciary chairman has passed some tough legislation with severe penalties for people who don't pay state taxes. I think that in the years to come, the revenues generated that are owed to the state are going to make up some of those shortfalls. I'm very optimistic that the future of Hawaii will not be as bleak as it is today. So with that, Mr. President, thank you."

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

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

"Mr. President, first I'd like to thank and commend the chairperson, the members of the committee and the staff of Ways and Means for all their hard work and countless hours on this biennium plan.

"Mr. President, my comments are in regard to the funding of Hawaii's public school system. The Department of Education, as do all agencies, bear a fundamental responsibility to provide detailed, factual, and straightforward budgetary information to both the executive branch and legislative body. But as the Ways and Means chair has previously pointed out this year, the DOE submitted a budget which rose to new levels of obscurity.

"However, as a result of the fine work of the Ways and Means Committee, we will be able to meet the entire deficit needs the DOE had placed against regular instruction. In fact, Mr. President, this budget provides approximately 60 million additional dollars over the prior biennium for regular instruction at the classrooms.

"Further, Mr. President, we as a legislative body are sending a very clear message to the public that education is of highest priority to us and that we are placing 'children first' as illustrated by how money and personnel resources are being shifted to the classrooms.

"I urge all of you, my colleagues, to support this measure on behalf of the children of Hawaii.

"Thank you, Mr. President."

Senator Ikeda again rose to speak in favor of the measure as follows:

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

"I think that the Minority Leader's criticisms are really a bit overboard. Obviously, the general fund portion of the budget has gone up because of the fact that the debt service cost has gone up. And yes, we didn't cut as deeply as we would have liked to. I think I said that in illustrating the difference between the Senate's version of the budget and the conference version. But we all understand the process, and it does take two houses to agree or disagree on anything. And the budget is such a compromise. And as I said earlier, Mr. President, people have to understand that if they want these programs, they are going to have to pay for them. And they wanted these programs. So if we are going to continue along these lines, then people have to understand that money has to come from somewhere. It doesn't just fall out of the sky.

"I think more importantly, Mr. President, one thing can be said about this budget -- we did make major reforms and we addressed the shortfall, and we did it with minimal impact on the public. And I think that's something that we can be proud of. Thank you."

Senator Holt also rose in support of the measure and stated:

"Mr. President, I rise in support of the bill and I'd like to commend the chairperson and the committee and staff for their hard work.

"I'd just like to refer to the last page of the conference committee report of this bill because it's very important and relevant as to why we have the bill before us today. '... the challenges currently facing the people of Hawaii are unprecedented in the history of the State. The choices made by your Committee in the course of developing this budget have been difficult, but the economic realities of the present dictate that we all share in the sacrifices that must be made.'

"I think in producing this budget everybody made a sacrifice. Given the situation that we're in, which is unprecedented, I think the chair did a hell-of-a-job, and the House as well. So I urge everyone to support this bill. Thank you."

Senator Liu then rose and stated:

"In response to the chair of Ways and Means, again I think she did yeoman's work in attempting to craft a compromise, given the position of the other house. Still, I would have to say that whether the increase in the cost of government in the budget, whether it is in regard to all funds or general funds, even if it's in part due to debt service, something which is in part not controlled by us, those are all costs that we have a responsibility to anticipate and to deal with. Similarly, to our own homes, if we have adjustable rate mortgages or 15-year mortgages and we decide to refinance, or things change, we have to be able to or we should be able to look ahead and budget and cushion so that when the impacts and conditions change, we are able to change with them in such a fashion that is responsible.

"Inasmuch as I do concur that there are many people who would like to see the services which we have funded over the past continue, I think that what we have to do, and I think that many of us do, but what we have to do even more of is realize that those who come to lobby us, those who make the calls, definitely have a direct or very

close to direct interest in those services. But that there is a majority of people out there who do not, who would much rather see, in my opinion, that the dollars that we spend to support our government, as much as possible, be redirected or directed back into their own pockets because they need to make their ends meet.

"So with that, Mr. President, I continue to hold to my position and appreciate the patience that my colleagues have shown me throughout this session. Thank you."

Senator McCartney then rose to speak in favor of the measure as follows:

"Mr. President, I rise to speak in favor of the budget. I'd like to commend the chair of the Ways and Means Committee and the members and the staff for doing an outstanding job.

"In response to my colleague from the Windward side, I'd like to say that it's difficult to transform an existing system of bureaucracy that's stuck. There's a lot of mind-set; there's a lot of status quo that's there. And clearly, this budget sets us on a path of transformation. It begins to move us forward. It's not a status quo budget, Mr. President. It's a budget that moves the state forward in a new direction and it will take many, many years to transform the existing system into a new system that can be more efficient and more effective. I think this budget is a giant step in that direction and that's why the members should support the budget.

"Thank you, Mr. President."

Senator Ige also rose in support of the measure and stated:

"Mr. President, I'd just like to rise to speak in support of this budget.

"In regard to the portion dealing with higher education, anyone who suggests that this budget is business as usual is sadly mistaken. I'll be providing more detailed remarks later on the agenda today. Clearly we have reinvented the relationship between the Legislature and the university and I think we will all be much, much better off for it. I would just like to thank Chairman Ikeda who's done a great job. I think she's been very supportive.

"I would like to note that when we started this budget in dealing with the university and the needs of higher education in this state, the university was actually looking at a \$50 million reduction. That was reduced by the administration to \$35 million and increased to \$38 million and various manipulations throughout the process. This budget, as it stands today, has reduced that reduction to about \$13-\$14 million. And more importantly, it has given the university all the tools it needs to be pro-active about mitigating any further reductions or in fact reducing the impact of budget reductions. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 119 was adopted and H.B. No. 1220, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Liu).

At 11:38 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:41 o'clock a.m.

**RECOMMITTAL OF HOUSE BILLS**

Stand. Com. Rep. No. 1577 (H.B. No. 1987):

By unanimous consent, Stand. Com. Rep. No. 1577 and H.B. No. 1987, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL CARE SERVICES," were recommitted to the Committee on Ways and Means.

Conf. Com. Rep. No. 115 (H.B. No. 745, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 115 and H.B. No. 745, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPROVE EFFECTIVENESS OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM," were recommitted to the Committee on Conference.

**THIRD READING**

H.B. No. 806:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 806, entitled: "A BILL FOR AN ACT RELATING TO TORT REFORM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1564 (H.B. No. 283):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1564 was adopted and H.B. No. 283, entitled: "A BILL FOR AN ACT RELATING TO CREDITORS' RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1565 (H.B. No. 295):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1565 was adopted and H.B. No. 295, entitled: "A BILL FOR AN ACT RELATING TO THE STUDENT LOAN ASSISTANCE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1566 (H.B. No. 1687, H.D. 2):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1566 was adopted and H.B. No. 1687, H.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, 25. Noes, none.

Stand. Com. Rep. No. 1567 (H.B. No. 1838, H.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1567 was adopted and H.B. No. 1838, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POULTRY INSPECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1568 (H.B. No. 1840):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1568 was adopted and H.B. No. 1840, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1569 (H.B. No. 1841, H.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1569 was adopted and H.B. No. 1841, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1570 (H.B. No. 1842):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1570 was adopted and H.B. No. 1842, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1571 (H.B. No. 1844, H.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1571 was adopted and H.B. No. 1844, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1572 (H.B. No. 1846, H.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1572 was adopted and H.B. No. 1846, H.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, 25. Noes, none.

Stand. Com. Rep. No. 1573 (H.B. No. 1847):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1573 was adopted and H.B. No. 1847, 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, 25. Noes, none.

Stand. Com. Rep. No. 1574 (H.B. No. 1875):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1574 was adopted and H.B. No. 1875, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN-TRADE ZONES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1576 (H.B. No. 1923, H.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1576 was adopted and H.B. No. 1923, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BENEFIT SOCIETIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1578 (H.B. No. 2008):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1578 was adopted and H.B. No. 2008, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC LIFE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1580 (H.B. No. 2025):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1580 was adopted and H.B. No. 2025, 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, 25. Noes, none.

Stand. Com. Rep. No. 1581 (H.B. No. 2034, H.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1581 was adopted and H.B. No. 2034, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1582 (H.B. No. 2053):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1582 was adopted and H.B. No. 2053, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION DEMAND MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### **MATTERS DEFERRED FROM FRIDAY, APRIL 28, 1995**

#### **FINAL READING**

S.B. No. 1846, S.D. 1, H.D. 2:

On motion by Senator Holt, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1846, S.D. 1, and S.B. No. 1846, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RADIATION SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 337, H.D. 1:

On motion by Senator Graftly, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 337 and S.B. No. 337, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 647, S.D. 2, H.D. 2:

On motion by Senator Graftly, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 647, S.D. 2, and S.B. No. 647, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 722, H.D. 1:

Senator Graftly moved that S.B. No. 722, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ihara.

Senator Graftly, in support of the measure, requested permission of the Chair to have his remarks on the measure inserted into the Journal.

The Chair having so ordered, Senator Graftly's remarks follow:

"Mr. President, this bill makes permanent in state law the 24-hour cooling off period in cases involving abuse of family and household members. This is a bill heavily supported by the Women's Caucus and women's groups throughout our state. During the very volatile period in which domestic abuse occurs, the most effective way to deal with the abuse is to stop it immediately and to separate the abuser from the victim.

"A sunset provision was added to this bill last year to enable the Senate to make it part of a possible new initiative in domestic abuse. As you know, Mr. President, I attended the National Summit Conference on Family Violence in Chicago in June of last year at the invitation of our Senior Family Court Judge, Michael Town. I discovered that our state is far ahead of many others in this important area. Hawaii is the only state with the mandatory 48-hour jail time for those convicted of domestic abuse. Although this may have contributed to the clogging of our court system by encouraging demands for jury trials, much has been accomplished since last June.

"The Judiciary should be commended for assigning more judges to the domestic abuse calendar and successfully clearing our huge backlog in cases. My good friend, Calvin Ching, was assigned to head this effort and I congratulate him on a job well done.

"Additionally, the Prosecuting Attorney's Office and the Public Defender's Office, with the Judiciary, developed a new protocol to divert the less serious domestic abuse cases. By trying them as third degree assault cases, they avoided the mandatory 48-hour jail term in the less serious cases. This resulted in releasing the pressure on the system created by the many jury trial demands. The system, as far as we all can tell, at least at this point, is

working well. The last piece, Mr President, is the extension of the sunset provision.

"I believe the time has come to make the 24-hour cooling off period, a period in which many lives have been saved, a permanent part of state law. I urge my colleagues to vote 'aye'. Thank you, Mr. President."

The motion was then put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 722 and S.B. No. 722, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY AND HOUSEHOLD MEMBERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Gaulty, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 867 and S.B. No. 867, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A SECTION OF THE HAWAII REVISED STATUTES AMENDED BY ACT 268, SESSION LAWS OF HAWAII 1991," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Gaulty, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 873 and S.B. No. 873, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A SECTION OF THE HAWAII REVISED STATUTES AMENDED BY ACT 8, SPECIAL SESSION LAWS OF HAWAII 1993," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 945, S.D. 1, H.D. 1:

Senator Gaulty moved that S.B. No. 945, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ihara.

Senator Gaulty, in support of the measure, requested permission of the Chair to have his remarks on the measure inserted into the Journal.

The Chair having so ordered, Senator Gaulty's remarks follow:

"Mr. President, this bill imposes a mandatory six-month sentence on those convicted of street solicitation of prostitution in our premier tourist area, Waikiki. The Honolulu Advertiser, in a recent editorial, described the bill as 'flawed' because it applies only to Waikiki. Although the Senate version of the bill did not limit the enforcement of this bill to Waikiki, I am sure we all recognize that the problem relating to the aggressive street solicitation of prostitution is confined to Waikiki.

"In fact, this bill was brought to us by the Office of Waikiki Improvement, the Waikiki Improvement Association, the Retail Merchants Association, and the Hawaii Hotel Association. They were all responding to the many complaints by tourists regarding the pervasive number of prostitutes in the major avenues of Waikiki and

how this has made Waikiki a less desirable place to visit for themselves and their families.

"As you know, Mr. President, the Legislature passed this bill last year only to have then-Governor Waihee veto the bill. But it was vetoed for reasons other than what the Advertiser has cited. The bill was vetoed because the funds for a temporary detention shelter to house those convicted and staff for the shelter were lost in conference. This year, there are again no funds for a shelter and for staffing.

"However, I have been assured by the Director of the Office of Waikiki Development, Christina Kemmer, that the City & County of Honolulu with the assistance of the private sector will come up with the shelter. I have also been assured by George Iranon, Director of the Department of Public Safety, that his department will be able to provide the funds for staffing of the shelter within existing resources. With these commitments, I look forward to the governor's signature on the bill.

"Mr. President, this bill breaks new ground. Although your Committee on Judiciary has clearly moved away from mandatory sentencing, nevertheless, for prostitution, it is necessary. Those engaged in this trade are part of the circuit - Los Angeles, Acapulco, Honolulu. I believe that these prostitutes and their pimps will not want to risk the loss of income that a six-month sentence would bring. It has worked for Las Vegas and it will work here.

"I again ask my colleagues' support on this bill and ask that we all vote 'aye' on this bill."

The motion was then put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 945, S.D. 1, and S.B. No. 945, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1200, S.D. 1, H.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Solomon and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1200, S.D. 1, and S.B. No. 1200, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THRILL CRAFT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1367, H.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1367 and S.B. No. 1367, H.D. 1, entitled: "A BILL FOR AN ACT REAL ESTATE SALES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1670, S.D. 1, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1670, S.D. 1, and S.B. No. 1670, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RADIOLOGIC TECHNOLOGY," having been read throughout, passed

Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1732, H.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1732 and S.B. No. 1732, H.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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1743, S.D. 1, H.D. 2:

On motion by Senator Holt, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1743, S.D. 1, and S.B. No. 1743, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AN EXEMPTION FOR PHYSICAL THERAPIST SUPPORT PERSONNEL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1746, H.D. 1:

On motion by Senator Holt, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1746 and S.B. No. 1746, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A REQUIREMENT TO OBTAIN AN ACUPUNCTURE INTERN PERMIT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1749, H.D. 2:

On motion by Senator Ikeda, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1749 and S.B. No. 1749, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXEMPT EMPLOYMENT STATUS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1771, H.D. 1:

On motion by Senator Gaulty, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1771 and S.B. No. 1771, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF CHILD SUPPORT THROUGH INCOME WITHHOLDING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### FINAL READING

Conf. Com. Rep. No. 1 (H.B. No. 1800, H.D. 1, S.D. 2, C.D. 1):

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 2 (H.B. No. 518, H.D. 1, S.D. 2, C.D. 1):

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 3 (H.B. No. 1878, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Levin and carried, Conf. Com. Rep. No. 3 was adopted and H.B. No. 1878, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 5 (H.B. No. 51, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, Conf. Com. Rep. No. 5 was adopted and H.B. No. 51, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 6 (H.B. No. 22, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, Conf. Com. Rep. No. 6 was adopted and H.B. No. 22, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 7 (H.B. No. 2000, S.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Baker and carried, Conf. Com. Rep. No. 7 was adopted and H.B. No. 2000, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS OF EMPLOYEES ON PUBLIC WORKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 8 (H.B. No. 149, S.D. 1, C.D. 1):



On motion by Senator Graulty, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 8 was adopted and H.B. No. 149, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 9 (H.B. No. 2179, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Bunda, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 9 was adopted and H.B. No. 2179, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 10 (H.B. No. 819, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Graulty, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 10 was adopted and H.B. No. 819, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 11 (H.B. No. 1965, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 11 was adopted and H.B. No. 1965, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 13 (H.B. No. 1968, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 13 was adopted and H.B. No. 1968, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RUBELLA TESTING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 14 (H.B. No. 813, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Graulty, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 14 was adopted and H.B. No. 813, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAGE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 15 (H.B. No. 1188, S.D. 1, C.D. 1):

On motion by Senator Graulty, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 15 was

adopted and H.B. No. 1188, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ETHICS COMMISSION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 17 (H.B. No. 1770, S.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Baker and carried, Conf. Com. Rep. No. 17 was adopted and H.B. No. 1770, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 18 (H.B. No. 26, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 18 was adopted and H.B. No. 26, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 19 (H.B. No. 1385, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 19 was adopted and H.B. No. 1385, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG PRODUCT SELECTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 20 (H.B. No. 1790, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Tanaka, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 20 was adopted and H.B. No. 1790, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GAME MAMMALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 23 (H.B. No. 87, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Graulty, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 23 was adopted and H.B. No. 87, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 24 (H.B. No. 181, H.D. 1, S.D. 1, C.D. 1):

Senator Grauly, moved that Conf. Com. Rep. No. 24 be adopted and H.B. No. 181, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator McCartney.

Senator Grauly, in support of the measure, requested permission of the Chair to have his remarks on the measure inserted into the Journal.

The Chair having so ordered, Senator Grauly's remarks follow:

"Mr. President, this bill would require that any minor, 12 years of age or older, who is taken into custody, and who is alleged to have committed a felony, theft of property in excess of \$100, or criminal property damage in excess of \$100, will have his or her fingerprints entered into the AFIS system. The fingerprints would remain in the system until the person's 25th birthday.

"The purpose of this bill is to enable our law enforcement agencies to use fingerprint records for law enforcement purposes. Your Committee on Judiciary received testimony from our police chiefs indicating that Hawaii has one of the highest property crime rates in the nation. Chief Howard Tagamori of Maui County testified that much of this crime is being perpetrated by juveniles.

"This bill will go a long way towards apprehending those responsible for such crimes. The public can look forward to some relief in this area as we should expect more juveniles to find their way into our juvenile justice system as a result of this bill.

"This is a major step forward in our fight against crime in our state and I urge all my colleagues to vote 'aye'."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 24 was adopted and H.B. No. 181, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN AUTOMATIC FINGERPRINT IDENTIFICATION SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 25 (H.B. No. 1499, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 25 was adopted and H.B. No. 1499, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INTERESTS DISCLOSURES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 27 (H.B. No. 1857, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 27 was adopted and H.B. No. 1857, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 28 (H.B. No. 2023, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 28 was adopted and H.B. No. 2023, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 29 (H.B. No. 2038, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 29 was adopted and H.B. No. 2038, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TAX PENALTIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 31 (H.B. No. 1977, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Grauly, seconded by Senator Tam and carried, Conf. Com. Rep. No. 31 was adopted and H.B. No. 1977, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 33 (H.B. No. 1311, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Bunda, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 33 was adopted and H.B. No. 1311, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 34 (H.B. No. 1763, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Aki and carried, Conf. Com. Rep. No. 34 was adopted and H.B. No. 1763, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN FISHPONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 35 (H.B. No. 929, H.D. 2, S.D. 2, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 35 be adopted and H.B. No. 929, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Grauly.

Senator Grauly, in support of the measure, added his remarks as follows:

"Mr. President, the Commission on the Status of Women was slated for elimination by the Department of Human Services. It was through the efforts of your Committee on Human Services and your Committee on Judiciary that this Commission was saved.

"Mr. President. I strongly believe in the Commission and its work. It is important for our state that we have an advocacy group such as this, fighting for women's rights and causes and for programs for women and children.

"This Commission was created by the Legislature and I personally will not waver in my support for it. I urge my colleagues to vote 'aye'. Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 35 was adopted and H.B. No. 929, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE STATUS OF WOMEN," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 36 (H.B. No. 1466, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Aki and carried, Conf. Com. Rep. No. 36 was adopted and H.B. No. 1466, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAXIMIZING FEDERAL REIMBURSEMENT FOR HAWAII'S VOCATIONAL REHABILITATION PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 40 (H.B. No. 298, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Ige and carried, Conf. Com. Rep. No. 40 was adopted and H.B. No. 298, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 41 (H.B. No. 123, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 41 was adopted and H.B. No. 123, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE METHODS OF TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 42 (H.B. No. 1919, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 42 was adopted and H.B. No. 1919, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 43 (H.B. No. 1426, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 43 was adopted and H.B. No. 1426, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 45 (H.B. No. 1208, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 45 was adopted and H.B. No. 1208, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 46 (H.B. No. 1997, H.D. 3, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 46 was adopted and H.B. No. 1997, H.D. 3, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 48 (H.B. No. 792, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 48 was adopted and H.B. No. 792, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 49 (H.B. No. 111, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 49 was adopted and H.B. No. 111, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOBBYING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 52 (S.B. No. 15, H.D. 1, C.D. 1):

On motion by Senator Iwase, seconded by Senator Tanaka and carried, Conf. Com. Rep. No. 52 was adopted and S.B. No. 15, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 53 (S.B. No. 500, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Baker and carried, Conf. Com. Rep. No. 53 was adopted and S.B. No. 500, H.D. 1, C.D. 1, entitled: "A BILL

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 54 (S.B. No. 424, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 54 was adopted and S.B. No. 424, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 55 (S.B. No. 995, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Tam and carried, Conf. Com. Rep. No. 55 was adopted and S.B. No. 995, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE SCHOOLS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 57 (S.B. No. 1577, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 57 was adopted and S.B. No. 1577, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 59 (S.B. No. 1161, H.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Ihara and carried, Conf. Com. Rep. No. 59 was adopted and S.B. No. 1161, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAVINGS BANKS INVESTMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 62 (S.B. No. 159, H.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 62 was adopted and S.B. No. 159, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 63 (S.B. No. 288, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Grauly, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 63 was adopted and S.B. No. 288, S.D. 1, H.D. 2, C.D. 1,

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 64 (S.B. No. 869, H.D. 2, C.D. 1):

On motion by Senator Grauly, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 64 was adopted and S.B. No. 869, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A SECTION OF THE HAWAII REVISED STATUTES AMENDED BY ACT 164, SESSION LAWS OF HAWAII 1991," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 65 (S.B. No. 889, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Tanaka and carried, Conf. Com. Rep. No. 65 was adopted and S.B. No. 889, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPORTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 66 (S.B. No. 1254, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 66 was adopted and S.B. No. 1254, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 67 (S.B. No. 1560, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 67 was adopted and S.B. No. 1560, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 68 (S.B. No. 1568, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Grauly, seconded by Senator Holt and carried, Conf. Com. Rep. No. 68 was adopted and S.B. No. 1568, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BULK SALES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 69 (S.B. No. 1642, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 69

was adopted and S.B. No. 1642, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 70 (S.B. No. 596, S.D. 1, H.D. 2, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 70 be adopted and S.B. No. 596, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Bunda.

Senator Anderson rose and stated:

"Mr. President, I have some remarks that I would like to insert into the Journal with reservations on Conf. Com. Rep. No. 70, S.B. No. 596."

The Chair having so ordered, Senator Anderson's remarks read as follows:

"Mr. President, I will be voting for this bill but with some reservations.

"Mr. President, it is my hope that the Office of Hawaiian Affairs will play a strong leadership role of land management for the residents of Maunaloa. These people have waited a long, long time to get financing. It is my hope, Mr. President, that with this transfer the Office of Hawaiian Affairs will find a way to assist in this long awaited financing that is so deserved. To you, Mr. President, and my fellow Legislators, a mahalo to you for being so sensitive to this issue."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 70 was adopted and S.B. No. 596, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 71 (S.B. No. 385, H.D. 2, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Matsuura and carried, Conf. Com. Rep. No. 71 was adopted and S.B. No. 385, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WELFARE FRAUD," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 72 (S.B. No. 887, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 72 was adopted and S.B. No. 887, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO SECTION 11 OF ARTICLE VII OF THE CONSTITUTION OF THE STATE OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 73 (S.B. No. 1521, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 73 was adopted and S.B. No. 1521, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA DISCOVERY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 75 (S.B. No. 1905, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 75 was adopted and S.B. No. 1905, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FACILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 76 (S.B. No. 6, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 76 was adopted and S.B. No. 6, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 77 (S.B. No. 431, S.D. 1, H.D. 1, C.D. 1):

Senator Gaulty, moved that Conf. Com. Rep. No. 77 be adopted and S.B. No. 431, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator McCartney.

Senator Gaulty, in support of the measure, requested permission of the Chair to have his remarks on the measure inserted into the Journal.

The Chair having so ordered, Senator Gaulty's remarks follow:

"Mr. President, this bill was heavily supported by the Women's Caucus and is a very important bill for the women in our state. This is the aggravated stalking bill.

"Too many times, women are stalked by the same person, even after an initial conviction for harassment by stalking has been obtained. What this bill does is to classify the harassment as a felony, with the stronger penalties and jail time that felonies entail, when there has been an initial conviction and the stalker has violated an existing court order restraining him from stalking the same person, or if the actions by the stalker are in violation of a condition of probation or pretrial release.

"Mr. President, stalking is an escalating violence type of crime. The Stalker stalks and stalks until he gets his prey. The woman being stalked is under tremendous psychological distress and all she wants is for that individual to stay away. If he does not stay away after the initial conviction, our criminal law needs to give the stalker stronger medicine, hopefully compelling him to stay away.

"The women of our state deserve no less than to be free of the tremendous psychological pressure brought on them by this often sick person. The women of this state deserve to be able to move about freely and most

importantly, to escape the violence this crime often unfortunately brings. I urge all my colleagues to please vote 'aye' on this bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 77 was adopted and S.B. No. 431, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 78 (S.B. No. 1286, H.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 78 was adopted and S.B. No. 1286, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTRICTIONS ON POST EMPLOYMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 82 (S.B. No. 858, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 82 was adopted and S.B. No. 858, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE BENEFIT PLANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 83 (S.B. No. 1022, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Levin and carried, Conf. Com. Rep. No. 83 was adopted and S.B. No. 1022, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS AND THE ISSUANCE THEREOF TO ASSIST NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 84 (S.B. No. 1028, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Levin and carried, Conf. Com. Rep. No. 84 was adopted and S.B. No. 1028, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A REPRESENTATIVE PAYEE SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 86 (S.B. No. 1461, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Levin and carried, Conf. Com. Rep. No. 86 was adopted and S.B. No. 1461, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," having been read throughout, passed

Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 87 (S.B. No. 396, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 87 was adopted and S.B. No. 396, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERSONNEL OF PUBLIC SCHOOLS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 89 (S.B. No. 336, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Gaulty and carried, Conf. Com. Rep. No. 89 was adopted and S.B. No. 336, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER EDUCATION AND TRAINING FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 92 (S.B. No. 432, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Gaulty and carried, Conf. Com. Rep. No. 92 was adopted and S.B. No. 432, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 95 (S.B. No. 478, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 95 was adopted and S.B. No. 478, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCESSIBILITY OF STATE AND COUNTY BUILDINGS AND FACILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 96 (S.B. No. 853, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 96 was adopted and S.B. No. 853, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 99 (S.B. No. 1467, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Ige and carried, Conf. Com. Rep. No. 99 was adopted and S.B. No. 1467, S.D. 2, H.D. 1, C.D. 1, entitled: "A

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 103 (H.B. No. 1409, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Ige and carried, Conf. Com. Rep. No. 103 was adopted and H.B. No. 1409, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 105 (H.B. No. 1586, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 105 was adopted and H.B. No. 1586, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 106 (H.B. No. 1425, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Tam and carried, Conf. Com. Rep. No. 106 was adopted and H.B. No. 1425, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 111 (H.B. No. 2089, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 111 was adopted and H.B. No. 2089, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 126 (S.B. No. 1626, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Ige and carried, Conf. Com. Rep. No. 126 was adopted and S.B. No. 1626, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 129 (S.B. No. 493, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 129 was adopted and S.B. No. 493, S.D. 1, H.D. 2, C.D. 1,

entitled: "A BILL FOR AN ACT RELATING TO THE REPORTING OF SCHEDULE II CONTROLLED SUBSTANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 130 (S.B. No. 550, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 130 was adopted and S.B. No. 550, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF SCHOOLS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 131 (S.B. No. 944, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 131 was adopted and S.B. No. 944, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY LAUNDERING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 134 (S.B. No. 1559, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 134 was adopted and S.B. No. 1559, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 138 (S.B. No. 1804, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 138 was adopted and S.B. No. 1804, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### FINAL READING

#### MATTER DEFERRED FROM FRIDAY, APRIL 28, 1995

S.B. No. 305, H.D. 1:

By unanimous consent, action of S.B. No. 305, H.D. 1, was deferred to later on the calendar.

#### MATTER DEFERRED FROM TUESDAY, APRIL 18, 1995

S.B. No. 1763, S.D. 1, H.D. 2:

By unanimous consent, action of S.B. No. 1763, S.D. 1, H.D. 2, was deferred to later on the calendar.

### FINAL READING

By unanimous consent, action of the following bills and conference committee reports was deferred to later on the calendar:

Conf. Com. Rep. No. 12 (H.B. No. 898, H.D. 2, S.D. 1, C.D. 1);  
 Conf. Com. Rep. No. 26 (H.B. No. 1853, H.D. 2, S.D. 1, C.D. 1);  
 Conf. Com. Rep. No. 94 (S.B. No. 1939, S.D. 2, H.D. 1, C.D. 1);  
 Conf. Com. Rep. No. 108 (H.B. No. 1996, H.D. 1, S.D. 2, C.D. 1);  
 Conf. Com. Rep. No. 110 (H.B. No. 1785, H.D. 1, S.D. 1, C.D. 1);  
 Conf. Com. Rep. No. 117 (H.B. No. 1787, H.D. 1, S.D. 2, C.D. 1);  
 Conf. Com. Rep. No. 118 (H.B. No. 1920, H.D. 2, S.D. 2, C.D. 1);  
 Conf. Com. Rep. No. 120 (H.B. No. 1262, H.D. 1, S.D. 1, C.D. 1);  
 Conf. Com. Rep. No. 121 (H.B. No. 1780, H.D. 1, S.D. 1, C.D. 1);  
 Conf. Com. Rep. No. 124 (S.B. No. 304, H.D. 1, C.D. 1);  
 Conf. Com. Rep. No. 127 (S.B. No. 1336, S.D. 2, H.D. 2, C.D. 1);  
 Conf. Com. Rep. No. 132 (S.B. No. 1141, S.D. 2, H.D. 1, C.D. 1); and  
 Conf. Com. Rep. No. 136 (S.B. No. 1739, S.D. 2, H.D. 2, C.D. 1).

### THIRD READING

H.B. No. 2021, H.D. 1:

By unanimous consent, action of H.B. No. 2021, H.D. 1, was deferred to later on the calendar.

Stand. Com. Rep. No. 1575 (H.B. No. 1877):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1575 was adopted and H.B. No. 1877, entitled: "A BILL FOR AN ACT RELATING TO GUARANTEE OF COMMERCIAL LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### MATTER DEFERRED FROM FRIDAY, APRIL 28, 1995

### FINAL READING

S.B. No. 85, S.D. 1, H.D. 1:

On motion by Senator Grauly, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 85, S.D. 1, and S.B. No. 85, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### FINAL READING

Conf. Com. Rep. No. 4 (H.B. No. 1431, H.D. 1, S.D. 1, C.D. 1):

Senator Kanno, moved that Conf. Com. Rep. No. 4 be adopted and H.B. No. 1431, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Ige rose to speak against the measure as follows:

"Mr. President, I rise to speak in opposition to H.B. No. 1431, H.D. 1, S.D. 1, C.D. 1.

"Mr. President, I've really thought long and hard about this measure and I'm opposing it for a variety of reasons. This bill authorizes the Department of Education to hire back retired, certificated personnel, teachers and principals, who choose to opt out on an early retirement at less-than-half time and include them in the collective bargaining unit.

"I oppose this bill for a variety of reasons. First and foremost, it doesn't grant any authority that the Board of Education and the Department of Education doesn't currently already have. Second, it really sets a bad precedent. We have literally tens of thousands of part-time positions throughout all of state government. This bill attempts to include these part-time positions as part of the collective bargaining unit. I'm very much concerned that opening the door to this one part-time class of employees will really set a bad precedent for inclusion of other part-time employees in collective bargaining units.

"Third, and I think most important, I looked at this bill and I tried to find some reason to support it. There are only three reasons I can see for this bill. First and foremost, I think it means that the elected Board of Education really is trying to shirk their responsibility. They don't want to be accountable for actions taken in regard to part-time employees and ask the Legislature to authorize this activity. Second, it means increase in dues to the union. Clearly, this will mean less money into the pockets for those dedicated professionals who choose to come back on a part-time basis and support the system in helping us through this teacher and principal shortage. Third, it means less money for teachers and students on the front line. Any increase in benefits negotiated by the union on the part of these part-time employees will mean that there will be less funds available for teachers and students in the classroom, as all of these cost items will have to come out of the current appropriation. For these reasons, Mr. President, I will be voting in opposition to this measure.

"I did want to note one other thing for the members' information. The appointed Board of Regents and the President has had a policy in place at the University of Hawaii that deals with hiring of retired personnel on a part-time basis and this policy has been in place since 1983. So we have more than ten years of experience in dealing with these types of situations. I am not aware of any problems this policy has created. And I think it points out the accountability of the appointed Board of Regents in relationship to the elected Board of Education.

"Thank you, Mr. President."

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

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

"First, I want my colleagues to understand that we have a serious problem within our public schools. We have a teacher shortage and in the 1996-97 school year it's estimated that we're going to need approximately 1,600 positions. The College of Education graduates about 450 new teachers every year. We recruit from the Mainland



about six or seven hundred if we are lucky. We are still going to be significantly short.

"This measure simply creates another tool within the tool box to be able to put some of the teachers back into the classroom that have retired. As a result of the ERIP, we will be able to bring these teachers back at a half-time status with no health fund benefits and no retirement benefits. It should generate an estimated 50 positions. It is not going to solve our problem, but it will be one other tool. We have 12,000 teachers in our system and the 50 additional teachers this will create will help us.

"We also have put a sunset provision in this bill so that it goes away in 1998. We need the additional time to prepare for that shortage, Mr. President, so I ask all my colleagues to please support this measure."

Senator Ikeda rose in opposition and said:

"Mr. President, I rise to speak against this bill, and in doing so, with all deference to the chair of Education whom I know has done an excellent job, I would like to have the remarks of the first speaker incorporated as my own.

"In addition, Mr. President, I really feel that this bill is going to backfire. The union may feel that it is going to gain members by adopting this measure, but in actuality I think it's going to cause problems in the long run because I think the Department of Education will have an option now and will opt to use part-timers rather than full-time teachers. And I think that it won't be good for education; it won't be good for the students. We need to have new teachers enter the system so that they can be trained and gain experience to become better teachers. You can supplement with retirees, but you shouldn't replace.

"For those reasons, Mr. President, I'm voting against this bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 4 was adopted and H.B. No. 1431, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Fukunaga, Grauly, Ige, Ikeda, Iwase, Levin, Liu, Matsuura, McCartney).

Conf. Com. Rep. No. 16 (H.B. No. 1485, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator Holt and carried, Conf. Com. Rep. No. 16 was adopted and H.B. No. 1485, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Levin).

Conf. Com. Rep. No. 21 (H.B. No. 2013, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Iwase, seconded by Senator Ige and carried, Conf. Com. Rep. No. 21 was adopted and H.B. No. 2013, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION DISTRICT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 22 (H.B. No. 715, H.D. 1, S.D. 2, C.D. 1):

Senator Grauly, moved that Conf. Com. Rep. No. 22 be adopted and H.B. No. 715, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fernandes Salling.

Senator Grauly rose in support of the measure as follows:

"Mr. President, this bill represents a major new initiative by the Senate and the Legislature in our DUI laws. It lowers the alcohol content needed to establish that a person was driving under the influence from .10 to .08. Hawaii joins about 12 other states in doing so.

"The bill, however, does more than this. It makes it a Class C felony to be convicted of habitually driving under the influence if a person is convicted more than three times within a 10-year period. This means not only jail time, but under the license revocation section of the bill, the loss of that person's license for life.

"The bill also provides for increased fines for those convicted of a first, second and third DUI offense and conforms the jail time provisions for first, second and third offenses to the jail sentences currently being imposed by our District Court judges.

"Mr. President, Hawaii has the fourth highest statistics in the nation when it comes to traffic-related deaths and injuries involving alcohol. We need this strong medicine. There is no doubt in the minds of the Senators serving on our Judiciary and Transportation Committees that a driver is impaired at .08. Research clearly shows that at .08 a driver's judgment, concentrated attention, speed control, braking, steering, gear changing, and lane tracking are impaired.

"Mr. President, Carol McNamee, president of Mothers Against Drunk Driving, was quoted recently as saying she was pleasantly surprised that this bill made it through conference. I was not! The chairperson of your Committee on Transportation, Senator Fernandes Salling, made this bill happen. She was extremely effective in the conference committee deliberations and we in the Senate owe her a debt of gratitude for her strong support of this bill.

"Senators, we need to make our highways and streets safer for everyone by passing this bill. I urge all my colleagues to vote 'aye.'"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 22 was adopted and H.B. No. 715, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 30 (H.B. No. 1244, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 30 was adopted and H.B. No. 1244, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY PROVIDERS AND ACTIVITY DESKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 32 (H.B. No. 112, H.D. 2, S.D. 2, C.D. 1):

Senator Grauly, moved that Conf. Com. Rep. No. 32 be adopted and H.B. No. 112, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Grauly rose in favor of the bill and said:

"Mr. President, this bill is one the Senate can take great pride in. After two years of trying, your Conference Committee has come out with this major new bill on ethics. This bill, together with four other bills, have made this session a banner year for legislation addressing ethics and ethical behavior by public employees and elected officials in our state.

"The bill doubles the statute of limitations from the current three years to six. It provides time limits for decisions by the ethics Commission, speeding up the resolutions of ethical complaints and investigations. It increases public disclosure of complaints from the point of the issuance of a notice of hearing. It requires that all hearings be open to the public.

"Mr. President, this is a good bill. This is a fair bill. And it responds to the public's call for more ethics in government and stronger enforcement of our ethics code. I urge all my colleagues to vote 'aye.'"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 32 was adopted and H.B. No. 112, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT OF THE STATE ETHICS CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 37 (H.B. No. 1643, H.D. 1, S.D. 1, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 37 be adopted and H.B. No. 1643, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsuura.

Senator Tam rose in favor of the measure and stated:

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

"On behalf of the thousands of senior citizens in our state, I thank the federal government for the matching dollars for nursing homes but disapprove of the demand by the federal government on having us impose a nursing home tax on senior citizens in order to receive federal dollars. I ask, publicly, that the federal government reconsider its condition and give us the federal dollars without the condition. Our senior citizens live on fixed retirement incomes.

"Thank you."

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

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

"Although I share the concerns of the prior speaker, whether it's under the Bush administration or the Clinton

administration, I don't really know that this is something imposed by the federal government or that it really was an interpretation by certain states that there was a way to get more reimbursements through what I would term the Rube Goldberg scheme to try and get more monies to support a system that is woefully in need of major overhaul, both at the federal and state levels.

"I shall be voting against this measure and certainly have grave concerns given that, at least, it appears that we will be doing away with certain tax credits to the individuals who ultimately pay this tax. Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 37 was adopted and H.B. No. 1643, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING FACILITY TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Anderson, Liu).

Conf. Com. Rep. No. 38 (H.B. No. 1834, H.D. 2, S.D. 1, C.D. 1):

Senator Fernandes Salling, moved that Conf. Com. Rep. No. 38 be adopted and H.B. No. 1834, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ikeda.

Senator Matsuura rose to speak against this measure and said:

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

"When this bill came up for Third Reading, I voted for it with reservations. This conference draft does not address my concern. Therefore, I will be voting against it.

"I have a problem with the section exempting public utilities from the public procurement process. Section 3 of this bill contains a list of exemptions from the procurement code. Many of these exemptions follow common sense. If you want to bring in a speaker to the East-West Center or a football team to play the University of Hawaii, you shouldn't have to go through a public bidding process. I agree that in these instances, bidding is awkward and unnecessary. And these exceptions are small purchases.

"But one exemption stands out like a sore thumb. It is not a small purchase like the others in this section. I am talking about the exemption of publicly regulated utility services. This is a major, and I mean major exception. A measure like this shouldn't be buried in the middle of a long bill.

"The idea behind this might be that competition does not apply to publicly regulated services. But that is not true anymore. There is a lot of competition there. An agency head will be able to select a utility company for a contract worth tens of millions of dollars without having to seek out competing companies. The contract can be a done deal before the public even knows about it and the agency head won't even have to explain his choice for the record.

"This could lead to some real abuses. The regular procurement process contains all kinds of safeguards to make sure that one person alone cannot make such a decision. It insures that all parties have an open and fair chance to compete. There is a written record which justifies each decision. But when you throw all of that away, you are leaving yourself open to abuse.

"A classic example is the state telephone service. The first contract was with GTE Hawaiian Tel on a non-bid contract. The second contract, which extends three additional years, was on a bid and the price dropped 50%. I repeat, the price dropped 50% from the previous three years. Now, we're going to allow a non-bid process again with this bill.

"This exception extends to other things. As an example, we'll be moving from this building to the State Capitol soon, and if this bill passes, we can select a company to do the job without bidding because moving companies are also regulated by the PUC. Companies like Island Movers, Mayflower, Atlas Van Lines, one of these companies could be selected and given a contract to move the furniture from this building to the State Capitol on a non-bid contract -- why? The PUC also regulates private water companies, waste water, gas, motor carriers, dump trucks, etc. All of these activities and all of these services don't have to go through the bidding process if we pass this bill. You can just go to non-bid selection process. That's the major objection and concern that I have.

"I cited these things in my previous floor speech when this bill came up, but since it was not corrected, I cannot give my stamp of approval. I'm going to vote 'no' on this measure.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 38 was adopted and H.B. No. 1834, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Liu, Matsuura).

Conf. Com. Rep. No. 44 (H.B. No. 1959, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 44 was adopted and H.B. No. 1959, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCILIATION PANELS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Levin).

Conf. Com. Rep. No. 50 (H.B. No. 471, H.D. 2, S.D. 1, C.D. 1):

Senator Fukunaga, moved that Conf. Com. Rep. No. 50 be adopted and H.B. No. 471, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Holt.

Senator Matsuura rose in support and said:

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

"As all of you know, I made a very long speech; in fact I voted against this measure. But all my concerns have been addressed in the conference draft so I urge all my colleagues to vote for this bill now. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 50 was adopted and H.B. No. 471, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," having

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 56 (S.B. No. 1320, S.D. 1, H.D. 2, C.D. 1):

Senator Fernandes Salling, moved that Conf. Com. Rep. No. 56 be adopted and S.B. No. 1320, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Solomon.

Senator Matsuura rose to speak against the measure and said:

"Mr. President, I hate to be standing up and voicing my objections, but I'm going to rise in opposition to this measure.

"I don't think there is a problem in using herbicides to control the weeds along the roadside. I haven't heard of any problem, but there will be if this bill passes. The language on the use of herbicide is RESTRICTIVE. 'Herbicide shall be applied only: (1) As specified under manufacturer's written usage directions.' That is federal law. The labeling is so restrictive that you cannot abuse it, especially on some of the restrictive herbicides.

"This bill is going to create a problem where a problem does not exist because in item (2) it says: 'Where precautions have been taken to reduce herbicide run-off from entering directly into an open body of water or into any source of drinking water;'. What does that mean? If you spray along the roadside, what kind of precautions are we going to take to divert the stream and the run-off? I don't know what anyone can do to take precautions or make any changes along the roadside.

"And item (3) says: 'Where the public has been duly notified of the use of herbicides;'. Does that mean that you just put up a sign: 'We're going to spray 20 miles along the roadside.' What kind of notice are we going to have to give?

"We are just opening ourselves up to problems and litigation because not only are the state and the counties going to be sued, you are going to have the manufacturers also brought into the suit. And as usual, these companies say, 'just pay them off \$10,000 or \$20,000,' because they don't want to go to trial. There's no problem here; we are creating problems by introducing these kinds of bills.

"And then, of course, 'Where precautions have been taken to avoid direct exposure of children and pedestrians to the herbicides.' When you are spraying, does that mean that if cars are passing by, you are going to have to stop them because there is a slight drift?

"I don't think this bill is necessary. The label itself will restrict and control the use of these kinds of chemicals. We are creating a problem in passing this measure.

"Thank you."

Senator Anderson rose in opposition to the measure and said:

"Mr. President, I might have a conflict of interest. I do sell janitorial supplies which also include herbicides. And I will be voting against this bill, but primarily because all of these specs we receive on these, most of them are EPA approved and so I will be voting against this measure.

"Thank you."

The Chair ruled that Senator Anderson was not in conflict.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 56 was adopted and S.B. No. 1320, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ROADSIDE HERBICIDE USE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Anderson, Liu, Matsuura).

Conf. Com. Rep. No. 58 (S.B. No. 807, S.D. 1, H.D. 1, C.D. 1):

Senator Holt, moved that Conf. Com. Rep. No. 58 be adopted and S.B. No. 807, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Iwase.

Senator Kawamoto rose in support of the measure and said:

"Mr. President, I rise to speak in support of S.B. No. 807, relating to prescriptions.

"Mr. President, I call this our 'Cinderella' bill. It all started early in the session when a senior citizen, Mr. Joe Morita, after church service approached me with an empty container for his prescription pills and told me how some persons, especially senior citizens, take several different pills each day for different health conditions. His simple request of me was that I introduce a bill requiring prescription labels to indicate what conditions a particular container of pills are for upon the request of the patient; for example, high blood pressure, diabetes, headaches, nausea. The reason is sometimes one forgets what a particular pill is for. And for many, they may take the wrong one. This is what happened to one of Mr. Morita's friends who may still be alive today had he not taken the wrong pills.

"The 'Cinderella' part of this story is that S.B. No. 807 did wind its way through the legislative process and did go through three drafts including the conference draft, before finally making it through the conference. I'd like to thank Mr. William Dendle of the Health Department, as well as the Public Safety Department for helping perfect the language in this bill, and a special thanks to Senator Holt and his staff for their great patience and understanding in giving the bill a fair chance to pass this session. I'm sure this 'Cinderella' story will be heard throughout the seniors community as well as others.

"I urge this body to vote in favor of S.B. No. 807. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 58 was adopted and S.B. No. 807, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 60 (S.B. No. 87, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Graulty, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 60 was adopted and S.B. No. 87, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE

RELEASE OF PRETRIAL INMATES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Anderson, Liu).

Conf. Com. Rep. No. 61 (S.B. No. 158, S.D. 1, H.D. 1, C.D. 1):

Senator Graulty, moved that Conf. Com. Rep. No. 61 be adopted and S.B. No. 158, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator McCartney.

Senator Graulty requested permission of the Chair to have his remarks in support of the measure inserted into the Journal.

The Chair having so ordered, Senator Graulty's remarks follow:

"Mr. President, it is indicative of our state of affairs that one of the major initiatives this session by your Committee on Judiciary is graffiti. There is not one, but two graffiti bills.

"But graffiti is a pervasive problem in my district and in the Kalihi area. I hope that the two bills, S.B. No. 158 and H.B. No. 819, will go a long way towards being able to effectively respond to this vandalism. The vandalism not only involves defacing and damaging of public property, but now involves damage to private homes in the Salt Lake and Kalihi areas.

"This bill will hold parents and legal guardians, having custody over the minor, jointly and severally liable for the damage caused. The county will now have the authority, by virtue of this bill, to impose a fine of up to \$1,000, or an amount equal to the cost to the county to repair or replace the defaced property. Under H.B. No. 819, which we passed earlier, the parents and guardians will likewise be held jointly and severally liable for the damage caused to any property by the Family Court when a minor is involved.

"The criminal statutes under the criminal property damage section have simply not worked. It is very difficult for the police to catch these vandals in the act. Hopefully, these civil fines will act as a stronger deterrent to this activity and result in greater respect for the property of others by those committing these acts.

"I urge my colleagues to vote 'aye' on this bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 61 was adopted and S.B. No. 158, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 74 (S.B. No. 287, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 74 was adopted and S.B. No. 287, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 79 (S.B. No. 84, S.D. 1, H.D. 1, C.D. 1):

Senator Gaulty, moved that Conf. Com. Rep. No. 79 be adopted and S.B. No. 84, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator McCartney.

Senator Gaulty, in support of the measure, added his remarks as follows:

"Mr. President, this bill adds another weapon in our fight against drug dealers in our state. This bill will impose civil liability on any person who knowingly participates in the illegal drug market in our state and allows any person, organization, or the state, to recover damages for the injury suffered as a result of the individual's illegal drug use. The theory of liability is based on the 'market share' attributable to the particular drug dealer involved. The concept is that you assess liability on the lower-echelon pusher, who in turn, if he had any sense, would pass the liability on up the chain.

"Like most bills, this bill is a product of compromise with the House. The House was adamant about not including marijuana offenses under the coverage of this bill. While they acknowledge that marijuana is an illegal drug, they believe that our drug problems these days are not marijuana, but ice, heroin and cocaine. Our Senate conferees would have preferred leaving the marijuana user alone, but would have preferred including those who commercially promote marijuana, a Class A felony under Hawaii law. But such is the nature of compromise.

"The other area of disagreement was the statute of limitations. The Senate version passed had provided for a two year statute of limitations, but tolled the statute during the period of incapacity by the individual plaintiff from the illegal drug use. We agreed upon a four year statute of limitations, but the statute would be tolled during the pendency of a criminal drug offense investigation.

"We also provided for an eight year sunset date and a review by the Attorney General of the effectiveness of this new law six years after the effective date of the Act.

"Mr. President, I would like to thank Mr. Dan Bent, our former U.S. Attorney, and Mr. Dan Foley, of the ACLU, for their work on this bill. It was their product and we thank them for bringing the bill to us.

"This is a good bill and I urge my colleagues to vote 'aye'."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 79 was adopted and S.B. No. 84, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEALERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 80 (S.B. No. 443, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Gaulty and carried, Conf. Com. Rep. No. 80 was adopted and S.B. No. 443, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 81 (S.B. No. 171, S.D. 1, H.D. 1, C.D. 1):

Senator Gaulty, moved that Conf. Com. Rep. No. 81 be adopted and S.B. No. 171, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Tam then stated:

"Mr. President, I wish to declare a possible conflict of interest. I'm a researcher, part-time, for SHOPO."

The Chair ruled that Senator Tam was not in conflict.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 81 was adopted and S.B. No. 171, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM INFORMATION PRACTICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Matsunaga).

Conf. Com. Rep. No. 88 (S.B. No. 942, S.D. 1, H.D. 3, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 88 be adopted and S.B. No. 942, S.D. 1, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Gaulty.

Senator Gaulty rose in support of the measure and said:

"Mr. President, this bill comes to us as a result of concerns by the students at Kaimuki High School about campus security. The bill started out as a challenge to the Department of Education to more effectively deal with campus security problems and concerns, not only at Kaimuki High School but at all high schools throughout our state.

"I want to thank the members of the House Education, House Judiciary and House Finance Committees for their work on the bill. They have improved the bill considerably. The bill makes the Department of Education, the Department of Public Safety and the county police departments jointly responsible for the training of all school security attendants. It establishes within the DOE a program for the initial and ongoing training of school security attendants consisting of not less than 70 hours of training -- when currently they have 20 at most and in many cases none at all -- and requires the program to be developed in consultation with Public Safety and the county police departments.

"It requires the training to be developed in conjunction with school SCBM councils, school administrations, students, other school support personnel and the community. It also requires the training to be conducted on school grounds. The bill sets forth the minimum content for training -- knowledge of the penal code, search and seizure laws, the laws of arrest, conflict resolution training and others.

"The bill requires the Department of Education to secure ten special duty law enforcement officers at selected schools where law enforcement powers may be deemed necessary by the school principal to ensure the safety of students and staff.

"Mr. President, your foresight in authorizing the creation of a Subcommittee on Campus Security and Youth Gangs under your Committee on Judiciary has

resulted in this bill. I would like to thank our Subcommittee chairman, Senator Rod Tam, for his hard work on this bill and thank Senator Chumbley, our Education chair, for pushing hard on this bill. This is a bill this session of the Legislature can truly be proud of.

"I urge all my colleagues to vote 'aye.' Thank you, Mr. President."

Senator Tam rose in favor of the measure as follows:

"Mr. President, I rise to speak in favor of S.B. No. 942, relating to public safety.

"Mr. President and colleagues, the purpose of this bill is to provide a safe educational environment for our students. There is a need to eliminate school gangs within our public schools.

"In beginning my speech, I wish to thank you, Mr. President, Senator Rey Grauly, chairman of the Judiciary Committee, and Senator Avery Chumbley, chairman of the Education Committee, for permitting me to be chairman of the Subcommittee entitled, 'School Gangs and School Security.' The opportunity to work with students, parents, educators and community was rewarding and challenging for four months. I especially wish to thank the students of Kaimuki High School and their teacher, Mrs. Faye Chee, a good friend of mine (Unfortunately, she will be retiring this year. We're losing a good teacher.), for introducing the statewide public school concern about gangs in our schools and school security.

"For your information, colleagues, S.B. No. 942 is Kaimuki High Schools's second piece of legislation to pass in four years. The first was the revised curfew law in 1992. Students are remarkable lobbyists.

"The Subcommittee went out into the community on the Island of Oahu during session and conducted informal fact-finding informational public hearings at various public schools. The hearings were very educational and productive for us. Thus, as Senator Rey Grauly has mentioned, accomplishments were made and recommendations.

"I wish to encourage public schools at the intermediate and high school levels to continue to develop intramural school activities during recess times to eliminate school gangs and campus security problems.

"If I may quote, 'Our public school students deserve a safe school environment which enriches the learning process.' Mr. President and fellow colleagues, we in the Senate are doing that through this legislation.

"Also, I wish to thank Victor, who is, I believe, the intern for Senator Grauly's Committee on Judiciary, who worked on a volunteer basis this past session. He was a great help to me, and I thank you, Senator Rey Grauly, for assigning him to me. This bill is a student initiative bill.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 88 was adopted and S.B. No. 942, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 90 (S.B. No. 1683, S.D. 1, H.D. 1, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 90 be adopted and S.B. No. 1683, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsuura.

Senator Levin rose to speak against the measure as follows:

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

"I am saddened by the need to cut, which led to this measure, and in recognition that those who vote in favor of the bill do so out of necessity and not because of any lack of compassion. General assistance has no strong lobby, but it is an important part of the safety net that has been available to those in our society who need a helping hand. General assistance has not only been for the unworthy 20-year-old substance abuser. It was until now, also for the 55-year-old widow or divorcee who has no means of support and little prospect of employment. General assistance no longer will be available to that latter group at all, which may result in suffering and homelessness beyond what we have today. I regret that we feel we must take such a step today.

"Thank you."

Senator Matsuura rose in support of the measure as follows:

"Since the previous speaker spoke against the measure I'm going to speak in favor of the measure. I hope it doesn't kill the bill. (Laughter.)

"You have to understand that in the general assistance program all of the monies are state funded; there is no federal match. All the benefits are mandated by statutes. If the appropriation for general assistance is reduced by mandate, we still have to give all those people who are on this program what is due them.

"What this bill does is provide flexibility. It is true that the federal government is planning to give all the states block grants. What we are trying to do is to get ready for that. This bill provides some flexibility within the Department of Human Services so that the benefits can be altered to meet whatever monies they have to operate with. This is, in essence, the reason for this bill and also to provide some guidelines.

"One can be on general assistance for one year. And the reason why we did that is that some of the people are on general assistance year after year. After one year they would become eligible for a federal program called SSI, social security program. They can move on to that program which is federally funded. For those that are drug or substance abusers, we're saying get your life together in six months. Sure, it may be too short for treatment, but again we're lacking funds. So this is one of the reasons why we have to limit how long these people can be on this program and also because of the shortfall of monies. I'm in favor of this bill.

"Thank you."

Senator Ikeda rose in support and stated:

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

"Mr. President, the previous speaker is correct and while I guess both of them come from the Big Island, the first speaker indicated that this is going to hurt people

and there is no doubt that some people will be hurt by this change. However, I think to put it into perspective even further, one has to understand that what is happening in this area of general assistance is that the appropriation, in order to meet needs, has doubled in one year and will continue to double every year hereafter. And we are at a point where we are not going to be able to afford it for very much longer.

"In tandem with that, Mr. President, it has been brought to our attention that many of the recipients are coming from the Mainland and taking advantage of a good deal, and that has to be discouraged as well. So I think the flexibility that this bill will provide the department with will help to curb some of the abuses that are currently occurring. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 90 was adopted and S.B. No. 1683, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Levin).

Conf. Com. Rep. No. 91 (S.B. No. 1751, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 91 was adopted and S.B. No. 1751, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONNEL WITHIN THE DIVISION OF CONSUMER ADVOCACY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Anderson, Liu).

At 12:24 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:32 o'clock p.m.

Conf. Com. Rep. No. 97 (S.B. No. 1674, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 97 was adopted and S.B. No. 1674, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY HOSPITALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Levin). Excused, 2 (Chumbley, Fernandes Salling).

Conf. Com. Rep. No. 98 (S.B. No. 937, S.D. 2, H.D. 2, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 98 be adopted and S.B. No. 937, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Ige rose in support of the measure as follows:

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

"Mr. President, in the year 2009, Hawaii will be a different place. The state will be home to a diversified economy based on a born-again agriculture industry, new information and high-technology industries, a tourism industry sensitive and supportive of our multi-cultural heritage, and a research industry thriving and specializing

in ocean and earth sciences. The institution that will take us there is the University of Hawaii.

"Currently, the University of Hawaii is the state's most comprehensive institution of post-secondary education. By the year 2009, it will become much more than that. It will be a world-class university recognized throughout the country and the world for its role in international education, training, and research. It will provide statewide access to top tier programs in agriculture, technology, astronomy, Asia-Pacific studies, and ocean and earth sciences, amongst others. It will be a home for our students as they master skills to become life-long learners and critical thinkers. Most importantly, in the year 2009, my eldest daughter, Lauren, will be entering the best university in the world and her success will be assured by the academic training that she will receive.

"In order for us to reach this vision, Mr. President, we must take bold steps and restructure our thinking about the relationship between the university and the State Legislature. On opening day, Mr. President, you challenged us to redefine that relationship by asking that we allow the university to keep all the tuition that it receives. With the support of the chair of the Ways and Means Committee, I think, Mr. President, we can be proud that this landmark legislation truly restructures the relationship between the university and the Legislature.

"First and foremost, it creates sound fiscal policy for the first time in the history of this state. The university, through the Board of Regents, will have the authority to establish and set tuitions and keep all revenue generated by those tuitions. In addition, we have repealed all legislatively mandated tuition waivers and made the university accountable for each and every tuition waiver granted.

"We have also put into place a requirement for mandatory review of all programs so that we avoid the problem of an ever-increasing bureaucracy. It creates a possibility and opportunity for the university to continually reallocate and redirect its resources to the programs to meet the needs of our community. It also establishes a requirement for the university to develop benchmarks to guide the development and steer the university towards the 21st century. It changes our opportunity to establish public policy and requires that the university recast its budget to meet these priorities.

"Mr. President, there have been many questions about the need for this bill. I can cite a whole myriad of reasons why the current fiscal policy has served our state well, but is in much need of change. One of every seven students at the university today receives a tuition waiver, but less than 20% of those tuition waivers are needs-based. Mr. President, I am certain that there is a millionaire, or a son or daughter of a millionaire, enrolled at the university today who is receiving a tuition waiver. From a public policy perspective, I think that is unacceptable.

"Mr. President, I've looked at this bill in a number of ways and there have been a number of people talking about what this bill really does. This bill does not represent a change in the public open-door policy of access to higher education for all of our citizens. Indeed, the Legislature believes and reaffirms our commitment to quality higher education for each and every member of our community. This bill does not increase tuition, nor does it take away any tuition waiver. It restores accountability and places accountability for tuition and tuition waivers with the Board of Regents as it should be.

"What this bill is, Mr. President, is a statement of trust, a statement that we trust the appointed Board of

Regents and the University President, with the guidance of the Legislature through benchmarks establishing direction as to what is in the best interest of all of our people. I do believe, Mr. President, that this bill sets the foundation for greatness of our University of Hawaii and I do believe and have full faith and confidence that the University President and the Board of Regents that we just recently confirmed, are up to the task. So I urge all of you to vote in favor.

"Thank you."

Senator McCartney also rose in support of the bill and said:

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

"I would like to go on record to commend the Higher Education chair for his hard work on the bill along with the Ways and Means chair for taking some risks and moving the system forward. This is clearly a historic bill, a new era for higher education in Hawaii which redefines the relationship between the Legislature and the university. It gives the university greater flexibility and autonomy, yet places the trust of the institution to do what is right for the people. Mr. President, with this greater flexibility and autonomy we have a benchmark system that will provide great accountability. It is a very historic bill and I would like to commend the people that worked on this bill. I think it will move our system forward.

"Thank you."

Senator Matsuura rose in support and said:

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

"I want to commend the chairman of the Higher Education Committee. Senator David Ige is a quiet person who doesn't stand up very often, but here is a bill that he has drafted and worked on that has vision. The thing that I like about this chairman is that he still has the optimism and enthusiasm in drafting this kind of legislation.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 98 was adopted and S.B. No. 937, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 109 (H.B. No. 386, H.D. 1, S.D. 2, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 109 be adopted and H.B. No. 386, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tam.

Senator Tam rose in favor of the measure and said:

"Mr. President, I rise to speak in favor of H.B. No. 386 entitled, 'Relating to the Environment.'

"The overall purpose of this bill is to establish the promotion of environmental education awareness throughout the State of Hawaii. This is the Senate's grassroots legislation in protecting Hawaii's environment now and into the future. With the public awareness of

how to dispose of their household waste, Hawaii can save thousands of taxpayer dollars in the clean-up of household waste. The majority of Hawaii's environmental problems and damage is due to household waste.

"This bill specifically does the following:

1. Facilitates and supports the development and establishment of cooperative environmental education initiative with the private sector;
2. Develop and adopt a statewide plan for environmental education;
3. Develop a statewide database of environmental education programs, services, and curricula;
4. Encourages pre-service and in-service teacher training in environmental education; and
5. Supports post-secondary environmental education and training programs to provide qualified personnel and to enhance environmentally sensitive economic activity within the state.

"The impressive point of this bill is that it embraces the facilitation and support of the development and establishment of the stated initiatives among government, environmentalists, and the private sector. In fact, working relationships are now operating. Four successful meetings have occurred this session. Joint partnership is being discussed in producing community oriented educational material at this time.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 109 was adopted and H.B. No. 386, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 112 (H.B. No. 2133, H.D. 2, S.D. 1, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 112 be adopted and H.B. No. 2133, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Holt.

Senator Kanno rose in support of the measure and said:

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

"This measure represents a comprehensive effort to address the rising cost of workers' compensation. We have heard the cries of businesses and this measure represents a good compromise. I define compromise as everyone having to give up something and no one getting everything that they wanted. This includes the parties involved in workers' compensation, labor, employers, insurance companies, medical providers, attorneys, and the administration.

"The first area that I would like to discuss is the most pressing area that needs to be addressed and that is the rising medical costs involved with workers' compensation. The bill provides for a reduced medical fee schedule by tying it to 110% of the medicare fee schedule. It provides for strict limits on the number of treatments; caps on the number of medical exams ordered by the employer and provides for limits on those costs. It also greatly reduces



the number of written reports required by medical providers. It provides for cost reductions in these areas requested by employers. It addresses the part-time worker situation. It addresses double-dipping in regard to subsequent injuries. It includes stiff fraud provisions including charges up to a Class C felony, criminalizing fraud in the area of workers' compensation. It increases fines four times, from \$2,500 to \$10,000 per offense and provides for restitution of all benefits fraudulently received.

"In the area of health and safety, it provides for 5% premium discounts for those safe work places and also provides for the certification of safety and health professionals by the Labor Department.

"In the area of workers' compensation insurance, we have heard much from those small businesses who are penalized by being thrown into the assigned risk pool. This measure addresses the assigned risk pool in these ways:

- it requires an experience rating plan for those businesses being thrown into the pool;
- it provides an incentive program for insurance companies to remove businesses from the assigned risk pool; and
- it provides for a residual market plan providing for more reasonably priced workers' compensation insurance.

"The bill also provides for disclosure of premium information. When employers get their workers' compensation bills, they will see more clearly where their costs are going. It provides for licensing of workers' compensation insurance claims adjusters. It also provides our insurance commissioner with new powers to better regulate the workers' compensation insurance area, specifically the assigned risk pool. It also provides for public hearings with each rate filing for an increase.

"One industry that businesses are most struggling with workers' compensation and the industry with the highest amount of injuries is that of the construction industry. This bill helps the construction industry in two ways. It provides for contracting classification premium programs and it also provides for allowing the negotiation of workers' compensation benefits through the collective bargaining process.

"Looking toward next session, it provides for a feasibility study to look at coordinated health care delivery systems. It provides that we will be able to review the recommendations next session and rules can be implemented on the new health care system on July 1, 1996.

"This effort is a good compromise measure. It really goes half of the way. The other half of the responsibility falls on the administration, the insurance commissioner and the Labor Department to implement means to bringing down workers' compensation costs for our businesses.

"I would like to thank all of the members for their support in this process and I would like to urge my colleagues to support this measure. Thank you."

Senator Liu also rose in support and said:

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

"One, whereas I do appreciate the comments made by the chair of the subject matter committee, this certainly rings very, very common to the memory I have of about ten years ago when the same kind of compromise was made on another kind of workers' comp bill and we still ended up with problems.

"The other area of reservation that I have is more of a technical matter and that is I believe that there is no severability clause within this bill. And I think it is naive for us to think, given the controversy which this measure has engendered throughout the session, that there are not interest groups readying their attorneys' briefs right now to file challenges to this measure, should the governor sign the bill into law. As such, I hope that we have done something here, but I would just like to go on record to note that point.

"Thank you very much, Mr. President."

Senator Anderson rose in support and said:

"Mr. President, I'm going to speak for this bill, but I do have some reservations primarily because I am in business and it does bother me that we never look at the presumption clause. We did nothing to repeal Act 67. If you are looking at attorneys and the insurance companies and other people to try to help us, we are taking a beating because we as Legislators have told businesses what we have to take in the way of insurance. Every one of my insurance policies has gone up. My manufacturing bills have gone up. The last four 40-foot containers that I've had come in, I could not afford to hire people, so my son-in-law, my grandson and myself had to unload them, and the last one, my wife helped us with.

"We are in trouble in small business. We are not talking about the large businesses. They have a chance to take and pass on their costs to others, be it airlines, be it A & B, be it any company that's large enough. But a small businessman has to compete, we have to purchase, we have to pay up front, and we have to compete in today's market. And we are taking a beating, and workers' comp is a big portion of it. It was to a point that the last time they sent us a bill, (and we've been going back and forth) we said the heck with it, we can't afford it and we won't pay it. But by law you have to take it.

"So those are the reservations that I have. It is not easy to say that we cannot look at certain areas. But I do want to congratulate our chairmen. I know they worked hard. We tried very, very hard to take care of most of the concerns, but I do have those reservations and I will be voting 'aye.'

"Thank you very much, Mr. President."

Senator Baker rose in support of the measure and said:

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

"I do have some written remarks that I would like inserted in the Journal but I believe I must add an additional comment. There was a lot of skepticism when this session opened as to whether this Legislature would be able to craft a bill that would meet the major concerns of business and labor in the area of workers' compensation. Mr. President, I believe that challenge was met with the passage of this bill, H.B. No. 2133, C.D. 1. It does address the major cost drivers that have been causing premiums to soar.

"I think we owe a great deal of credit to the chairs involved in the Conference Committee, Chair Kanno,

Chair Holt and Chair Ikeda for their efforts and their leadership to ensure that the conference would be a successful one. Of course, the proof will be in the pudding when the law is implemented, the rules are in effect, and the insurance commissioner acts on the rate filing. But I believe next session we will not have the hue and cry coming back to us that we must again tinker with this system.

"Thank you."

The Chair having so ordered, Senator Baker's remarks read as follows:

"As we all know, the workers' compensation system is badly in need of major reform. Premiums have soared, businesses have folded, abuses have often been rampant, and workers have suffered for lack of appropriate treatment. This dire situation cannot be allowed to continue.

"Medical expenditures have been one of the biggest cost drivers in the workers' compensation system. This bill cuts unnecessary costs but preserves medical benefits and our workers' right to choose their own health care providers. By setting appropriate utilization guidelines, this measure ensures needed treatment but prevents overuse. These guidelines are bolstered by the elimination of double dipping and tougher fraud provisions to further curb abuse.

"In addition, we have greatly increased our emphasis on workplace safety because the most effective way to reduce costs, suffering and lost productivity is to prevent injuries and illnesses from happening. To that end, we have created a safety and health certification program and provided financial incentives to make every business a safe place to work.

"We have also made the system more open by requiring insurers to disclose premium information to employers by mandating public hearings on rate filings, and by allowing insurance benefits to be subject to collective bargaining. We have eliminated time consuming and costly bureaucracy by cutting out unnecessary paperwork, streamlining the claims process, and creating an administrative special fund solely for the administration of workers' compensation insurance. And we have called for a study on the assigned risk program so that we can determine how best to return businesses to the voluntary market.

"Mr. President, the pleas of our constituents for comprehensive workers' compensation reform have been undeniable. I am proud to say that your subject committees and the Conference Committee have heard the cries and risen to the task. After much deliberation, we have before us a piece of legislation which responds to the concerns of businesses, workers, and health care providers alike. It is a measure which is long overdue.

"I strongly urge all of my colleagues to vote in support of his measure.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 112 was adopted and H.B. No. 2133, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION REFORM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 113 (H.B. No. 1472, H.D. 1, S.D. 1, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 113 be adopted and H.B. No. 1472, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Matsuura then requested permission of the Chair to have his remarks on the measure inserted into the Journal.

The Chair having so ordered, Senator Matsuura's remarks follow:

"Mr. President, the nursing facility tax credit (which is part of the medical services excise tax credit) was inadvertently repealed this session. The nursing facility reimburses non-medicaid patients for the 6% nursing facility tax.

"It was never the intention of the Senate to repeal the nursing facility portion of the medical services excise tax credit.

"It is however, Senator Ikeda's intention to correct that error during the next legislative session by recodifying the nursing facility portion of the tax credit to take effect retroactively to 1995. Since tax credits can only be claimed at the end of the year, the effect would be the same as if there were no repeal.

"Senator Ikeda and I apologize to everyone for the inadvertent error."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 113 was adopted and H.B. No. 1472, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Anderson, Liu).

At 12:51 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:54 o'clock p.m.

Conf. Com. Rep. No. 128 (S.B. No. 487, S.D. 1, H.D. 1, C.D. 1):

Senator Grauly, moved that Conf. Com. Rep. No. 128 be adopted and S.B. No. 487, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Holt.

Senator Anderson rose in opposition to the measure as follows:

"Mr. President, I will be voting 'no' on this particular bill primarily because, as far as I am concerned, it missed the deadline with our own internal regulations. Regardless of how I would have voted otherwise, had the chairman of the House accepted our proposal at the last moment, I think it would have been fine. He did not and I don't like to have anybody thinking I'm not very bright because when they were asking me, I said it was dead and then all of a sudden it wasn't. And for that reason, I don't want to set a precedent. I think it is a bad policy because the next time somebody else will be asking for it. For that reason, I will be voting 'no.'

"Thank you."

Senator Ikeda rose in support of the measure and stated:

"Mr. President, to clarify some of the allegations made by the previous speaker, this bill did not miss the deadline. The bill was delivered to the Senate Clerk even though it is a House bill. That is legal because we have one version of the bill and as long as it is delivered to one of the Clerks before midnight, it does meet the requirements. So it is valid. It is not something that slipped under the wire. There may be things in it that are not to people's liking, but it certainly shouldn't be voted down on a technical flaw.

"Thank you."

Senator Anderson then responded:

"Mr. President, as a person who was on the Conference, I don't want people to think that I was neglected then, being that I was the only Minority. When we were excused, I was never called back. So as far as I was concerned, that bill died. Thank you."

Senator Grauly then rose in support of the measure as follows:

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

"Mr. President, this is a win-win bill. This is a win-win bill because for the dealers, it forces the manufacturers to work with them and to make them successful in the gasoline business, because if the dealers are not successful under this bill, the manufacturers cannot open company-operated stations. So both have an interest for the first time, I believe, in working together. Hopefully, the manufacturers will do everything they can to assist the franchise dealers and make sure that they remain viable or that they become viable and remain viable. And it is for that reason that it's a 'win' for the dealer.

"It is also a 'win' for the manufacturer or refiner because it gives them the opportunity to open a maximum of two company-operated service stations during the next two years. It lifts the moratorium on opening company-operated service stations and is thus a 'win' for them as well.

"It is a win for a third reason, Mr. President. For the last eight years, our Legislatures have been dealing with moratorium and divorcement legislation and there has been a lot of rancor, a lot of unhappiness, perhaps, on the part of either the dealers or the manufacturers with regard to this particular bill. And now, hopefully after eight years, they will not need to come to the Legislature again and ask one side or the other for some support from the Legislature. I think for that reason it is also a 'win' for the Legislature.

"Lastly, Mr. President, I could not let this moment pass without thanking my co-chair Senator Holt because it was his brilliant insight that led to the resolution of this bill and I thank him very much for it.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 128 was adopted and S.B. No. 487, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Anderson, Liu).

Conf. Com. Rep. No. 137 (S.B. No. 1762, S.D. 1, H.D. 1, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 137 be adopted and S.B. No. 1762, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Holt.

Senator Holt rose in support of the measure as follows:

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

"Mr. President, at the present time, Hawaii has one of the highest average premiums for automobile insurance in the nation and is currently ranked number one in average claims loss. With approximately 900,000 vehicles currently registered in the state and over 700,000 licensed drivers, it is easy to understand and sympathize with the tremendous public frustration with this issue and their demand for dramatic reforms.

"As your Committee on Consumer Protection considered the immensity of this problem during the first days of this session, we were reminded of the governor's personal philosophy which he expressed in his state-of-the-state address: 'I believe our ability to solve our state's problems is limited only by our imagination and resolve.'

"I firmly believe, Mr. President, that the public expects no less from the Legislature.

"With this thought in mind, your Committee on Consumer Protection placed all of its focus on the public's major concerns. As a result of our perseverance and determination, we produced a bill that, to my knowledge, enacts needed reforms that have not been accomplished by any other state. The bill that we have before us today, therefore, is the product of the Senate's resolve to address the heart of the issues and is consistent with our goals as reflected in Senate stand. com. rep. no. 155. These goals include:

1. Reduction of cost and increase in availability of motor vehicle insurance;
2. Speedy compensation for economic losses;
3. Establishment of mandatory minimum levels of insurance coverage for motor vehicle accident-related injuries; and
4. Elimination of artificial 'cost-drivers' which ensure rising costs of insurance premiums.

"Rather than continuing to speak on the basic substance of this bill, Mr. President, I would like to address what I foresee as its profound impact and significance to our society and the legislative policy changes that it embodies in the way that our citizens are compensated for injuries and losses resulting from accidents. First, in the case of accidents where injuries are truly unintended and unintentional, compensation will be awarded in accordance with the injured party's mandatory insurance coverage, rather than through the complicated and costly tort system. In approving this bill, the Legislature will, in essence, acknowledge that this is a much more economical, efficient, and fair system of recovery from a public policy standpoint and the interest of the consumer. Secondly, I believe that the provisions of the bill relating to coordinated and collateral health benefits will form the basis for a future '24-hour' health coverage policy designed to protect our citizens under any and all circumstances for personal injury.

"Since I began this speech with a quote from the governor's state-of-the-state address, Mr. President, I think that it is appropriate that I close with another from the same address: 'During the election, the people of Hawaii knew our state was headed for hard times. And yet, they chose you and me to lead, to give them hope, to make things better by doing the right thing.'

"By passing this bill, Mr. President, we will be doing as the governor suggests. We will be restoring the people's confidence in our government to solve difficult problems. We will give them hope and relief. We will make things better by doing the right thing.

"I want to thank the members of the Senate Consumer Protection Committee who had faith and confidence in this bill to move it forward, to the members of the Ways and Means Committee who believed in its merits to bring this bill to the floor, and to the members of this body who moved this bill across to the House weeks before the first cross-over deadline. And, Mr. President, I'd like to thank the House for agreeing with the Senate that this visionary bill will make Hawaii better.

"For these reasons, Mr. President, I would like to strongly urge my colleagues to join me in voting in support of this measure. Thank you."

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

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

"Quite often we are asked to make a leap of faith when we consider new and innovative legislation. Quite often we take that leap but it is usually on the first or second reading in committee, rather than on the final reading on the 60th day of the session. Nevertheless, today is the 60th day and we must decide whether or not to take that leap, to set sail on uncharted waters with no ability to amend or improve on the document in front of us.

"The bill before us is very much a work in progress. Our Consumer Protection chair deserves much credit for the innovative steps he is proposing, but because of the complexity of the issue, we should also acknowledge that this is not a final product that we are being asked to vote on today. There are issues that remain unresolved. Have we adequately examined the New Zealand model which apparently is the closest in the world to pure no-fault? What happens with pedestrians? What about tourists, or what about us when we drive on the Mainland? What about welfare recipients? How does the phase-in work on this bill? How do we sue someone who is engaged in criminal conduct if that person has no assets and no insurance?

"Moreover, there are many voices that need to be heard on this bill before we do anything irrevocable. That includes our own insurance commissioner, the auto insurance industry, and other sectors of our economy that will be impacted as a consequence of this legislation, such as health care insurers and businesses which pay for much of health insurance. Normally, that would mean we should not be passing this legislation and it should be further digested, analyzed and refined. However, this issue is, I think, unique. Unique because on the one hand, people are being hurt by the extraordinary cost of auto insurance, and second, because there is a safety valve available to us so that passage of this bill today will not be an irrevocable commitment to the policy that we might regret upon further reflection.

"We have in our arsenal a tool that has never been used, to the best of my knowledge. That tool is the combination of the governor's veto power and our

authority to not only override such a veto, but to amend the bill to meet the governor's objections. That authority is given to us in Article III, Section 16, of our State Constitution entitled 'Reconsideration.' Using our power of reconsideration would give us 45 days in which to improve the bill before us. That time could be used by you, Mr. President, by the Speaker, by the Senate and House chairs of Consumer Protection and the money committees, by the administration, and by interested parties, to work cooperatively, rather than confrontationally, to refine this measure, to deal with the unanswered questions, to analyze the ramifications of this proposal, and to come back in 45 days following the governor's friendly veto to see if there is consensus that the reforms proposed in this bill are beneficial to our constituents.

"I recognize that this approach would put in jeopardy the very provision of this bill that is most desirable to me, but also quite controversial, and that is the provision that allows drivers to legally go bare and to no longer be deemed criminals for not having insurance.

"Still, the review process that I am suggesting is a risk that I think we need to take because the alternative is to have this bill die and have our constituents experience another year of outrageous insurance premiums with no end in sight. We are proposing to drastically change law that has developed over a long period of time and has protected individuals for a couple of hundred years. We are taking away rights of our citizens to use our courts, but that is not a unique or unprecedented act. We did the same thing decades ago with workers' compensation and the trade-off was deemed reasonable. The trade-off today may also be reasonable and we should give the concept another 45 days to be critiqued, refined and considered.

"Thank you."

Senator McCartney, rising in favor of the measure, then said:

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

"Mr. President, I'd like to thank the Senator from Kalihi for being the quarterback on this bill, for marching the bill down the field in light of all the special interests that tried to get in the way and block it. I think it's a bold step. If you look at the no-fault system that we have in place today, Mr. President, it's really evolved into a your-fault system where everybody is blaming everybody for all the problems.

"This bill, Mr. President, is a revolutionary step to transform and redefine auto insurance in the country. It's a bold act that will be an example for others to follow. It's real change for consumers. Mr. President, the 45% roll-back is significant. For a family of four, like myself, who has two cars, that amounts to almost a thousand dollars back in our pockets that we can use in our economy to make it in this place called Hawaii. It's a historic bill that challenges the status quo and I'd like to commend the chairman of the Consumer Protection Committee and the support of the Ways and Means Committee for making this bill possible. It's visionary; it's a leap of faith, and it's about time we do it.

"Thank you, Mr. President."

Senator Fernandes Salling rose to speak against the measure as follows:

"Mr. President, I rise to speak against this measure and I do it in the strongest terms, although at the outset, I wish to acknowledge the sincere and earnest efforts of

this bill's author, and to acknowledge the frankness of its approach, and the perseverance and ingenuity with which our conferees (and they know who they are) have managed the task of bringing this measure to these halls to be debated. **BUT MAKE NO MISTAKE ABOUT IT**, as I said when I supported an earlier version and voted to send it over for consideration by our House colleagues, I have such serious reservations about this measure that I intend to contribute to a debate which hopefully may ultimately lead to the bill's veto by our governor, in the event that this body should make, and I say this in all sincerity, the great mistake of passing it today.

"Passage of this measure will again put our state in the headlines nationally and further bolster this state's reputation, not as the 'Aloha State', but as the 'BIZARRE STATE.' Our visitors already fear that when they come to Hawaii, they will pay some of the highest hotel room rates in the country, prostitutes will pursue them down the streets in Waikiki, and their possessions will be stolen whenever they park their cars. Even Andy Rooney on national television (CBS) tells visitors their belongings will not be safe. Now, with our DUI reform this year, visitors could be arrested and treated as drunk drivers if they're caught having two or three beers with their lunch.

"Supposedly, the whole point of the legislation introduced this session in both houses to modify Hawaii's present system of (modified) no-fault automobile insurance was to lower insurance premiums for the citizens of the 'Aloha State', which could also be called the 'high priced State.' Passing this first-of-its-kind measure will again put our state on the front pages and in many quarters, and will be used to damage our reputation in the eyes of prospective visitors and with those considering doing business here. This measure will very likely cause our health insurance rates to soar, increasing the cost of health plans which hit all businesses so hard, and make it especially difficult for small businesses to survive. HMSA has been strangely silent about this legislation. I can't help but ask myself 'Why?' Can anyone doubt that the health insurers see possible windfalls coming out of it?

"Our visitors already fear that when they come to Hawaii they will pay some of the highest prices in the nation.

"Now if we are foolish enough to pass S.B. No. 1762 in its present form, it will slam the doors of our court system in the faces of highway users with serious claims for injury or even death, unless they are lucky enough to be able to prove they have suffered as a result of something called 'intentional conduct'. (By the way, what is the definition of 'intentional conduct'?)

"Things are becoming really so strange in this state that our state may force other states to give legal recognition to our same-sex marriages, but we won't even allow our visitors to purchase a \$5.00 lottery ticket here, the way they are allowed to in their home states. This 'pure no-fault' bill will put us out of step with the rest of the nation, and for what? Does anyone in this chamber really believe that our consumers will actually see reductions in their insurance premiums anywhere near the 45% that is being promised? If so, I'd compare their naivete to that of someone like Charlie Brown, who keeps making the same mistake over and over again in the face of unmistakable evidence that the deck is stacked against him, and those he places his trust in are not about to act in his best interests.

"In the (Sunday Star Bulletin &) Honolulu Advertiser, April 30, 1995, even the Insurance Council, Mr. Paul Abels, is already questioning whether or not this 45% roll back is going to happen because maybe it's not based on

sound data. Yet, they were there. They promised. They committed. I would hope so, I mean that's why we have the bill before us because we are promising the consumers a 45% reduction in their premiums. Yet, a day ago, these companies represented by the Council itself (maybe not all, I have to clarify, but the majority of them) were already questioning whether or not they can give us a 45% reduction in premiums. Not us, I'm talking about the consumers throughout this state.

"In 1986 the Legislature put in place some reforms supported by the insurance industry which were supposed to result in premium reductions, and we got increases instead. What did we do? Again in 1992 we listened to insurance industry promises of premium reductions as high as 20%, and we passed measures taking away the rights of accident victims. And again, just like Charlie Brown, they stuck it to us with a vengeance, without even an apology. Lots of excuses, but no apologies from those who promised the Legislature and the people meaningful rate reductions. Where does this leave us in 1995?

"We have the highest automobile premiums in the nation. We pay more to put food on the table than anywhere else in the nation. Our home prices and rents are higher, our taxes are higher, our cost of doing business is higher. Surely we don't want to do anything during this legislative session to increase the cost of automobile insurance. But let us never forget, that every time we've passed any so-called reforms in the past to bring down insurance rates, we had the opposite effect. And in the event this last minute, radical overhaul of an already bankrupt no-fault does go into effect, how do we know the consumers will not again be cheated of their promised 45% reduction in premiums? Well, the insurance industry gives us its assurances, and we have an office of Insurance Commissioner with a paltry budget hardly sufficient to keep its doors open, which has never in the past been able to make our insurance companies keep their promises? (I sure do hope that we do something about his budget next year. Increase it so that he can have the people power to oversee the insurance companies.) Why am I not comforted by these facts?

"What has been unfortunately ignored by the authors of all of the 1995 'reform' bills, including the latest version unveiled by our conferees (and I have the highest respect for the Senate conferees) at the last minute, when there is little time to scrutinize its many and complicated new provisions, is the simple fact that the way to abolish astronomical insurance premiums is to abolish no-fault itself.

"Most states do not have no-fault insurance. Virtually all of the highest premium states are no-fault states, while most of the lowest premium states are 'fault' states, with traditional tort liability systems like that in California.

"In spite of its reputation as a state with an out of control legal system (or should I say out-of-control attorneys), the state of California has gone in the past five years from having the 7th fastest rising auto insurance premiums in the U.S., to presently having the 3rd lowest. And it wasn't done by adopting 'tort reform', or taking away the rights of access to our courts for injured people. This dramatic reduction was achieved by getting tough with the insurance industry, and requiring the insurance companies to trim their fat and become more efficient in running their companies and settling their claims. Thank you, Mr. President."

Senator Taniguchi rose in opposition to the measure as follows:

"Mr. President, I also rise to speak against this bill, but with a little less color than the previous speaker. (Laughter.)

"Mr. President, I believe that this bill is not well crafted. It was agreed to at the eleventh hour and therefore it is a patchwork of sometimes conflicting provisions. Specifically, I have concerns about the 45% roll-back. While I support a true rate reduction, I believe this roll-back is illusory. This is because this rate reduction will not be implemented until May 1997, at the earliest. On top of that, insurance companies can seemingly avoid this rate reduction by merely filing for a more appropriate rate.

"Secondly, the insurance commissioner is being asked to develop a schedule for pain and suffering compensation, but there is no requirement that the insurers adhere to it. Thirdly, this measure does not deal with the question of uninsured motorists. It apparently allows drivers to go bare. Fourthly, it is not clear under what circumstances the injured party is allowed to sue. (We had some discussion on this in our caucus.) Lastly, this measure shifts costs to the insured party's medical insurance. Ultimately, I believe, this will mean higher premium costs for medical insurance. This will have an impact on the share of premium costs paid by all employers including state government.

"Based on these reasons, I ask my colleagues to vote against this bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 137 was adopted and S.B. No. 1762, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Fernandes Salling, Graulty, Kanno, Matsunaga, Taniguchi).

#### **MATTERS DEFERRED FROM EARLIER ON THE CALENDAR**

##### **FINAL READING**

S.B. No. 305, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 305 and S.B. No. 305, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAX CREDIT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1763, S.D. 1, H.D. 2:

On motion by Senator Ikeda, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1763, S.D. 1, and S.B. No. 1763, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 12 (H.B. No. 898, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 12 was adopted and H.B. No. 898, H.D. 2, S.D. 1, C.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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 26 (H.B. No. 1853, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Graulty and carried, Conf. Com. Rep. No. 26 was adopted and H.B. No. 1853, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 94 (S.B. No. 1939, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 94 was adopted and S.B. No. 1939, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 108 (H.B. No. 1996, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 108 was adopted and H.B. No. 1996, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 110 (H.B. No. 1785, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 110 was adopted and H.B. No. 1785, H.D. 1, S.D. 1, C.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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 117 (H.B. No. 1787, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 117 was adopted and H.B. No. 1787, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 118 (H.B. No. 1920, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 118 was adopted and H.B. No. 1920, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 120 (H.B. No. 1262, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 120 was adopted and H.B. No. 1262, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 121 (H.B. No. 1780, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 121 was adopted and H.B. No. 1780, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 124 (S.B. No. 304, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 124 was adopted and S.B. No. 304, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 127 (S.B. No. 1336, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Aki and carried, Conf. Com. Rep. No. 127 was adopted and S.B. No. 1336, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 132 (S.B. No. 1141, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 132 was adopted and S.B. No. 1141, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 136 (S.B. No. 1739, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Tam and carried, Conf. Com. Rep. No. 136 was adopted and S.B. No. 1739, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII CENTER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### THIRD READING

H.B. No. 2021, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 2021, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### MATTER DEFERRED FROM FRIDAY, APRIL 28, 1995

### FINAL READING

S.B. No. 1797, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1797 and S.B. No. 1797, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### FINAL READING

Conf. Com. Rep. No. 39 (H.B. No. 2107, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 39 was adopted and H.B. No. 2107, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 47 (H.B. No. 2215, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 47 was adopted and H.B. No. 2215, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 85 (S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 85 be adopted and S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Levin.

Senator Kanno rose in support of the measure and said:

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

"Mr. President, this measure goes about correcting a bad situation and has to do with the medical waste incinerator about to open in the Waipahu community. It is located down the street from several hundred homes and the homes are downwind of the incinerator. Last year when permits were being applied for, a notice of the public hearing was published in the legal notices section of the classified advertising of the newspaper and no one in the community was aware of it. So no one was apprised of the permit applications and the permits were awarded last year.

"The bill provides for special purpose revenue bonds to assist in moving the medical waste incinerator to another community. I would like to state that no state money would be expended, nor any of the state's lending authority.

"My reservations come from the fact that the only alternate site being considered is at Campbell Industrial Park, and there are constituents of mine who are very concerned about the new location being proposed for the medical waste incinerator, and have concerns about the effects upon their residences. Already, Leeward Oahu bears the burden in regard to these kinds of negative facilities including overhead 138 KV powerlines that will be running alongside of people's homes, landfills, the H-power plant, refineries; there are proposed a new airport and a prison. Our community is already struggling with the massive amount of development. I believe that Leeward and Central Oahu face the worst traffic on the island. We are also struggling with such issues as having a slaughterhouse right across the street from brand new homes. So there are a lot of struggles and burdens placed upon our communities.

"This session the Legislature is supporting the community by passing measures such as funding for U.H.-West Oahu, state office buildings and the family court center in Kapolei. And I greatly appreciate those efforts to start to provide the needed facilities that go along with construction of the second city in the Ewa plain.

"One other positive thing about the move to Campbell Industrial Park would be that new hearings would be required before the move is allowed. So new hearings at the county level, new permits having to be applied for at the state level, and the community truly having a first opportunity at reviewing the project and providing their input into the process.

"In closing, I ask my colleagues to support this measure because it is a matter of addressing the lesser of the evils and it is better to have the facility two miles away from someone's home as opposed to down the street. Thank you very much."

Senator Aki rose in opposition to the bill as follows:

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

"This bill authorizes \$6 million of special purpose revenue bonds for a medical waste facility project to be developed by Pacific Controls, Ltd. from Waipahu to Campbell Industrial Park.

"Mr. President, in testimony before the Committee on Ecology and Environmental Protection, questions were raised as to the need for this project. The Department of Health testified that it is not responsible to look into the issue of need. Their primary concern is the community's health. Mr. President, they found no threat to the surrounding community. And I bring attention to the members of the Senate that there is no need for this bill. Others who are presently in the business are only doing 40% of their capacity.

"Also, Pacific Controls is ready to operate at its present location in Waipahu. They are located in an industrial area zoned for that type of activity. The question becomes why is their project moving from Waipahu to Campbell Industrial Park? There is only one answer: POLITICS.

"This is the kind of action by government that alienates our communities. I don't think this bill would have moved if any of Pacific Control competitors wanted to do the project. And now by action of this Legislation, we give special advantage to a business which is in competition with others doing the same job. This is not right.

"Finally, Mr. President, the Leeward communities of Makakilo, Kapolei, Honokai Hale, Nanakuli and the entire Waianae Coast will not sit back and accept the action of this legislation. They will fight this project. The area has more than its share of industrial activities. There is a limit to the amount of industrial waste the community can manage. I believe we are near that level.

"Mr. President, I cannot and will not vote for this bill. Thank you."

Senator Kawamoto rose in support of the measure and said:

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

"Senate Bill No. 1410, relating to special purpose revenue bonds for medical waste facility projects, Mr. President, is an example of reasonable minds coming together to hopefully effect a reasonable solution. Last year it came to the public's attention that a private company was building a medical waste incinerator and disposal facility and that it was only 150 yards from the nearest residence in West Lock and Waipahu's Ota camp. After much resident concerns and discussion, the company offered something positive. They asked to move its facilities to Campbell Industrial Park. It could have some assistance and assistance came by S.B. No. 1410 which authorizes the issuance of special purpose revenue bonds for the private company. Mind you, this is not public funds or state funds but special revenue bonds, and the liability will rest upon the private company.

"We are mindful of the concerns of the residents and neighbors of Honokai Hale subdivision, who in turn are about 2-1/2 miles from the proposed new incinerator site in Campbell. We shall monitor the entire situation as the company goes through the permit process again.

"All things being considered, Mr. President, I urge this honorable body to vote in favor of S.B. No. 1410. Thank you."

Senator Tam, rising in opposition to the measure, then stated:

"Mr. President, I have words of opposition I would like to insert into the Journal. Thank you."



The Chair having so ordered, Senator Tam's remarks follow:

"Mr. President, please register my 'no' vote on S.B. No. 1410, S.D. 2, H.D. 1, C.D. 1, a bill entitled, 'Relating to the Authorization of Special Purpose Revenue Bonds for Medical Waste Facility Project Development.' I oppose this bill for the following reasons:

1. The applicant applied for special revenue bonds for a waste treatment facility only to treat medical waste and not for foreign waste; and
2. The special revenue bonds were originally for moving costs, not for everything under the sun.

"This bill has become a special interest bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 85 was adopted and S.B. No. 1410, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Aki, Liu, Tam). Excused, 1 (Bunda).

Conf. Com. Rep. No. 93 (S.B. No. 68, S.D. 2, H.D. 1, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 93 be adopted and S.B. No. 68, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsuura.

Senator Tam rose in support of the measure and said:

"Mr. President, I rise to speak in favor of S.B. No. 68, a bill entitled, 'Relating to Public Assistance.'

"Mr. President and fellow colleagues, this bill authorizes the Department of Human Services to plan for and to implement an Electronic Benefit Transfer (EBT) system for the food stamp program and the Aid to Families with Dependent Children (AFDC) program. This system embraces the concept and practice of using a plastic charge card for the benefits of welfare recipients.

"The benefits of the EBT system are:

1. Eliminates unqualified third parties from the illegal selling of food stamps at a discount;
2. Eliminates food stamp recipients from selling their food stamps for 50 cents on the dollar to buy illegal drugs and liquor (This is currently happening on the streets in Chinatown.); and
3. A cost savings to Hawaii's taxpayers in the handling of the food stamp coupons.

"I wish to thank Senator Richard Matsuura, chairman of the Human Services Committee, for including me in the task force for this bill. Also, thank you to all of those in the task force. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 93 was adopted and S.B. No. 68, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson, Iwase).

Conf. Com. Rep. No. 100 (S.B. No. 1298, S.D. 2, H.D. 3, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 100 be adopted and S.B. No. 1298, S.D. 2, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Chumbley rose in support of the measure as follows:

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

"The passage of this bill will culminate seven years of effort to establish the highest possible standards in our teaching profession. The teacher standards board represents an integral part of our comprehensive systemic reform for the state.

"The board is designed to enhance the profession of teaching and encourage excellence in our public schools by providing every child in Hawaii with a teacher who is qualified to practice the profession of teaching and establishing public confidence in the teaching profession.

"Mr. President, state government is responsible for providing the children of Hawaii with the quality education they deserve, and it is vitally important that the highest possible standards be applied to the training of teachers and the screening of our teachers. This board will provide more public accountability by setting these standards and will promote a higher level of excellence. Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 100 was adopted and S.B. No. 1298, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson, Taniguchi).

Conf. Com. Rep. No. 101 (H.B. No. 1626, H.D. 1, S.D. 2, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 101 be adopted and H.B. No. 1626, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Chumbley, in support of the measure, added his remarks as follows:

"Mr. President, educational policy frameworks are undergoing fundamental change all across the country. It is not different for the State of Hawaii.

"House Bill 1626 addresses education policy issues in a cohesive manner by continuing the systemic reform initiatives of past legislatures.

"It offers 'top down' support for 'bottom up' reforms by putting schools first. The intent of this individual school approach is to put students first by not only giving the schools flexibility but also making them directly accountable for student achievement.

"Mr. President, when we speak of student achievement, we should not reduce a student's learning to a single number score from a test. This initiative provides support for assessment and accountability through an

allotment to join the New Standards Project, a national project that assists states and districts to develop student assessment models which will be designed to accommodate locally developed standards with a common national goal. This project was a recommendation of the Hawaii State Commission on Performance Standards.

"House Bill 1626 also provides additional flexibility to develop and implement innovative programs and administrative frameworks which best serve the needs of the students, not the system. These provisions are related to the previous student centered schools legislation.

"Further, this measure provides project manager positions funded through the CIP project to facilitate completion of the school construction process.

"Mr. President, the last two provisions of this bill allow for stakeholder participation in reviewing the method of selection/election of the Board of Education and also the role and duties of the school advisory councils. Both groups will make recommendations to the 1996 Legislature for our further action.

"Mr. President, this is one more step forward by the Legislature in good education policy."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 101 was adopted and H.B. No. 1626, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 102 (H.B. No. 1903, S.D. 1, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 102 be adopted and H.B. No. 1903, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Chumbley, in support of the measure, added his remarks as follows:

"Mr. President, H.B. No. 1903 addresses specific issues in the Department of Education budget. This measure continues the commitment to the improvement of school facilities by appropriating 180 million dollars to the school facilities special fund.

"It also creates an allocation model for school priority funded Instructional Resource Augmentation (IRA) teacher positions to ensure a fair statewide distribution of these resources.

"This measure further repeals a provision that required a separation of administrative from instructional expenses but maintaining a cap of 6.5% on administrative costs. We have developed a better model of separating these expenses which will be reported on a school by school basis through the budget bill.

"Mr. President, H.B. No. 1903 also creates a restriction that will not allow the state office of the DOE to transfer funds for administrative expenditures out of EDN 100 which is the school based budget. It also limits the 5% carry over flexibility to EDN 100.

"And finally, this bill makes clear that the DOE will not reduce a school's future budget if that school was able to retain any of its funds from a previous year.

"The overall message of this bill, Mr. President, is that all funds appropriated by the Legislature then allocated to the schools shall remain with the schools."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 102 was adopted and H.B. No. 1903, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 104 (H.B. No. 2094, H.D. 2, S.D. 1, C.D. 1):

Senator Gaulty, moved that Conf. Com. Rep. No. 104 be adopted and H.B. No. 2094, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ikeda.

Senator Gaulty rose in support of this measure as follows:

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

"Mr. President, this is the third year we are dealing with campaign spending reform and I wish to thank Senator Ikeda and Senator Baker for their support in this breakthrough piece of legislation. I also want to thank Mr. Bob Watada and the Attorney General who assisted us, Winfred Pong and my chief clerk, Doanne Sanchez, and the rest of my staff for their work on this bill.

"This bill requires contributors who have received \$50,000 or more in any calendar year in contracts for the state and county to register and report that fact to the commission within 30 days of the day of the contribution, or within 30 days of the date of the contract, whichever occurs later. It requires noncandidate committees to prepare extensive organizational reports. It adds the authority to the Campaign Spending Commission to do random audits and field investigations to file for injunctive relief when indicated and to sanction any candidate who fails to comply with the code of fair campaign practices. It provides for a full-time executive director and it requires candidates for governor, lieutenant governor, mayor and prosecuting attorney to file campaign spending reports by electronic means.

"It also limits contributions by individuals to non-candidate committees to \$1,000 per election. And it prohibits contributions from corporations and other organizations to the so-called 'mud-PACs' that have plagued our election process. It requires more pre-primary campaign spending reports and requires reporting the occupation and employer of any contributor whose aggregate contributions exceed \$1,000 in an election period. It allows candidates running for the Legislature, county councils and prosecuting attorneys to receive up to 30% of the expenditure limit established for each office in public funds, provided the candidate received at least 10% of the votes cast in the election for the office to which the candidate is seeking.

"It also provides that the person guilty of any violation under the campaign spending law will be disqualified from holding public office for four years from the date of conviction. It extends from two to five years for the date of a violation or the filing of the report, the statute of limitations for the commencement of any prosecution.

"Mr. President, for those who believe that the Legislature and Legislators would never act against their self-interest, I say, read this bill. It is worthy of even the

most ardent reformers' commendation and I urge all my colleagues to vote 'aye.'"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 104 was adopted and H.B. No. 2094, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 107 (H.B. No. 1909, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 107 was adopted and H.B. No. 1909, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 114 (H.B. No. 1828, H.D. 2, S.D. 1, C.D. 1):

Senator Grauly, moved that Conf. Com. Rep. No. 114 be adopted and H.B. No. 1828, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ikeda.

Senator Baker rose in support of the measure and said:

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

"As a conferee on this bill, I can attest that reaching consensus on this important matter was difficult, involving long hours, numerous conference committee meetings and many draft proposals. The product of that process is the Conference Draft No. 1 before us today. It is landmark legislation because not only is this Hawaiian Home Lands Trust settlement the largest commitment of resources in our state's history, but also because this bill brings closure to alleged breaches and misuses of the Hawaiian Home Lands Trust. It brings to closure a dark cloud that has hung over our state for more than 75 years. It is a fair and just resolution resulting from years of research, study and work initiated by this Legislature years ago.

"With this measure the trust has been made whole. Now the commission will have both the lands and the resources to meet its obligation to the Homelands Trust beneficiaries.

"Through this legislation, the State of Hawaii will commit \$30 million each year for the next 20 years to settle all claims against the state for breaches of trust from August 1959 to July 1988; and resolve all title claims to all lands involving Hawaiian Homes Trust from 1920 to the present. Individual claims and claims against the federal government can go forward.

"It's time now to look to the future, and I know that's what my constituents on Moloka'i will be doing, some of whom are descendants of the first homesteaders, and they will be very pleased to know that the long awaited infrastructure projects at Kalamaula and other places are slated to be constructed from the first of the state payments into the trust. Other initial projects from these first payments will be in Kula on Maui. I believe, Mr. President, it is indeed a bright new day for these beneficiaries and others who have waited far too long for the promise of 1920 to be realized.

"Mr. President, I would like to again recognize the hard work and effort of your Conference Committee chairs, Senators Grauly, Aki, and Ikeda, under whose guidance and leadership we were able to work with the House to craft this comprehensive measure. I would also like to acknowledge the invaluable assistance we received from the Attorney General.

"Mr. President, we can all take great pride in passing this measure for indeed it brings a new beginning to the native Hawaiian community and to our state.

"Thank you."

Senator Solomon then rose in favor of the measure and said:

"Mr. President, I just have some remarks I would like to insert into the journal in support. Thank you."

The Chair having so ordered, Senator Solomon's remarks follow:

"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 Gaulty also rose in support of the measure as follows:

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

"Mr. President, this is a moment of great personal pride for all of us in the Senate and all of us who make up the Eighteenth State Legislature. This is a historic moment for all the people of our state, particularly for our native Hawaiians who have waited so long for this day.

"The Legislature as an institution can take great pride in the fact that in 1988, by passage of Act 395, it recognized that thousands of acres of Hawaiian home lands were used, disposed of, or withdrawn from the Hawaiian Home Lands Trust by territorial or state executive actions in contravention of the Hawaiian Homes Commission Act of 1920. These approximately 203,500 acres of public lands were intended for the rehabilitation of native Hawaiians for whom the United States and the State of Hawaii had assumed a trust responsibility.

"We as a body and as an institution collectively recognized that we had not done right by the native Hawaiians, and having set the wheels of fairness and justice inexorably in motion in 1988, we now stand at the threshold of a bright new day for the native Hawaiian people of our state, a day delayed and denied since statehood, and a day still denied to them by our federal government. We agree -- no matter how difficult and how costly -- that this is the time to end all the double-talk and the empty promises. This is the time to look our native Hawaiian brothers and sisters squarely in the eye and say: 'We have done right by you; we have finally done right by you.'

"Mr. President, there are many in this body who deserve recognition for their efforts on this bill. But this bill is not the product of one Legislature, or one year, but several legislatures and seven years. Certainly, our former Governor John Waihee had a major role. But make no mistake about it -- this has been a product of much legislative sweat and commitment and we acknowledge the work of all those in both houses who have led us to this day. The work of our former colleague, Anthony Chang, deserves recognition today.

"In this session, there were many who were steadfast in their support of this bill. My co-chairman, Senator Aki, never wavered and it was to him we looked to on the principle of what was fair to the native Hawaiian people. I will never forget the night my other co-chair, Senator Ikeda, brought in four of her lawyer-friends to help us on this bill. They had dropped what they were doing in their practices, at her request, to help us with this bill. She was committed to doing the right thing and we recognize and thank her for her commitment and support.

"Mr. President, your Majority Leader, Senator Baker, was always there, working with me and the Attorney General, working with me and Kali Watson, working with me and Earl Anzai. In conference, she was a pillar of strength and resolve. Senator Malama Solomon was a second pillar of strength and resolve during our Conference Committee deliberations. The depth of her feeling on this bill was evident in her words and was deep in her heart.

"Lastly, Mr. President, you cleared the way for this bill and made it possible for this ship to reach port. You pushed us along, you kept conflict out of our way -- you too deserve recognition for your support of this bill.

"This a great moment, Mr. President. This is a moment we will be telling our grandchildren about. It is the 25 of us here and now who have managed to finally do right by the native Hawaiian people. Let us all join together in voting 'aye.' Thank you, Mr. President.

Senator Aki also rose in support of the measure and stated:

"Mr. President, I also rise to speak in support of this bill, and in doing so I would like to ask that the remarks of the previous speaker be incorporated as my own.

"I also have some remarks here that I would like to have noted in the Journal. And I would like to speak in support by saying that many individuals were responsible for bringing this bill forward. From many, many concerned citizens to our governor's office, both past and present. And finally I want to acknowledge the hard work put forth by the members of the Conference Committee, in particular the co-chairs, Senator Donna Ikeda and Senator Rey Gaulty, and also the Conference Committee members, Senators Malama Solomon and Roz Baker. Without their strong support, this bill would not be here before us today.

"Mr. President, this is a bill every member of this Senate can be very proud of and I ask all members to vote in favor. Thank you."

The Chair having so ordered, Senator Aki's remarks read as follows:

"I rise to speak in support of this bill.

"Mahalo! With the passage of H.B. No. 1828, the Hawaiian Home Lands Trust will be able to fulfill its obligation; finally, after 75 years of waiting and broken promises.

"The total value of claims far exceeded \$600 million, but that was the figure arrived at in a historic negotiation between Hawaiian Homes, the state administration and a representative of Hawaiian Homes beneficiaries. It was a compromise: The beneficiaries agreed to forego specific claims against the state for that period of time in exchange for money that would go to develop house-lots and other Hawaiian Homes improvement.

"Many individuals are responsible for bringing this bill forward. From many, many concerned citizens to the governor's office, past and present."

"I want to acknowledge the hard work put forth by the members of the conference committee, in particular the co-chairs Senators Donna Ikeda and Rey Gaulty and Senators Malama Solomon and Roz Baker. Without their strong support this bill would not be before us today.

"Mr. President, this is a bill every member of the Senate can be very proud of. I ask all members to vote in favor of H.B. No. 1828.

"Thank you."

Senator Matsuura rose in support and said:

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

"There are a number of people here who may have a conflict of interest, including myself, so I just want to state that for the record, if I may be allowed to vote. My conflict is that I have three lovely grandchildren who are 40% Hawaiian."

The Chair ruled that Senator Matsuura was not in conflict.

Senator Anderson then rose and said:

"Mr. President, since the Senator brought that up and I'm going to be in favor, I do have a conflict. My wife works for Bishop Estate and so does my daughter."

The Chair ruled that Senator Anderson was not in conflict.

Senator Anderson continued:

"I don't want to point any fingers but I had some notes but they seem to be missing, so could you put Senator Malama Solomon's notes in the Journal as if they were my own too, please. Thank you."

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 114 was adopted and H.B. No. 1828, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 116 (H.B. No. 48, H.D. 2, S.D. 1, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 116 be adopted and H.B. No. 48, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Ikeda requested permission of the Chair to have her remarks in support of the measure inserted into the Journal.

The Chair having so ordered, Senator Ikeda's remarks read as follows:

"Mr. President, I rise to speak in favor of H.B. No. 48, C.D. 1. I feel that this measure is a good first step towards developing more accountability in our state's finances.

"This bill contains more than merely a raid on some of the state's non-general funds. This bill contains provisions that will give the Legislature greater oversight of the state's non-general funds, and will provide a wealth of information to assist us in more prudent budgeting.

"First, the bill gets rid of all unobligated cash balances in prior year accounts. Presently, there are large sums of unobligated funds sitting in these prior year accounts. While these moneys may not all be recouped for the state's general fund, the fact that they have remained in these accounts has obscured fiscal accountability with respect to non-general funds.

"Along with bringing forward these cash balances, the bill provides for extensive reporting on all non-general funds. This annual review will allow us to develop a much more refined sense of the state's programmatic needs and to budget accordingly.

"Finally, there are also provisions that require notification of all transfers of non-general fund money to the general fund by the executive. This will allow us greater oversight over the actions of the executive in this area and is a step towards developing a stronger role for the Legislature in the state's finances.

"Mr. President, this bill is a solid first step towards bringing accountability back to the people. I encourage your support in this step."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 116 was adopted and H.B. No. 48, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 122 (S.B. No. 82, S.D. 2, H.D. 2, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 122 be adopted and S.B. No. 82, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Gaulty.

Senator Gaulty, in support of the measure, requested permission of the Chair to have his remarks on the measure inserted into the Journal.

The Chair having so ordered, Senator Gaulty's remarks follow:

"Mr. President, this bill represents a major new initiative in the corrections area. This bill would provide judges, the Department of Public Safety and the Hawaii Paroling Authority with the means by which a program of intermediate sanctions can be imposed on those convicted of a crime, or awaiting trial for a crime. This bill was heavily endorsed by the corrections Population Management Commission headed by Judge Weil.

"The bill establishes a drug court so that offenders are assessed, treated and monitored, rather than simply prosecuted. Our statistics show that approximately 80% of our inmates have drug or alcohol problems and while drug court is intended to be a diversionary program, we can see how having a drug court will stem the tide of increasing numbers in our prison system.

"It has been my long-held belief that drug addiction is more a public health problem than a criminal justice problem. Certainly, the pushers and profiteers need to be criminally prosecuted and S.B. No. 84 dealing with drug dealer liability is a welcome addition to the arsenal of criminal laws addressing this group of people. But we need to do more for treatment and I am happy that we earlier passed S.B. No. 432, relating to drug demand assessments.

"I want to thank the Committee on Ways and Means for providing \$612,503 and seven temporary positions for this purpose.

"The bill expands electronic monitoring to a significant extent. The program now has the capability, with the \$281,200 in each year of the biennium, and five temporary positions, to conduct after-hours curfew surveillance and house arrest restriction of both pre-trial and post-trial detainees.

"The bill authorizes the establishment of temporary positions to implement the integrated community sanctions program to provide alternative programs for probation violators and sentenced misdemeanants and felons who commit nonviolent property offenses. Thirteen temporary positions have been added for this purpose.

"The bill also allows the Department of Public Safety to establish 10 temporary positions to implement the

Community Reintegration programs, allowing the department, the Prosecuting Attorney's office and the drug court to refer individuals to substance abuse programs. Should these individuals fail to complete these programs, increasing sanctions will be imposed to include incarceration.

"The bill does more. It authorizes the department to establish three temporary positions to meet the anticipated caseload for early parole.

"The bill authorizes the department to establish three temporary Social Worker IV positions to serve as parole officers with the Hawaii Paroling Authority.

"And finally, Mr. President, the bill authorizes the department to add four new positions to the Kashbox program, which deals with minimum security inmates with chronic drug abuse problems.

"This bill, Mr. President and colleagues, provides our maligned prison system with brand new resources and brand new tools to deal with our ever-increasing prison population in a way that does not compromise public safety.

"It has taken a lot of work on the part of your Committees on Judiciary and Ways and Means to get to this day and I urge my colleagues to vote 'aye' on this bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 122 was adopted and S.B. No. 82, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Anderson, Liu).

Conf. Com. Rep. No. 123 (S.B. No. 201, S.D. 1, H.D. 1, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 123 be adopted and S.B. No. 201, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tam.

Senator Tam rose in support of the measure and said:

"Mr. President, I rise to speak in favor of S.B. No. 201, a bill entitled, 'Relating to Environmental Education.'

"The purpose of S.B. No. 201 is to establish Hawaii's statewide environmental goals and objectives. S.B. No. 201 along with H.B. No. 386 were the main focuses of the Senate's Ecology and Environmental Protection Committee this year. Both bills build a strong foundation in protecting Hawaii's environment and embrace all involved and interested environmental parties -- just to name a few: government agencies, businesses, environmentalists, etc. -- to work together.

"As chairman of the Ecology and Environmental Protection Committee, my biggest problem was getting governmental agencies, businesses, and environmentalists to work together in caring for our environment. They all wanted to be a friend of our environment, but they all had different proposals. Thus, the need for S.B. No. 201, establishing a consensus for statewide environmental goals and objectives.

"Mr. President, there is strong positive support of this legislation from governmental agencies, businesses, and environmentalists. They have indicated to me that they

are tired of fighting each other year after year during the legislative session and getting nowhere. I and many others have hopes that once Hawaii has statewide environmental goals and objectives, funding environmental programs properly will be less of a burden and taxpayers' dollars will be spent more productively.

"I wish to thank Senator Donna Ikeda, chairperson of the Senate Ways and Means Committee for funding the environmental task force with \$15,000 in order to establish statewide environmental goals and objectives. The \$15,000 is just a start and a commitment by us. Businesses have indicated to me that they intend to make their monetary commitment. All moneys will be used for the purpose of public hearings. No one will be paid for their time.

"Proposed statewide environmental goals and objectives will be given to the Legislature 20 days prior to the start of the 1996 Legislative Session for us to review.

"In closing, 'Not having any goals and objectives is like having no gasoline in a car to get to one's destination.'

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 123 was adopted and S.B. No. 201, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 125 (S.B. No. 458, S.D. 1, H.D. 2, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 125 be adopted and S.B. No. 458, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Bunda.

Senator Bunda rose in support of the measure and said:

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

"Mr. President, as all of you know, the Waialua Sugar Company has announced that it will be closing its doors by spring of 1996. Incremental layoffs have already begun as of March of this year and the next wave of layoffs will be taking place in September of this year.

"The need to address housing of former employees of Waialua Sugar is great and immediate. At a recent ILWU meeting for the workers, the first and foremost concern was having a roof to live under. Currently, we have many families living in plantation homes owned by the company, and many of them face the possibility of losing their homes. Sadly to say, Mr. President, the company's position is only to allow the workers and their families to remain in company housing six months after their jobs are gone.

"The immediacy of the shutdown will result in significant negative impacts to the workers and the community. The biggest fear is that Waialua and Haleiwa may become an economically depressed area. And should it occur, it will affect the whole North Shore area, creating a feeling of hopelessness and despair.

"Your committee recognizes that all displaced sugar workers are in need of the state's assistance -- Mr. President if not, we fret the idea of increasing the homeless population in the North Shore community.

"Nearly a century ago, the Waialua Sugar Plantation was the primary employer and supported a growing and thriving multi-cultural community. Over the past two decades the company has struggled to maintain their economic viability. The plantation, as an agricultural industry, preserved the rural nature and beauty of the North Shore.

"I know many of us here have fond memories of plantation days -- I sure do. History has taught us that there is one thing about life that is constant, and that is change. For many of us, this time of change may be distressing because our personal lives are approaching uncertainty. With that, what is important is to retain and foster this community's worth, identity and integrity. With these assets and the housing assistance appropriated in this bill, together we can make this change a positive growth process.

"Finally, Mr. President, I would like to thank Chair Ikeda for her hard work and creativity of the budget and for her support and cooperation for Waialua. I urge all of you to support this measure.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 125 was adopted and S.B. No. 458, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 133 (S.B. No. 1331, S.D. 1, H.D. 2, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 133 be adopted and S.B. No. 1331, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Gaulty.

Senator Gaulty rose in support of the measure and said:

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

"Mr. President, this is another piece of landmark legislation this session. What it is going to do is to transfer the functions and authority exercised by the lieutenant governor as Chief Elections Officer to a Chief Elections Officer appointed by an Elections Appointment Panel. There has been a perception on the part of the public that it is fundamentally unfair that an elected official, such as the lieutenant governor, is in charge of our elections. I think this bill will go a long way towards removing that unfair public perception, but a perception that is there nonetheless.

"I urge all my colleagues to vote aye. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 133 was adopted and S.B. No. 1331, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 135 (S.B. No. 1701, S.D. 1, H.D. 2, C.D. 1):

Senator Ikeda, moved that Conf. Com. Rep. No. 135 be adopted and S.B. No. 1701, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Bunda.

Senator Bunda then said:

"Mr. President, I just have some remarks in support that I would like to have inserted in the Journal. Thank you."

The Chair having so ordered, Senator Bunda's remarks follow:

"Mr. President, I rise to speak in favor of S.B. No. 1701, C.D.1. Your Committee on Conference empathizes with the plight of those that require some assistance to meet their housing needs such as those with low incomes, and the displaced workers of Waialua Sugar Company and the workers of Del Monte Pineapple living in Poamoho and Kunia who are in danger of losing their homes.

"The passage of this measure will authorize the Housing Finance and Development Corporation to transfer moneys from the Rental Assistance Revolving Funds to the Rental Housing Trust Fund as well as appropriate much needed funds to provide for housing assistance to the displaced workers of Waialua Sugar Company and the workers of Del Monte Pineapple living in Poamoho and Kunia. The flexibility to transfer funds will permit more efficient use of available funds to provide and ensure affordable housing for the people of the State of Hawaii.

"It is for these reasons that I support the passage of S.B. No. 1701, C.D.1.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 135 was adopted and S.B. No. 1701, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 1:57 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:06 o'clock p.m.

#### **MATTERS DEFERRED FROM FRIDAY, APRIL 28, 1995**

#### **ADOPTION OF RESOLUTIONS**

S.C.R. No. 76, H.D. 1:

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 76 and S.C.R. No. 76, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII, THE CITY & COUNTY OF HONOLULU, AND THE HAWAII VISITORS BUREAU, TO HEREAFTER USE THE NAME MOKOLI'I WHEN MAKING REFERENCE TO THE ISLAND MORE COMMONLY KNOWN AS CHINAMAN'S HAT," was finally adopted.

S.C.R. No. 181, S.D. 1, H.D. 1:

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate agreed to the amendments

proposed by the House to S.C.R. No. 181, S.D. 1, and S.C.R. No. 181, S.D. 1, H.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 SUGGEST AND IMPLEMENT CHANGES TO EXPEDITE THE PROCESSING OF GRANTS AND CONTRACTS WITH ARTISTS' ORGANIZATIONS," was finally adopted.

S.C.R. No. 191, H.D. 1:

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 191 and S.C.R. No. 191, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A VIOLENCE PREVENTION COORDINATING COUNCIL TO ADDRESS THE INTEGRATION OF VIOLENCE PREVENTION CURRICULA IN PUBLIC SCHOOLS TO PREVENT VIOLENCE IN HAWAII'S HOMES, SCHOOLS, AND COMMUNITIES," was finally adopted.

S.C.R. No. 213, S.D. 1, H.D. 1:

On motion by Senator Ihara, seconded by Senator Liu and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 213, S.D. 1, and S.C.R. No. 213, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AMFAC/JMB HAWAII, INC., OWNER OF THE OAHU SUGAR COMPANY, TO SET ASIDE LANDS AROUND ITS SUGAR MILL IN WAIPAHU, HAWAII, TO ESTABLISH A HAWAII HERITAGE CENTER AND PARK," was finally adopted.

Stand. Com. Rep. No. 1583 (S.R. No. 248, 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. 248, S.D. 1, entitled: "SENATE RESOLUTION CONCERNING ENVIRONMENTAL PROTECTION," was adopted.

At 2:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:08 o'clock p.m.

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 1806, S.D. 2, H.D. 1:

Senator Ikeda moved that the Senate reconsider its action taken on April 13, 1995, in disagreeing to the amendments proposed by the House to S.B. No. 1806, S.D. 2, seconded by Senator Baker and carried.

Senator Ikeda then moved that the Senate agree to the amendments proposed by the House to S.B. No. 1806, S.D. 2, seconded by Senator Baker.

Senator Ikeda then noted:

"Mr. President, a version of this bill died in conference and upon reflection, we have decided that we can agree to this. This is the bill that allows DAGS two years lead time to transfer the Information and Communication Services Division from Budget and Finance to DAGS."

The motion to agree was then put by the Chair and carried.

On motion by Senator Ikeda, seconded by Senator Baker and carried, the Senate agreed to the amendments

proposed by the House to S.B. No. 1806, S.D. 2, and S.B. No. 1806, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE GOVERNMENT FUNCTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Fernandes Salling).

S.C.R. No. 290, H.D. 1:

Senator Gaulty moved that the Senate reconsider its action taken on April 26, 1995, in disagreeing to the amendments proposed by the House to S.C.R. No. 290, seconded by Senator McCartney and carried.

Senator Gaulty then moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 290, seconded by Senator McCartney.

Senator Gaulty noted:

"Mr. President, this resolution requests the Department of Health and the Department of Education to implement a demonstration project for school-based children's mental health services on the Island of Kauai for the purpose of evaluating the project's ability to meet the terms of the Felix vs. Waihee settlement. And this is a resolution that originally involved the Department of Public Safety which the House gutted and substituted this resolution. I have consulted with the chairman of the Senate Committee on Health and he supports the resolution, and therefore I am asking for the members' support. Thank you, Mr. President."

The motion to agree was then put by the Chair and carried.

On motion by Senator Gaulty, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 290 and S.C.R. No. 290, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT HEALTH AND THE DEPARTMENT OF EDUCATION TO IMPLEMENT A DEMONSTRATION PROJECT ON THE ISLAND OF KAUAI FOR CHILD AND ADOLESCENT MENTAL HEALTH," was finally adopted.

S.C.R. No. 61, S.D. 1, H.D. 1:

Senator Ikeda moved that the Senate reconsider its action taken on April 26, 1995, in disagreeing to the amendments proposed by the House to S.C.R. No. 61, S.D. 1, seconded by Senator Baker and carried.

Senator Ikeda then moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 61, S.D. 1, seconded by Senator Baker.

Senator Ikeda then explained:

"Mr. President, S.C.R. No. 61 requests a study assessing the social and financial impact of mandatory health insurance coverage for acupuncture services. House Draft No. 1 broadens the scope of the report."

The motion to agree was then put by the Chair and carried.

On motion by Senator Ikeda, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 61, S.D. 1, and S.C.R. No. 61, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ASSESSING THE SOCIAL AND FINANCIAL IMPACT



OF MANDATORY HEALTH INSURANCE COVERAGE FOR ACUPUNCTURE SERVICES," was finally adopted.

S.C.R. No. 103, S.D. 2, H.D. 1:

Senator Ikeda moved that the Senate reconsider its action taken on April 26, 1995, in disagreeing to the amendments proposed by the House to S.C.R. No. 103, S.D. 2, seconded by Senator Baker and carried.

Senator Ikeda then moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 103, S.D. 2, seconded by Senator Baker.

Senator Ikeda noted:

"Senate Concurrent Resolution No. 103 requests the risk analysis study of all available geothermal data. House Draft No. 1 requests DOH and DLNR to assist the EPA in the study."

The motion to agree was then put by the Chair and carried.

On motion by Senator Ikeda, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 103, S.D. 2, and S.C.R. No. 103, S.D. 2, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A RISK-ANALYSIS STUDY OF ALL AVAILABLE GEOTHERMAL DATA," was finally adopted.

S.C.R. No. 214, S.D. 1, H.D. 1:

Senator Ikeda moved that the Senate reconsider its action taken on April 26, 1995, in disagreeing to the amendments proposed by the House to S.C.R. No. 214, S.D. 1, seconded by Senator Baker and carried.

Senator Ikeda then moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 214, S.D. 1, seconded by Senator Baker.

Senator Ikeda explained:

"Senate Concurrent Resolution No. 214 requests the governor to convene the Hawaii Maritime Industry Policy Advisory Task Force and H.D. 1 just makes various amendments."

The motion to agree was then put by the Chair and carried.

On motion by Senator Ikeda, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 214, S.D. 1, and S.C.R. No. 214, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE THE HAWAII MARITIME INDUSTRY POLICY ADVISORY TASK FORCE," was finally adopted.

S.C.R. No. 266, S.D. 1, H.D. 1:

Senator Ikeda moved that the Senate reconsider its action taken on April 26, 1995, in disagreeing to the amendments proposed by the House to S.C.R. No. 266, S.D. 1, seconded by Senator Baker and carried.

Senator Ikeda then moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 266, S.D. 1, seconded by Senator Baker.

Senator Ikeda noted:

"Senate Concurrent Resolution No. 266, H.D. 1, requests a feasibility study on transferring the Traffic Violations Bureau from the Judiciary to the various counties. House Draft No. 1 requests the LRB to study specific guidelines and policies to complete the transfer of functions."

The motion to agree was then put by the Chair and carried.

On motion by Senator Ikeda, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 266, S.D. 1, and S.C.R. No. 266, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON TRANSFERRING THE TRAFFIC VIOLATIONS BUREAU FROM THE JUDICIARY TO THE VARIOUS COUNTIES," was finally adopted.

S.C.R. No. 95, S.D. 1, H.D. 1:

Senator Fukunaga moved that the Senate reconsider its action taken on April 26, 1995, in disagreeing to the amendments proposed by the House to S.C.R. No. 95, S.D. 1, seconded by Senator Ihara and carried.

Senator Fukunaga then moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 95, S.D. 1, seconded by Senator Ihara.

Senator Fukunaga then explained:

"Mr. President, essentially the resolution calls for the Public Utilities Commission and Consumer Advocate to update their service quality standards that are applicable to all utilities. We broadened the coverage of this resolution in the Senate Draft and the House amended the resolution to put in new time frames. There was a timing problem on this but we believe it's better to allow them to get started and we can take a second look next year."

The motion to agree was then put by the Chair and carried.

On motion by Senator Fukunaga, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 95, S.D. 1, and S.C.R. No. 95, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION, WITH THE ASSISTANCE OF THE CONSUMER ADVOCATE, TO REVIEW AND REVISE RULES PRESCRIBING UPDATED SERVICE QUALITY MEASURES AND STANDARDS," was finally adopted.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 260 to 266) were read by the Clerk and were disposed of as follows:

No. 260 "SENATE RESOLUTION RECOGNIZING WITH GRATITUDE EACH OF THE MINISTERS OF RELIGION WHO OPENED A DAY OF THE SENATE, EIGHTEENTH LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 1995, WITH AN INSPIRATIONAL INVOCATION."

Offered by: Senators Baker, Liu.

On motion by Senator Baker, seconded by Senator Liu and carried, S.R. No. 260, was adopted.

No. 261 "SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF

THE ACTIVITIES OF THE EIGHTEENTH  
LEGISLATURE, REGULAR SESSION OF 1995."

Offered by: Senators Baker, Liu.

On motion by Senator Baker, seconded by Senator Liu and carried, S.R. No. 261, was adopted.

No. 262 "SENATE RESOLUTION RETURNING ALL  
BILLS, CONCURRENT RESOLUTIONS, AND  
RESOLUTIONS TO THE CLERK'S DESK."

Offered by: Senators Baker, Liu.

On motion by Senator Baker, seconded by Senator Liu and carried, S.R. No. 262, was adopted.

No. 263 "SENATE RESOLUTION AUTHORIZING THE  
PRESIDENT TO APPROVE THE JOURNAL OF THIS  
SENATE FOR THE SIXTIETH DAY."

Offered by: Senators Baker, Liu.

On motion by Senator Baker, seconded by Senator Liu and carried, S.R. No. 263, was adopted.

No. 264 "SENATE RESOLUTION RELATING TO THE  
PRINTING OF THE JOURNAL OF THE SENATE."

Offered by: Senators Baker, Liu.

On motion by Senator Baker, seconded by Senator Liu and carried, S.R. No. 264, was adopted.

No. 265 "SENATE RESOLUTION REGARDING  
COMPLETION OF THE WORK OF THE EIGHTEENTH  
LEGISLATURE SUBSEQUENT TO THE  
ADJOURNMENT THEREOF."

Offered by: Senators Baker, Liu.

On motion by Senator Baker, seconded by Senator Liu and carried, S.R. No. 265, was adopted.

No. 266 "SENATE RESOLUTION INFORMING THE  
HOUSE AND GOVERNOR THAT THE SENATE IS  
READY TO ADJOURN SINE DIE."

Offered by: Senators Baker, Liu.

On motion by Senator Baker, seconded by Senator Liu and carried, S.R. No. 266, was adopted.

Senate President Mizuguchi then delivered the following closing remarks:

"Fellow Senators, colleagues and friends, we have made our way through the most challenging political times to confront any Legislature in memory. Let us reflect....

"From the beginning, we predicted hard times and tough choices. As unhappy a thought as that is, it became the theme of this session. The deeper we delved, the greater the shortfall seemed to grow, through painful cut after painful cut, one revenue projection after another.

"Throughout, we adhered to the guiding principle that in seeking solutions we should neither create unfairness or hurt the structure of the economy.

"We have emerged from the experience confident that we have exercised our best judgment in seeking workable solutions to our financial crisis. We also now know that we must look to new and alternative revenue sources to enhance our economic stability.

"We have weighed various strategies to fulfill our solemn obligation to repay debts owed to Hawaiian Home Lands.

"We have reformed two key insurance programs -- workers' compensation and auto -- which had become sources of dissatisfaction for everyone.

"Through the budgetary process we have granted new autonomy to the University of Hawaii, while insisting on increased accountability in the Department of Education. Likewise, we have pledged funds for tourism promotion, while restricting funding for staff of the Hawaii Visitors Bureau.

"In his final message to the Legislature 21 years ago, Governor John A. Burns urged co-equality of executive, legislative and judicial branches of government if our system is to endure. In this session, we have respected that advice in the thorough review of executive appointments.

"The Late Governor also said that decisions arrived at here in these halls have enriched the lives of all the people of this state. Notwithstanding the ever-present second-guessers and critics, you have every right to be proud of the consequences of your deliberations in shaping public policy, as is your responsibility. The advice that Governor Burns rendered was sound then, and continues to be now.

"I am not sure how much of this message will reach the public's ear. I do know that we heard their message loud and clear. That is reflected in the higher standards of legislative conduct to which we have committed ourselves -- in the refusal of pay raises, in the stricter regulation of lobbyists, in campaign spending and ethics reform, and in the open decision-making process and formal record of votes made in legislative committees.

"Hard times and tough choices. That is how we started; that is how we end. I congratulate each and every one of you, my colleagues, on your earnest, inspired efforts to respond to the challenges this session offered. You all should take pride in a job well done.

"I thank the Senators and I thank all of the staff for a job well done. Thank you very much."

At this time, the Chair asked the Majority Leader, Majority Floor Leader and the Minority Leader to inform the House of Representatives that the Senate is ready to adjourn, Sine Die.

At 2:24 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:35 o'clock p.m.

## ADJOURNMENT

Senator Ihara moved that the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, adjourn Sine Die, seconded by Senator Liu and carried.

At 2:36 o'clock p.m., the President rapped his gavel and declared the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, adjourned Sine Die.