

SIXTIETH DAY

Monday, April 29, 1996

HONOLULU

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, convened at 10:15 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Wayne Cordeiro, New Hope Christian Fellowship, 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.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 341 and 342) were read by the Clerk and were placed on file:

Gov. Msg. No. 341, informing the Senate that on April 24, 1996, he signed the following bills into law:

Senate Bill No. 2263 as Act 49, entitled: "RELATING TO FOREIGN MONEY JUDGMENTS";

Senate Bill No. 2340 as Act 50, entitled: "RELATING TO HUNTING";

Senate Bill No. 2341 as Act 51, entitled: "RELATING TO THE COMMUNITY COLLEGES";

Senate Bill No. 2487 as Act 52, entitled: "RELATING TO THE OMBUDSMAN";

Senate Bill No. 2772 as Act 53, entitled: "RELATING TO THE DISTRIBUTION OF CIGARETTES IN PACKAGES CONTAINING LESS THAN TWENTY CIGARETTES";

Senate Bill No. 2929 as Act 54, entitled: "RELATING TO THE ENFORCEMENT OF CRIMINAL PROVISIONS UNDER TITLE 14 ADMINISTERED BY THE DEPARTMENT OF TAXATION";

Senate Bill No. 3160 as Act 55, entitled: "RELATING TO LIQUOR LICENSES";

Senate Bill No. 2365 as Act 56, entitled: "RELATING TO ANTIQUE MOTOR VEHICLES";

Senate Bill No. 678 as Act 57, entitled: "RELATING TO PUBLIC SAFETY";

House Bill No. 1531 as Act 58, entitled: "RELATING TO DERELICT VEHICLES";

Senate Bill No. 2738 as Act 59, entitled: "RELATING TO UNFAIR AND DECEPTIVE PRACTICES";

Senate Bill No. 2379 as Act 60, entitled: "RELATING TO FIREARMS";

Senate Bill No. 2784 as Act 61, entitled: "RELATING TO ENVIRONMENTAL IMPACT STATEMENTS";

Senate Bill No. 3128 as Act 62, entitled: "RELATING TO INTOXICATING LIQUOR."

Gov. Msg. No. 342, dated April 26, 1996, transmitting his statement of objections to Senate Bill No. 2535 which he has returned to the Senate without his approval and which reads as follows:

"EXECUTIVE CHAMBERS

April 26, 1996

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2535

Honorable Members
Eighteenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2535, entitled 'A Bill for an Act Relating to Individual Wastewater Systems.'

The purpose of this bill is to require the Department of Health to review the rules, procedures, and variance criteria specified in sections 342D-5 to 342D-7, Hawaii Revised Statutes, relating to the requirements for upgrading from cesspools to individual wastewater systems in areas zoned for rural or agricultural uses and to report its findings and recommendations to the Legislature before the regular session of 1997.

However, enactment of this bill is unnecessary. Senate Resolution No. 148, adopted by the Senate on April 4, 1996, and Senate Concurrent Resolution No. 188, adopted by the Legislature on April 22, 1996, requested the Department of Health to review the same requirements and to report to the Legislature, the Department does not need the enactment of this bill to review the requirements, and the Department, in fact, already has begun evaluating existing rules regarding wastewater systems.

For the foregoing reasons, I am returning Senate Bill No. 2535 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano
BENJAMIN J. CAYETANO
Governor of Hawaii"

STANDING COMMITTEE REPORTS

Senator Tam, for the Committee on Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 2964) recommending that S.R. No. 20, as amended in S.D. 1, be adopted.

On motion by Senator Tam, seconded by Senator Aki and carried, the report of the Committee was adopted and S.R. No. 20, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO IMPLEMENT A FIELD CITATION PROGRAM TO ASSIST WITH THE ENFORCEMENT OF ENVIRONMENTAL LAWS," was adopted.

Senator Tam, for the Committee on Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 2965) recommending that S.R. No. 60, as amended in S.D. 1, be adopted.

Senator Tam moved that Stand. Com. Rep. No. 2965 and S.R. No. 60, S.D. 1, be adopted, seconded by Senator Aki.

Senator Tam rose in support of the resolution as follows:

"Mr. President, members, I rise to speak proudly in support of S.R. No. 60, S.D. 1, and urge all my colleagues to support it.

"This resolution provides a final opportunity for the Senate to go on record during this 1996 legislative session expressing its commitment to the people of Hawaii in support of the right of clean air for all. As you know, one of the centerpieces of my tenure this session as the chair of the Committee on Ecology and Environmental Protection has been an attempt to craft legislation which would address the needs of those residing in the vicinity of the Campbell Industrial Park. These people live in the region of the state with the most polluted air and have suffered through several recent incidents at the local refineries which required the evacuation of schools and hospitalization of children.

"I sought to create legislation which would have required the upgrade of outmoded equipment at these refineries, so that they would be forced to clean up their operations and make the air cleaner and healthier for all to breathe. I advanced this proposal twice this session: in S.B. No. 3083, S.D. 1, and in H.B. No. 388, H.D. 1, S.D. 1. And I am proud to stand here and that all my colleagues in the Senate for the fact that on both occasions the Senate gave support to this legislation. Although the House of Representatives failed to act on these legislative proposals, the effort will continue and this resolution once again provides the Senate with an opportunity to demonstrate its concern for and commitment to the people of that region.

"In relationship to S.R. 60, S.D. 1, it is to foster the development of environmental goals for the state to be implemented by the Department of Health. This will enable them to focus their resources so that they will have a clear plan of action based on well thought out priorities.

"One of those goals which has already been developed is the need to protect air quality. This resolution will contribute to the furtherance of one of the most important environmental goals in the area of our state most in need of improvement of its air quality. This resolution acknowledges the commitment of the refineries to upgrade their equipment in the event the air quality should severely deteriorate; it requests all facilities at Campbell Industrial Park to upgrade their old equipment so that they will emit less air pollution; and it requests the Department of Health and the local Emergency Planning Committees to work more closely with and be more responsive to the needs of the local community.

"The occurrence of these events will significantly improve the lives of these citizens, and we, as Legislators, demonstrate our finest form when we can say that we have truly helped those among us who are in the most need.

"Thank you again for all your support."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.R. No. 60, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING ALL GRANDFATHERED FACILITIES AT CAMPBELL INDUSTRIAL PARK TO UPGRADE THEIR EQUIPMENT TO MEET FEDERAL AND STATE CLEAN AIR ACT STANDARDS AT THIS TIME," was adopted.

ORDER OF THE DAY

MATTERS DEFERRED FROM FRIDAY, APRIL 26, 1996

ADVISE AND CONSENT

Stand. Com. Rep. No. 2950 (Jud. Com. No. 1):

Senator Solomon moved that Stand. Com. Rep. No. 2950 be received and placed on file, seconded by Senator Bunda and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of DAVID LEON FONG for Judge of the District Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Bunda.

Senator Solomon rose in support of the nominee as follows:

"Mr. President, your committee is recommending to vote in favor of this nominee.

"Your committee members diligently questioned the nominee regarding his experience as a per diem judge and his personal views about justice and the judicial system. Your committee believes that the nominee adequately responded to the committee's inquiries.

"After full consideration of the background, character, experience, and qualifications of the nominee, we have found the nominee to be qualified for the position to which nominated and recommends that the Senate consent to the nomination. Thank you."

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

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

Stand. Com. Rep. No. 2951 (Jud. Com. No. 2):

Senator Solomon moved that Stand. Com. Rep. No. 2951 be received and placed on file, seconded by Senator Bunda and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of DOUGLAS HIROSHI IGE for Judge of the District Family Court of the Second Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Bunda.

Senator Solomon rose to speak in support of the nomination and said:

"Mr. President, your committee members diligently questioned the nominee regarding his commitment to the family court and his desire to contribute to and improve the judicial process. Your committee believes that the nominee adequately responded to the committee's inquiries.

"After full consideration of the background, character, experience, and qualifications of the nominee, we have found the nominee to be qualified for the position to which nominated and recommends that the Senate consent to his nomination. Thank you."

Senator Baker also rose in support of the nomination and stated:

"Mr. President, I rise to speak in strong support of Mr. Douglas Ige's nomination to the District Family Court, Second Circuit, for the County of Maui.

"Mr. Ige has been a respected member of Hawaii's legal community for many years. He has held many important and impressive positions including deputy

prosecuting attorney and district per diem judge. His experience as a special deputy attorney general representing the Maui units of Child Protective Services and Mental Health make him ideally suited for his new responsibilities.

"In addition to his many legal accomplishments, Mr. Ige has offered his time to many community organizations, including serving as a board of director member of the Maui Youth and Family Services and a member of the Maui Child Care Committee and the American Cancer Society.

"Mr. President and colleagues, I'm confident that Mr. Ige's education, legal background and dedication to public service make him an outstanding choice as a District Court Judge. The people of Maui can be assured that Mr. Ige will bring a wealth of knowledge of the law. He will be fair and has the integrity and temperament to the judicial system that it requires.

"For these reasons and others, Mr. President, I'm pleased to support this nomination for confirmation. Thank you."

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

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

Stand. Com. Rep. No. 2952 (Gov. Msg. No. 200):

Senator Solomon moved that Stand. Com. Rep. No. 2952 be received and placed on file, seconded by Senator Holt and carried.

Senator Solomon moved that the Senate advise and consent to the nomination of CLYDE T. KODANI to the Board of Regents, University of Hawaii, term to expire June 30, 2000, seconded by senator Holt.

Senator Solomon rose in support of the nominee and said:

"Mr. President, upon review of the statements submitted by the nominee, your committee finds that the aforementioned nominee is a volunteer, willing to serve without compensation and will work with compassion and commitment to assist in administering various functions of the University of Hawaii. Your committee further finds that the nominee has been appointed based upon his professional credentials, integrity, and a desire to make Hawaii better through his participation on the Board of Regents of the University of Hawaii.

"Mr. Clyde T. Kodani is a civil engineer consultant who has been active in the community as well as professional organizations."

"Your committee diligently questioned this nominee who appeared before the committee about his role on this board and recommends that the Senate advise and consent to the nomination."

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

Ayes, 25. Noes, none.

Senator Solomon then moved that the Senate advise and consent to the nomination of JOSEPH F. BLANCO to the Board of Regents, University of Hawaii, term to expire June 30, 2000, seconded by senator Holt.

Senator Solomon rose in support of the nominee and said:

"Mr. President, upon review of the statements submitted by the nominee, your committee finds that the aforementioned nominee is a volunteer, willing to serve without compensation and will work with compassion and commitment to assist in administering various functions of the University of Hawaii. Your committee further finds that the nominee has been appointed based upon his professional credentials, integrity, and a desire to make Hawaii better through his participation on the Board of Regents of the University of Hawaii.

"Mr. Joseph F. Blanco is an executive assistant to the Governor of the State of Hawaii and serves as the chairperson on the University of Hawaii Board of Regents, and has been an active member of the community as well as professional organizations.

"Your committee has been concerned about the appearance of a conflict between Mr. Blanco's position as an executive assistant to the Governor and his reappointment to the Board of Regents and continuing serving as the chairperson. The Attorney General, however, has defined incompatibility as the physical impossibility of discharging the duties of two offices simultaneously, or, where there is an inherent inconsistency in the functions of the two offices that one person, in every instance, cannot discharge the duties of each. Your committee further finds that the Attorney General has concluded that the two positions are not inherently incompatible based on current facts regarding Mr. Blanco's duties and responsibilities as executive assistant to the Governor and as a University of Hawaii regent.

"Despite your committee's concern over the potential public perception that an incompatibility may exist, your committee is placing its trust in the Board of Regents and the President of the University of Hawaii to always act in the best interest of the university. Your committee, therefore, places the Board of Regents and the administration on notice that it holds them to their promises of fiduciary responsibility.

"Your committee diligently questioned this nominee who appeared before the committee about his role on this board and recommends that the Senate advise and consent to the nomination."

Senator Levin rose in opposition to the nomination and said:

"Mr. President, I rise with some reluctance, but I feel it is necessary to do so.

"With all due respect, and I really do appreciate the work done by the Executive Appointments Committee and the chair of the committee, I must respectfully rise and cast a vote in opposition to the nomination of Mr. Blanco -- not against him personally by any means, since I believe Mr. Blanco to be an excellent person who would be an excellent regent, but against his nomination. It seems to me that if we are going to have independent boards or commissions, it is not appropriate for a person to serve at the same time on a board or a commission as well as on the governor's staff. It is for that reason only, not in any way questioning Mr. Blanco's credentials, that I vote 'No.' It seems to me that conflict of interest is one thing; appearance of conflict is virtually as important. So is the appearance of lack of independence, and that causes me to cast a 'no' vote with respect to Mr. Blanco.

"Thank you."

Senator Grauity rose in support of the nominee and stated:

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

"Mr. President, this appointment of Mr. Blanco has brought into very clear focus a different kind of conflict of interest than those that we have seen before. What we have been used to seeing are resolutions of conflict of interest with regard to one's private business when one is asked to serve in government. What we have in Mr. Blanco's case is an individual who serves in two government positions and that's what made it difficult for your Committee on Judicial and Executive Appointments to deliberate. I believe we had four hearings on the matter as we struggled with what is a very new issue for the committee.

"We are guided by the fact that Section 78-5 (a) of our Hawaii Revised Statutes which was passed over 30 years ago does speak to the issue, and it says:

'Any prohibition in any law against the holding of outside employment or dual public office, employment, or position by a state or county officer or employee shall not bar the appointment of the public officer or employee to membership on a commission or board unless service on the commission or board would be inconsistent or incompatible with or would tend to interfere with the duties and responsibilities of the other office, employment or position held by the officer or employee.'

"Mr. President, this body has in the last 30 years confirmed nominations of those individuals who are members of or served the state in one capacity or another, but are being asked to serve in another capacity as a member of a board or commission. And the key, as the chairman has said, is whether the duties of the two positions are incompatible and incompatibility is determined by the facts. We had before us Mr. Charles Toguchi, the administrative director to the Governor, and he assured the committee that Mr. Blanco's duties as special assistant would not involve anything to do with the University of Hawaii. And it was for that reason that the committee felt that there was no incompatibility between him serving as special assistant to the Governor, as well as serving as a member of the Board of Regents.

"The perception problem, I think is there. It's generated by the media, by Common Cause, and others who feel that there is a perception problem. But the reality problem is what we're dealing with and the reality problem is that these positions are not incompatible and I think Mr. Blanco should be confirmed as a member of the Board of Regents. I urge all my colleagues to vote 'aye.'"

Senator Liu added his remarks in favor of the nomination as follows:

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

"I think both previous speakers raised the kind of issues which the committee had to deal with and they are not easy issues. I'm going to vote in favor of this nomination and hope that the message will reach loud and clear upstairs that being sensitive to issues of conflict, to appearances of conflict, as well as to substance, is very important. I also think that in the future, this administration will have to be, and should be, much more careful in how it accepts responsibility or attempts to pass off responsibility for the success or failure of the University to others. I think much too often I've heard it said both by members of the administration as well as members of the public that, well, whatever pitfalls that

occur at the University, you really can't blame the Governor because the Board of Regents makes the calls.

"So, I think this session, more than ever, shows that the administration will have to share in the success or the failure, as well as this body, of the University in the next few years. Mr. Blanco is clearly part of the administration and although we would hope that, in particular cases, there will not be conflicts depending on the issues that he works on, it is also clear that he is appointed because he shares some basic views about education and the University with the administration, perhaps more so than the other appointees, because of his role. And as such, the administration for the future, I believe, should not be cast by the media and others as merely indirect participants in the area of higher education.

"The other issue which brings this to the fore this session is West Oahu College, clearly an initiative by the administration ahead of the Board of Regents. So, together with this nomination and with the issue regarding West Oahu College, I think this administration has put itself on record as being responsible -- as responsible as the other players in regard to higher education -- and should be held accountable for the success or failure of that institution for the future.

"Thank you, Mr. President."

Senator Holt rose in support of the nominee and said:

"Mr. President, I speak in support of this nominee.

"During the hearing, Mr. President, Mr. Blanco presented a letter which indicated that we should place our trust in the U.H. administration and in the University Board of Regents in making this decision.

"In supporting the chairman's recommendation to move this nominee out of committee, I told Mr. Blanco that I took his words to heart, that I will trust the U.H. administration through President Mortimer, and I will trust the U.H. Board of Regents through Mr. Dan Ishii to make certain that Mr. Blanco is wearing the Governor's hat only or the Board of Regents' hat only, and insure that he never wears the Governor's hat and the Board of Regents' hat at the same time.

"Thank you."

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

Ayes, 24. Noes, 1 (Levin).

At 10:41 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:50 o'clock a.m.

FINAL READING

Conf. Com. Rep. No. 106 (H.B. No. 2800, H.D. 1, S.D. 1, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 106 be adopted and H.B. No. 2800, 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 as follows:

"Mr. President, I rise to speak in support of H.B. 2800, H.D. 1, the State Budget. Mr. President, this budget marks the culmination of an arduous and trying

session. It marks opportunities seized and opportunities missed. It is a mirror of two approaches to government reform.

"This year the Senate put forward a number of proposals that were, to say the least, controversial. The Senate took the lead in calling for the true downsizing of government through the elimination and consolidation of state departments. Though our proposal was ultimately rejected by the House and the administration, our efforts have opened serious discussion on downsizing, and the Governor will be returning next session with solid proposals to that end.

"In children's mental health we called for the consolidation and coordination of services under a single managed care agency, which would lead to more efficient and consistent care for our youth in need. While this proposal, though supported by the director of health and the administration, was not adopted, again the discussion has been initiated to revamp this terribly troubled system.

"The Senate also put forward a proposal to increase and subsequently decrease the TAT, cap the counties share at an acceptable level of funding, and insure a steady source of revenue for the Hawaii Visitors Bureau. This measure too, met its end in the eleventh hour, and in the process all parties concerned may have missed a very big opportunity.

"This year the Senate went the extra mile in addressing the budget shortfall. We were innovative and intent on producing a fiscal situation that is responsible and forward-looking. While our proposals have met with resistance, our efforts have indeed shifted the paradigm, and the status quo now must be moved aside. While not our initial proposal, this budget represents the first tentative steps towards dramatic change.

"What this budget does is cut over \$140 million from the current fiscal year and over \$170 million from the next fiscal year. With cumulative reductions of over \$300 million over the biennium, this budget puts the brakes on the long-standing practice of living beyond our means.

"It is not, however, a budget that forsakes priorities. In public safety we made sure that the department maintained the necessary resources to preserve, and indeed expand, programs to help keep our prison populations manageable while keeping our streets safe.

"In education, this budget provides funds for classroom teachers and equipment that were not requested in the administration's budget. While the department has often asserted the contrary, this budget is yet one more testament to the legislature's commitment to an educational system that is effective and accountable.

"Mr. President, while this budget does reflect our commitment to the state's basic needs, I must caution that it is only a beginning. We have opened the door to meaningful change and now we must pass through. The decisions will be difficult, and the calls will be tough, but the Senate has shown that it can and will answer the call.

"With this, Mr. President, I would like to thank my colleagues for their support and courage during these difficult times. I ask that you join me in support of this budget, and I look forward to next year as we again take to righting the ship of state. Thank you."

Senator Liu rose in support of the measure and said:

"This year, Mr. President, I stand to speak in favor of this bill, although not without some reservations. It should be expected, I guess, from the Minority leader.

"I'm glad that the chair of the Ways and Means Committee is cautious in her review of this document, and I think relatively honest in indicating that there is still a long way to go for the future. But I also say that I think Republicans can declare victory in the war -- the overall war of ideas -- as to whether or not the government should continue to grow or whether or not the government has to stop growing, become smaller and more efficient.

"There seems to be a consensus. And true, the Senate took a tougher position than the House on this issue, but, Mr. President, it's also true that the Democratic Party leads in both chambers as well as in the executive branch. I believe that there has to be a greater exercise of consensus in leadership so that we can move forward, rather than just sideways.

"To put things in perspective, when you look at the numbers in terms of the overall operating dollars, we shaved less than one percent off of last year's budget when we look at fiscal year 1997 -- less than one percent. And for general funds, the figure is 5.3 percent -- not terribly impressive. It is a very small step in the right direction, as has been stated, but should also be a sign to the public that there needs to be a much clearer idea of how we go about making these changes.

"The budget is perhaps the most important document that we can pass and use as a mirror, as a canvass, as to what we want to do and what we see for the future. Well, after these last two years, Mr. President, unfortunately the mirror is still cloudy and the canvass is essentially bare. So let us all hope that we can do better in thinking, over the interim, and for those of us who come back next year, a greater resolve to hold to our positions and move toward a government that is more efficient, less costly, and in fact, be a vision that we can bring forward to the people of Hawaii.

"Thank you, Mr. President."

Senator Kawamoto rose in support of the measure and said:

"Mr. President, I rise to speak in favor of S.B. No. 2800, the State Budget.

"Mr. President, in these austere times, difficult decisions had to be made in the Ways and Means Committee and our committee made those tough decisions. I am most proud, as a member of the Ways and Means Committee and Vice Chair of Education, that we were able to keep our promise to keep education of our young people as our number one priority. We addressed and funded the requests by the Department for work load increase. These additional funds were not addressed by both the Governor's or the House' budget. We are addressing the increasing of the young people in our system.

"I would like to thank Senator Ikeda and her staff for a job well done. I urge all my colleagues to vote 'aye' on this budget."

Senator Matsuura then rose and said:

"Mr. President, I'll be voting 'aye', but with reservations. Thank you."

Senator Fernandes Salling also rose and said:

"Mr. President, would you please note that I will be voting 'aye' with reservations also."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 106 was adopted and H.B. No. 2800, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda then rose and said:

"Mr. President, may I be permitted to make a late introduction?"

"Senator Kawamoto is correct. We owe a great deal of thanks to the staff, and I am extremely proud of them. I would like to call their names and ask them to stand and be recognized. You can hold your applause to the end.

"Our fiscal coordinator is Mr. Clay Springer; Luis Salaveria, our budget supervisor; Mark Buflo, JoAnn Chang, Patricia Chin, Pono Chong, Allison Goo, Jayna Kim, Sandford Low, Lane Otsu, Patrick Shon, Mika Unno, Richard Yuen. The bill research section: Terrence Aratani, Naomi Chinen, Malia Manol, Mary Yonamine, Vickie Sobe, Jane Takara, Margaret Terakawa, Beverly Wong, and Anne Williams. These people worked for the last month, day and night, and weekends, and I just hope that their families recognize them when they are finally able to take a break." (The staff of the Ways and Means Committee rose to be recognized.)

RECOMMITTAL OF BILLS

Conf. Com. Rep. No. 49 (H.B. No. 3427, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 49 and H.B. No. 3427, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCREDITATION IN INSURANCE REGULATION," were recommitted to the Committee on Conference.

S.B. No. 2713, S.D. 2, H.D. 2:

By unanimous consent, S.B. No. 2713, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," was recommitted to the Committee on Ways and Means.

FINAL READING

Conf. Com. Rep. No. 8 (H.B. No. 3419, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Ihara and carried, Conf. Com. Rep. No. 8 was adopted and H.B. No. 3419, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING QUALIFICATIONS TO PRACTICE MEDICINE AND SURGERY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 9 (H.B. No. 3086, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Ihara and carried, Conf. Com. Rep. No. 9 was adopted and H.B. No. 3086, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTALS," 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. 3398, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Ige and carried, Conf. Com. Rep. No. 10 was adopted and H.B. No. 3398, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE SOLICITATIONS," 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. 3400, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 11 was adopted and H.B. No. 3400, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," 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. 3409, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 12 was adopted and H.B. No. 3409, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," 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. 291, S.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 13 was adopted and H.B. No. 291, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 16 (H.B. No. 3417, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 16 was adopted and H.B. No. 3417, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY LICENSING," 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. 2359, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Levin and carried, Conf. Com. Rep. No. 17 was adopted and H.B. No. 2359, 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. 19 (H.B. No. 871, 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. 871, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 21 (H.B. No. 3760, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 21 was adopted and H.B. No. 3760, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," 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. 3096, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 23 was adopted and H.B. No. 3096, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RETURN OF MERCHANDISE," 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. 599, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 25 was adopted and H.B. No. 599, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," 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. 2603, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 27 was adopted and H.B. No. 2603, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JURORS," 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. 3350, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gaulty seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 31 was adopted and H.B. No. 3350, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF 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. 33 (H.B. No. 3631, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 33 was adopted and H.B. No. 3631, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUMMONING OF JURORS," 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. 3653, S.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 34 was adopted and H.B. No. 3653, S.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. 53 (S.B. No. 3170, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 53 was adopted and S.B. No. 3170, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAIMANALO," 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. 3079, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 54 was adopted and S.B. No. 3079, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE STOCK OWNERSHIP PROGRAMS," 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. 2220, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 57 was adopted and S.B. No. 2220, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BURIAL PLOTS," 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. 1602, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Gaulty, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 59 was adopted and S.B. No. 1602, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT SECURITY," 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. 2124, H.D. 1, C.D. 1):

On motion by Senator Grafty, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 60 was adopted and S.B. No. 2124, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF DEFENDANTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 61 (S.B. No. 2186, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Grafty, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 61 was adopted and S.B. No. 2186, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED CONTROL OF PROPELLED VEHICLES," 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. 2329, H.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 67 was adopted and S.B. No. 2329, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL REGULATORY PROGRAMS," 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. 1305, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 70 and S.B. No. 1305, H.D. 1, C.D. 1, was deferred to later in the calendar.

Conf. Com. Rep. No. 71 (S.B. No. 2247, H.D. 1, C.D. 1):

On motion by Senator Grafty, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 71 was adopted and S.B. No. 2247, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANSLAUGHTER," 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. 2249, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Grafty, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 72 was adopted and S.B. No. 2249, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS," 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. 2381, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 74 and S.B. No. 2381, S.D. 1, H.D. 1, C.D. 1, was deferred to later in the calendar.

Conf. Com. Rep. No. 76 (S.B. No. 2773, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Grafty, seconded by Senator Holt and carried, Conf. Com. Rep. No. 76 was adopted and S.B. No. 2773, S.D. 1, H.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. 81 (S.B. No. 1720, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Holt, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 81 was adopted and S.B. No. 1720, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 98 (S.B. No. 865, S.D. 2, H.D. 2, C.D. 1):

Senator Grafty moved that Conf. Com. Rep. No. 98 be adopted and S.B. No. 865, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Iwase.

Senator Baker having requested that her remarks in support of this measure be inserted into the Journal and the Chair having so ordered, her remarks read as follows:

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

"Mr. President, this bill before us has been a long time coming.

"Senate Bill 865, C.D. 1, provides the state and counties with limited liability at beach parks and ocean recreation areas. It is important to note that while we are limiting the liability incurred by government, we are not abdicating our responsibility to the public at-large. Rather, this bill acknowledges that there are forces and conditions in nature which are beyond the control of mere mortals, and, yes, even government.

"Government does have a responsibility to do all it can to preserve the safety of ocean users. However, we also have a responsibility to the people of this state to protect their tax dollars from being siphoned off by seekers of deep pockets.

"Through this bill, the state and counties will continue to warn beachgoers of dangerous shorebreaks, strong currents or other known hazards. In fact, I believe that our warning system will be dramatically improved through new signage that better informs and prepares people for the inherent dangers of our oceans.

"I am confident that the system established by this bill will increase public safety, reduce ocean-relating accidents and injury, and protect the state and counties from unlimited liability.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 98 was adopted and S.B. No. 865, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY IMMUNITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL READING

S.B. No. 659, S.D. 3, H.D. 2:

By unanimous consent, action on S.B. No. 659, S.D. 3, H.D. 2, was deferred to later in the calendar.

S.B. No. 2248, S.D. 1, H.D. 1:

On motion by Senator Grauly, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2248, S.D. 1, and S.B. No. 2248, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY VIOLENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2659, S.D. 1, H.D. 1:

On motion by Senator Grauly, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2659, S.D. 1, and S.B. No. 2659, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE AND GAME MANAGEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2890, H.D. 1:

On motion by Senator Grauly, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2890 and S.B. No. 2890, 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.

S.B. No. 2992, H.D. 1:

On motion by Senator Grauly, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2992 and S.B. No. 2992, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STADIUMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3165, S.D. 2, H.D. 2:

On motion by Senator Grauly, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3165, S.D. 2, and S.B. No. 3165, S.D. 2, H.D. 2, 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.

S.B. No. 3171, H.D. 1:

On motion by Senator Grauly, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3171 and S.B. No. 3171, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT REPORTERS," 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. 18 (H.B. No. 3862, H.D. 2, S.D. 1, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 18 be adopted and H.B. No. 3862, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Grauly.

Senator Chumbley rose in support of the measure and said:

"Mr. President, in 1995 you authorized a Judiciary Subcommittee to look at school security and discipline issues. This body came out with a bill which was sent to the Governor and which was vetoed. When we came back this session we wanted to continue to address and, in fact, have struggled with this issue for several years now. Mr. President and members, it's time that the Legislature sends a very clear and a very strong message to every school, every student, and every parent that drugs will not be tolerated in our public schools, and that we will not tolerate dangerous weapons in our schools.

"Principals and teachers will now have a clear public policy statement which to enforce. This measure will allow the principal to suspend, with the superintendent's consent, those students which have been adjudicated under Chapter 19, Due Process, from attendance at school for up to 92 days. That's one-half of the year. Eighty-four percent of the teachers and 78 percent of the parents surveyed in a national survey have said that a zero tolerance package will in fact result in higher student achievement.

"This, Mr. President, will give our schools a chance to address some of the drugs, alcohol and discipline problems that they have struggled with and it will result in higher student achievement. I ask all of my colleagues to please support this measure.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 18 was adopted and H.B. No. 3862, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE," 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. 3102, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 20 was adopted and H.B. No. 3102, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS,"

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. 3809, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Holt, seconded by Senator Ihara and carried, Conf. Com. Rep. No. 24 was adopted and H.B. No. 3809, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SIGNS REQUIRED WHERE TOBACCO PRODUCTS ARE SOLD," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Fernandes Salling).

Conf. Com. Rep. No. 26 (H.B. No. 1866, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 26 was adopted and H.B. No. 1866, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kanno).

Conf. Com. Rep. No. 28 (H.B. No. 2868, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 28 was adopted and H.B. No. 2868, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 29 (H.B. No. 2975, S.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 29 was adopted and H.B. No. 2975, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 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. 3046, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 30 was adopted and H.B. No. 3046, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 32 (H.B. No. 3596, S.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 32 was adopted and H.B. No. 3596, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION

OF AN ELECTION TIE," 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. 35 (H.B. No. 3666, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 35 was adopted and H.B. No. 3666, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," 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. 2003, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Iwase, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 55 was adopted and S.B. No. 2003, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Liu).

Conf. Com. Rep. No. 58 (S.B. No. 2998, S.D. 1, H.D. 2, C.D. 1):

Senator Tam moved that Conf. Com. Rep. No. 58 be adopted and S.B. No. 2998, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Aki.

Senator Tam rose in support of the measure and stated:

"Mr. President, I rise in support of S.B. No. 2998, S.D. 1, H.D. 1, C.D. 1, Relating to Environmental Protection.

"This bill requires three objectives:

1. Requires the Department of Health to study and review state and federal environmental laws to ensure their continued force, effectiveness and consistency. It requires the department to report their findings and conclusions to the 1997 Legislature.
2. Directs the department to establish environmental goals and objectives with input from the regulated community and the general public.
3. Requires the department to review the goals and objectives every two years and report back to the Legislature immediately following the completion of the review.

"I wish to thank my colleagues, businesses, environmentalists, and state, federal and county officials for their positive insight and participation in this landmark legislation, especially the part to establish environmental goals and objectives for the State of Hawaii. Having future goals and objectives will establish an united direction to manage and protect our environment in a manner that ensures the health, safety and welfare of our citizens of this state, and preserves our limited natural resources for future generations.

"Furthermore, having common and united goals and objectives will help the State Legislature, the state

administration, the counties and the federal government to properly budget its limited resources in the environmental areas of land, water and air.

"Mr. President, your Committee on Ecology and Environmental Protection accomplished a long, outstanding problem in two legislative sessions. Mr. President, on a personal note, I thank you for asking me to take on the committee. At first, I'll admit I didn't want the committee, but you challenged me, with no money, to do something for the environment. The problem was getting all environmental parties to have common and united goals and objectives. In the next Legislative Session of 1997, we will have an easier time in budgeting in the area of environmental protection and the dollars will be more accountable.

"Thank you very much."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 58 was adopted and S.B. No. 2998, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," 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. 3248, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Iwase, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 62 was adopted and S.B. No. 3248, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION MANAGEMENT," 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. 2888, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Graulty, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 63 was adopted and S.B. No. 2888, 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. 64 (S.B. No. 2446, S.D. 1, H.D. 1, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 64 be adopted and S.B. No. 2446, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Chumbley, speaking in favor of the measure, then said:

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

"Mr. President, this will result in the culmination of a two-year effort in which the Legislature set forth an interim study group to look at the education statutes and to bring those existing statutes into a framework that is more coherent and one that will start to set forth an enabling environment versus a compliance and mandatory type environment for our schools. This clearly puts students first in the reorganization and redesign of our

public school system. Further, I need to acknowledge all the work that was done by that study group.

"Mr. President, there is a handful of states across the nation that has undertaken this effort and some of the states had been ordered to do it by their supreme courts. Hawaii State is doing it from principal driven effort. I think that all of us here in the state can be very proud of this effort and it will be looked upon by many other states as a way to clean up education law.

"I ask for all of my colleagues to please support this measure. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 64 was adopted and S.B. No. 2446, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RECODIFICATION OF THE EDUCATION STATUTES," 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. 2380, S.D. 1, H.D. 2, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 66 be adopted and S.B. No. 2380, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Graulty.

Senator Chumbley rose to support the measure as follows:

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

"Colleagues, we have a lot of good education bills this year and we have a package of legislation that all of us can be very proud of. There were a lot of controversial issues this year and compulsory education was one of those. I think that this conference draft, C.D. 1, comes up with a very good compromise. We are not lowering compulsory education from age 18 to 16.

"With this measure, we are creating one more exemption under the existing law which would allow the principal to expel, under certain circumstances, students who are continually disruptive or chronically truant. Once those individuals have been identified as a problem, and before the principal takes action, he is mandated to develop an alternative education plan in consultation with the parents, with the teacher, with the student, and that alternative education plan will then be put forth for the child. If the parent does not agree to that alternative plan, then, and only then, does the education of that child become the responsibility of the parent, and no longer the State of Hawaii.

"Mr. President, I want to acknowledge the work of the Judiciary chair on this effort and all the Conference Committee. I think we have come up with a middle ground compromise position that will, as part of a package, deal with some of the discipline problems that we have in our schools and create a much better environment for learning.

"I ask for everyone's support of this measure. Thank you."

Senator Kawamoto rose to speak in favor of the measure and stated:

"Mr. President, I rise to speak in favor of S.B. No. 2380.

"Mr. President, as you know, I fought against this bill in the subject matter committee and on the floor, expressing my community's concerns of having alternative education for this major social change. Today, I would like to thank the chair of the Education Committee, Senator Chumbley, and the chair of the Judiciary Committee, Senator Graulty, for providing for an alternative education plan in this bill for those students who may leave the traditional education system. I now urge all my colleagues to vote 'aye' on this bill."

Senator Kanno rose in support of the measure and stated:

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

"I'd like to start by expressing my appreciation to the chair of the Education Committee and the chair of the Judiciary Committee as well as all of the conferees on this measure. I think the discussion brought forward on this measure is a testament to the legislative process and something that we can all be proud of.

"I think this measure brought attention to the growing number of students whose needs are not being met by our traditional school system. I think we are coming to realize that not all of our students are going on to a college education and following a traditional path, but rather we need to be here to support those students who are going to be seeking alternatives in pursuing their education. And I think this measure is a strong step forward in addressing those needs.

"The fact that it requires parents to work together with school administrators in addressing the needs of these non-traditional students, I think, is a strong step in bringing the parent into the school, into discussion with the principal and the child, as well as to addressing the responsibility issue of the parents involved.

"This, together with another measure, H.B. 3138, which mandates the transfer of funds from the regular instructional program to the adult community education program for high school students who are diverted from our traditional high schools, makes a strong step for these students, and I ask that my colleagues continue to look at this area of need in our community. This is an area that is going to be the continuing focus and attention, and once again I want to extend my appreciation to those conferees involved. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 66 was adopted and S.B. No. 2380, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPULSORY SCHOOL ATTENDANCE," 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. 2724, S.D. 1, H.D. 1, C.D. 1):

Senator Holt moved that Conf. Com. Rep. No. 68 be adopted and S.B. No. 2724, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Iwase.

Senator Liu requested a ruling of the Chair as follows:

"Mr. President, I would like to have it reflected in the record that I will be favoring both this bill and the next bill on the agenda and that I do work for a financial

institution. However, neither bill does apply to the institution I work for."

The Chair ruled that Senator Liu was not in conflict.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 68 was adopted and S.B. No. 2724, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 69 (S.B. No. 3159, S.D. 1, H.D. 1, C.D. 1):

Senator Holt moved that Conf. Com. Rep. No. 69 be adopted and S.B. No. 3159, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Iwase.

Senator Tam rose and stated:

"Mr. President, I may have a possible conflict of interest. I sell life insurance and am employed by Metropolitan Life Insurance Company."

The Chair ruled that Senator Tam was not in conflict."

Senator Tam continued:

"Mr. President, I wish to register my 'no' vote for reasons which I will insert into the Journal. Thank you."

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

"Mr. President, I wish to register a 'no' vote on objections from independent insurance agencies.

"The objections are:

1. Since the banks provide a mortgage or business loan, they have an implied financial sledge hammer over the borrower. The borrower will feel that since the bank is providing/allowing them the loan for their home or business, they had better let the bank provide the insurance, even if they can or may obtain insurance coverages from some other entity at a lower cost and or have broader coverages.
2. Banks are unlike independent commission agents to help and advise and explain to their individual clients regarding the insurance required and/or that which will benefit the customer. The public will just be another number to the bank instead of a person who deserves better personal service.
3. This bill will also cause many independent agencies to close and their employees to be out of a job in their profession. Closing will not only increase unemployment but also decrease state and county taxes. There will be less need for office rental, and landlords income will be reduced. Suppliers who sell service and supplies to the independent agents will cease, thus have a ripple effect, as more and more insurance transactions will be done from the mainland via computer."

Senator Ikeda also asked for a ruling from the Chair and said:

"I need a conflict ruling. I too work for an insurance company."

The Chair responded:

"No conflict; you may cast a vote."

Senator Bunda also rose on a conflict of interest ruling from the Chair as follows:

"Mr. President, a conflict ruling please."

The Chair ruled that Senator Bunda was not in conflict.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 69 was adopted and S.B. No. 3159, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE, ANNUITIES AND SECURITIES ACTIVITIES OF BANKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Tam).

Conf. Com. Rep. No. 73 (S.B. No. 2326, S.D. 1, H.D. 1, C.D. 1):

Senator Grauly moved that Conf. Com. Rep. No. 73 be adopted and S.B. No. 2326, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Baker rose in support of the measure and stated:

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

"Mr. President, this bill is very important for women who find themselves confronted with domestic violence when there may be firearms in the home and in need of temporary restraining orders. I would like to thank the Judiciary chair as well as all of the conferees for moving this bill forward. It will make the homes safer for women.

"Thank you."

Senator Anderson rose to speak against the measure as follows:

"Mr. President, I'll be voting against this and I'd like to express a few words on the reasons why.

"Mr. President, when we were in conference committee we asked the Police Department for some information on most of those spouse abuse cases they had recently with firearms. Those people did not own their firearms. This is strictly a firearms control bill.

"Some people may not know it, but I have a rather loud voice, and if I got into an argument with my wife at home and a neighbor called and said there's a domestic problem going on over there and it had nothing to do with guns, they could come into my home and seize whatever firearms I had, only because someone said there's a domestic problem there or that police officer had reasonable grounds to believe that there was a domestic problem with these firearms.

"I think it is a poor day that we will allow someone to come into your home and, for no reason at all, take away your belongings when it has nothing to do with a domestic problem. I do believe that everybody has a right to protection. I asked the people if there are any laws on the books now that prohibit them from turning in their spouse's weapon because one lady said that she gave her weapon to the neighbor because they were fearful. If

they are fearful of any type of domestic relationship that has firearms available in the home, they can turn it in to the police department. There is nothing that will prohibit that.

"I don't think we should be making laws that allow the police department to come into our homes for no reason at all just because someone calls up and says that there is going to be a domestic problem there.

"Thank you very much, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 73 was adopted and S.B. No. 2326, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Conf. Com. Rep. No. 75 (S.B. No. 2548, S.D. 1, H.D. 2, C.D. 1):

Senator Grauly moved that Conf. Com. Rep. No. 75 be adopted and S.B. No. 2548, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Iwase.

Senator Anderson rose in opposition to the measure and stated:

"Mr. President, I would like to speak against this bill also.

"Mr. President, this bill more or less says that we in government can tell people to let others go across our property and that we're going to get some liability. It is so very limited that it's a shame we would say that you would have to allow people on your property and then we don't cover them with full liability. It's a very limited liability. It is not, I think, within our jurisdiction to tell people who we will and will not allow on our property, and therefore I will be voting 'no.'"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 75 was adopted and S.B. No. 2548, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNERS' LIABILITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Conf. Com. Rep. No. 77 (S.B. No. 2993, S.D. 1, H.D. 1, C.D. 1):

Senator Grauly moved that Conf. Com. Rep. No. 77 be adopted and S.B. No. 2993, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Grauly rose in support of the measure and said:

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

"Your Committee on Judiciary believes that this bill will be a great step forward in the area of probate. It will significantly reduce the time, complexity and expense of probate proceedings; it will free judiciary personnel from routine paperwork in the vast majority of probates in which there are no disputes. As the Chief Justice noted in his transmittal of the proposed legislation to the Legislature, 'Probate will no longer be a time-consuming, cumbersome process that Hawaii citizens dread to the

point that they spend hundreds and thousands of dollars creating trusts and rearranging title in order to avoid. At the same time, this bill provides ready access to a judge in the event either that a dispute arises during the course of a probate or that the interested parties desire judicial supervision. Thus, the probate courts will become like the rest of our courts -- places in which to turn to resolve disputes.'

"This bill also favorably impacts areas other than probate procedure. It creates a meaningful system for protection of the interests of surviving spouses, giving them the same sorts of rights to marital assets when the marriage ends by death as they are entitled to when the marriage ends by divorce; it preserves intact Hawaii's enlightened and well-thought-out 'ohana adoption' statute adopted by the Legislature in 1992; it establishes comprehensive rules for the interpretation and construction of wills and trusts which are not precisely written.

"In sum, it is a bill which enhances judicial efficiency, while preserving consumer choice in providing significant time and cost savings for consumers of our state faced with probate.

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 77 was adopted and S.B. No. 2993, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM PROBATE CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

FINAL READING

S.B. No. 2405, S.D. 1, H.D. 1:

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2405, S.D. 1, and S.B. No. 2405, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At 11:26 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:29 o'clock a.m.

S.B. No. 2416, S.D. 1, H.D. 2:

Senator Grauly moved that S.B. No. 2416, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator McCartney.

Senator Matsuura rose in support of the measure and said:

"Mr. President, I'm going to be voting in favor of this bill, but there are a few comments that I would like to make.

"The Senate wanted to amend this bill by putting ephedrine as one of the controlled substances. The reason why the Senate wanted to put ephedrine as a controlled substance was that ephedrine is one of the main ingredients to make the drug 'ice.'

"We all know that 'ice' is totally out of control in Hawaii, and one of the reasons why ice is totally out of control is because they've been making it in homes. You can make it in your kitchen but you need three basic ingredients to make 'ice.' One is acetone; the other one is iodine; and the third is ephedrine. You can't stop people from buying acetone because that's an over-the-counter product, and so is iodine. But ephedrine, we can stop its import into the state by making it a controlled substance. Right now, they're bringing ephedrine in through the mail order.

"If ephedrine was classified as a controlled substance, then we can stop the flow of ephedrine into the state. The Drug Enforcement Agency loved the proposed amendment, including the pharmacists, etc., yet the Huse members wouldn't agree with the proposed amendment because they didn't have a hearing on it. I'm not going to say who is right and who is wrong, but sometimes we better use common sense. Next year we'll make ephedrine a controlled substance and hopefully we'll stop the import of ephedrine. Maybe then we can stop the proliferation of the use of 'ice' in Hawaii.

"Believe me, ice is totally out of control. Ask any police officer, the parents of kids who are on ice, they'll tell you the tragedy. We should have included ephedrine as a controlled substance this year.

"Thank you."

Senator Anderson rose and said:

"Mr. President, could you put me down with reservations for the same reason as Senator Matsuura. We did talk to the chairman of the Health Committee in the House and he would not include it this year."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2416, S.D. 1, and S.B. No. 2416, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2471, S.D. 1, H.D. 1:

On motion by Senator Grauly, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2471, S.D. 1, and S.B. No. 2471, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME LIMITATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2984, H.D. 1:

On motion by Senator Grauly, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2984 and S.B. No. 2984, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD-TENANT CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:33 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:36 o'clock a.m.

**MATTERS DEFERRED FROM
EARLIER ON THE CALENDAR**

FINAL READING

Conf. Com. Rep. No. 70 (S.B. No. 1305, H.D. 1, C.D. 1):

On motion by Senator Grauly, seconded by Senator Tam and carried, Conf. Com. Rep. No. 70 was adopted and S.B. No. 1305, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," 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. 2381, S.D. 1, H.D. 1, C.D. 1):

Senator Grauly moved that Conf. Com. Rep. No. 74 be adopted and S.B. No. 2381, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Levin then rose and stated:

"Mr. President, I would like to insert some remarks against this bill into the Journal."

The Chair so ordered. Senator Levin's remarks read as follows:

"The goal of S.B. 2381, C.D. 1, is laudable. No one can argue with the desirability of preventing custodial interference. However, I believe there may be 'unintended consequences' resulting from this bill, and for that reason I must oppose it.

"The scenario I fear is as follows. Suppose Jane Doe's marriage is having problems, and she decides to take the children and return to her family home in California. Husband John then goes to his attorney for some advice. He may be pleasantly surprised to learn from his attorney that his wife may just have committed a felony under Hawaii law. 'In the absence of a court order', she has 'intentionally' 'taken' the children and 'removed them from the state'. Has she done so 'with intent to deprive her husband of his right to custody?' Perhaps not, but I cannot say that with certainty. And we are talking about a felony offense. I would want to be certain before approving such legislation.

"Suppose wife Jane sees an attorney before leaving. The attorney must advise her that she cannot be protected completely unless she first obtains a court order. That can take time. Suppose Ms. Doe is desperate to leave because her husband has threatened or beaten her. It does not matter, since she can only avoid the effects of this Act by establishing 'good cause', defined as 'necessary to protect the minor from immediate bodily injury'.

"To further complicate the matter, suppose Ms. Doe informs her attorney that she is leaving on the midnight plane, regardless of the possible consequences. What, then, is the ethical obligation of the attorney? Depending on what Ms. Doe says, does the attorney have an obligation to inform appropriate authorities, to prevent the commission of a felony? I believe the Disciplinary Rules of the Court would require some action.

"My interpretation of this bill may be in error, or police and prosecutors may take a more relaxed approach to its enforcement than I am anticipating. But until my concerns have been definitely addressed, I cannot vote for this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 74 was adopted and S.B. No. 2381, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MISSING CHILDREN," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Levin).

S.B. No. 659, S.D. 3, H.D. 2:

On motion by Senator Grauly, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 659, S.D. 3, and S.B. No. 659, S.D. 3, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ikeda).

At 11:37 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 o'clock a.m.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 3134, S.D. 1 (H.D. 1):

Senator Grauly moved that the Senate reconsider its action taken on April 12, 1996, in disagreeing to the amendments proposed by the House to S.B. No. 3134, S.D. 1, seconded by Senator Fukunaga and carried.

Senator Grauly moved that the Senate agree to the amendments proposed by the House to S.B. No. 3134, S.D. 1, seconded by Senator Fukunaga.

Senator Grauly explained:

"Mr. President, the purpose of the bill is to establish and define the crime of theft of utility services. The House broadened the offense to include gas, water, and any other service provided by the utility for compensation, and also provided for a misdemeanor for second degree theft of utility services, but kept the Class C felony for theft of utility services in the first degree."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3134, S.D. 1, and S.B. No. 3134, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT OF UTILITY SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2750, S.D. 1 (H.D. 2):

Senator Holt moved that the Senate reconsider its action taken on April 12, 1996, in disagreeing to the amendments proposed by the House to S.B. No. 2750, S.D. 1, seconded by Senator Ihara and carried.

Senator Holt moved that the Senate agree to the amendments proposed by the House to S.B. No. 2750, S.D. 1, seconded by Senator Ihara.

Senator Holt noted:

"The House just added some clarifying language to the definition of prescriber."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2750, S.D. 1, and S.B. No. 2750, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACISTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3266, S.D. 1 (H.D. 1):

Senator Holt moved that the Senate reconsider its action taken on April 12, 1996, in disagreeing to the amendments proposed by the House to S.B. No. 3266, S.D. 1, seconded by Senator Ihara and carried.

Senator Holt moved that the Senate agree to the amendments proposed by the House to S.B. No. 3266, S.D. 1, seconded by Senator Ihara.

Senator Holt then noted:

"Housekeeping amendments, Mr. President."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3266, S.D. 1, and S.B. No. 3266, S.D. 1, H.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.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:59 o'clock p.m.

HOUSE COMMUNICATION

Hse. Com. No. 711, informing the Senate that H.B. No. 2800, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Final Reading in the House of Representatives on April 29, 1996, was read by the Clerk and was placed on file.

There being no objections, consideration of the following House bills was advanced for the purpose of transmitting them to the House of Representatives for Final Reading in the event of their passage on Third Reading:

STANDING COMMITTEE REPORTS

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2997) recommending that H.B. No. 547 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2997 was adopted and H.B. No. 547, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2998) recommending that H.B. No. 548 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2998 was adopted and H.B. No. 548, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2966) recommending that H.B. No. 404 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2966 was adopted and H.B. No. 404, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSE FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

FINAL READING

MATTER DEFERRED FROM WEDNESDAY, APRIL 17, 1996

Conf. Com. Rep. No. 1 (H.B. No. 4142, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 1 was adopted and H.B. No. 4142, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII CONSTITUTION, TO ALLOW THE USE OF REVENUE BONDS FOR THE FUNDING OF A STATE PROPERTY INSURANCE PROGRAM PROVIDING HURRICANE INSURANCE COVERAGE," 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. 5 (H.B. No. 2549, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Levin and carried, Conf. Com. Rep. No. 5 was adopted and H.B. No. 2549, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PLANNING COUNCIL ON 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. 6 (H.B. No. 3853, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 6 was adopted and H.B. No. 3853, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," 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. 3211, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 7 was adopted and H.B. No. 3211, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," 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. 4074, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 15 was adopted and H.B. No. 4074, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGE," 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. 3434, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 22 was adopted and H.B. No. 3434, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 36 (H.B. No. 2726, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 36 was adopted and H.B. No. 2726, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," 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. 3432, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 37 was adopted and H.B. No. 3432, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERSONNEL IN THE DEPARTMENT OF EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 38 (H.B. No. 3563, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 38 was adopted and H.B. No. 3563, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES IMPOSED BY THE DEPARTMENT OF TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 39 (H.B. No. 1148, H.D. 2, S.D. 2, 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. 1148, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GOVERNOR'S AGRICULTURE COORDINATING COMMITTEE," 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. 4131, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Matsuura and carried, Conf. Com. Rep. No. 40 was adopted and H.B. No. 4131, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 41 (H.B. No. 3421, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 41 was adopted and H.B. No. 3421, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE COMMUNICATIONS," 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. 3534, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 42 was adopted and H.B. No. 3534, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 44 (H.B. No. 2514, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 44 was adopted and H.B. No. 2514, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSITION TO WORK SYSTEM," 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. 3439, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 45 was adopted and H.B. No. 3439, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE OPERATING EXPENSES OF THE DEPARTMENT OF

EDUCATION," 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. 3293, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 46 was adopted and H.B. No. 3293, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 50 (H.B. No. 3101, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 50 was adopted and H.B. No. 3101, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

**MATTER DEFERRED FROM
MONDAY, APRIL 15, 1996**

FINAL READING

Conf. Com. Rep. No. 52 (S.B. No. 3091, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 52 was adopted and S.B. No. 3091, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 11, 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.

FINAL READING

Conf. Com. Rep. No. 56 (S.B. No. 608, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Iwase, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 56 was adopted and S.B. No. 608, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," 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. 3021, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 65 was adopted and S.B. No. 3021, 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. 78 (S.B. No. 2152, S.D. 1, H.D. 2, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 78 be adopted and S.B. No. 2152, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Ikeda requested a ruling of the Chair as follows:

"Mr. President, may I have a conflict ruling on conference committee report 78, S.B. 2152, S.D. 1, H.D. 2, C.D. 1, 'Relating to Employee Benefit Plans.' It talks about annuities; I work for a company that sells annuities."

The Chair ruled that Senator Ikeda was not in conflict.

Senator Tam also requested a conflict ruling and said:

"Mr. President, I too sell annuities."

The Chair also ruled that Senator Tam was not in conflict.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 78 was adopted and S.B. No. 2152, 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. 80 (S.B. No. 2458, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 80 was adopted and S.B. No. 2458, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE PATROL," 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. 2723, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 82 was adopted and S.B. No. 2723, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," 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. 1735, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 84 was adopted and S.B. No. 1735, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOANS," 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. 3232, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 86 was adopted and S.B. No. 3232, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," 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. 2087, S.D. 1, 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. 2087, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 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. 93 (S.B. No. 2902, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Ige and carried, Conf. Com. Rep. No. 93 was adopted and S.B. No. 2902, H.D. 1, 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. 94 (S.B. No. 2913, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 94 was adopted and S.B. No. 2913, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX LIABILITY OF CONTRACTORS CONTRACTING WITH THE STATE OR COUNTIES," 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. 3108, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 95 was adopted and S.B. No. 3108, S.D. 2, H.D. 1, 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.

Conf. Com. Rep. No. 99 (S.B. No. 2145, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 99 was adopted and S.B. No. 2145, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 104 (H.B. No. 3583, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Ige and carried, Conf. Com. Rep. No. 104 was adopted and H.B. No. 3583, 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. 105 (H.B. No. 3954, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Ige and carried, Conf. Com. Rep. No. 105 was adopted and H.B. No. 3954, H.D. 2, S.D. 1, 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. 2644, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 109 was adopted and H.B. No. 2644, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," 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. 3340, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 110 was adopted and H.B. No. 3340, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWERS AND DUTIES OF THE COMPTROLLER," 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. 3389, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 112 was adopted and H.B. No. 3389, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MUNICIPAL LEASES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 114 (H.B. No. 3565, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 114 was adopted and H.B. No. 3565, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BULK TRANSFERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 119 (H.B. No. 3505, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Levin and carried, Conf. Com. Rep. No. 119 was adopted and H.B. No. 3505, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE," 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. 3538, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 120 was adopted and H.B. No. 3538, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 121 (H.B. No. 3656, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 121 was adopted and H.B. No. 3656, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY HISTORY CENTER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 124 (H.B. No. 3344, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 124 was adopted and H.B. No. 3344, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 125 (H.B. No. 2636, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 125 was adopted and H.B. No. 2636, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 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. 126 (H.B. No. 3493, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Levin and carried, Conf. Com. Rep. No. 126 was adopted and H.B. No. 3493, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEWBORN METABOLIC SCREENING," having been read

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 127 (H.B. No. 3498, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 127 was adopted and H.B. No. 3498, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 128 (H.B. No. 3332, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 128 was adopted and H.B. No. 3332, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 129 (H.B. No. 4008, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 129 was adopted and H.B. No. 4008, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 130 (H.B. No. 44, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 130 was adopted and H.B. No. 44, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 133 (H.B. No. 1736, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 133 was adopted and H.B. No. 1736, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENT-COMMUNITY NETWORKING CENTERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 135 (H.B. No. 3399, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 135 was adopted and H.B. No. 3399, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed

Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 137 (H.B. No. 3362, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 137 was adopted and H.B. No. 3362, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 140 (H.B. No. 3970, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Bunda, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 140 was adopted and H.B. No. 3970, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 141 (H.B. No. 3382, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 141 was adopted and H.B. No. 3382, H.D. 1, 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, 25. Noes, none.

Conf. Com. Rep. No. 143 (S.B. No. 2304, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Matsuura and carried, Conf. Com. Rep. No. 143 was adopted and S.B. No. 2304, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 144 (S.B. No. 2388, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Matsuura and carried, Conf. Com. Rep. No. 144 was adopted and S.B. No. 2388, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 146 (S.B. No. 2662, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Levin and carried, Conf. Com. Rep. No. 146 was adopted and S.B. No. 2662, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENTALLY DISABLED," having been read

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 147 (S.B. No. 2781, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Ige and carried, Conf. Com. Rep. No. 147 was adopted and S.B. No. 2781, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 149 (S.B. No. 2821, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 149 was adopted and S.B. No. 2821, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UNCLAIMED PROPERTY ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 150 (S.B. No. 2875, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 150 was adopted and S.B. No. 2875, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 151 (S.B. No. 2856, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Matsuura and carried, Conf. Com. Rep. No. 151 was adopted and S.B. No. 2856, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF CHILDREN AND YOUTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 154 (S.B. No. 3042, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 154 was adopted and S.B. No. 3042, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 155 (S.B. No. 3240, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 155 was adopted and S.B. No. 3240, S.D. 2, H.D. 2, 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.

ADOPTION OF RESOLUTION

Conf. Com. Rep. No. 142 (H.C.R. No. 159, S.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 142 was adopted and H.C.R. No. 159, S.D. 2, C.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF CIVIL SERVICE COMPENSATION PLANS, AND THE COSTS THEREOF," was finally adopted.

FINAL READING

S.B. No. 1738, 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. 1738, S.D. 1, and S.B. No. 1738, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2067, 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. 2067, S.D. 1, and S.B. No. 2067, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2210, 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. 2210, S.D. 1, and S.B. No. 2210, S.D. 1, H.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.

S.B. No. 2402, 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. 2402, S.D. 1, and S.B. No. 2402, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS FOR ENERGY DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2682, 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. 2682, S.D. 1, and S.B. No. 2682, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2699, 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. 2699, S.D. 1, and S.B. No. 2699, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF PATERNITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2777, S.D. 2, 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. 2777, S.D. 2, and S.B. No. 2777, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION CONTROL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2789, S.D. 2, 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. 2789, S.D. 2, and S.B. No. 2789, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OBSOLETE OR UNENFORCEABLE HEALTH STATUTES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2848, S.D. 2, 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. 2848, S.D. 2, and S.B. No. 2848, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH FEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2850, 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. 2850, S.D. 1, and S.B. No. 2850, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY WITHHOLDING OF FEDERAL AND STATE INCOME TAXES FROM UNEMPLOYMENT COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2887, 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. 2887 and S.B. No. 2887, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES ADVISORY COMMITTEE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3011, S.D. 2, 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. 3011, S.D. 2, and S.B. No. 3011, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF SCHOOLS IN THE VILLAGES OF KAPOLEI," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3154, S.D. 2, 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. 3154, S.D. 2, and S.B. No. 3154, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3198, 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. 3198, S.D. 1, and S.B. No. 3198, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HANA MEDICAL CENTER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3262, S.D. 2, 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. 3262, S.D. 2, and S.B. No. 3262, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL LOAN PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

H.B. No. 3337, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 3337, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NONPRESENTMENT OF WARRANTS AND CHECKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3367:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 3367, entitled: "A BILL FOR AN ACT RELATING TO STATE INVESTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3370:

On motion by Senator Ikeda, seconded by Senator Baker and carried, H.B. No. 3370, entitled: "A BILL FOR AN ACT RELATING TO STATE TREASURY CASHIERING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2963 (H.B. No. 3540, H.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2963 was adopted and H.B. No. 3540, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL READING

Conf. Com. Rep. No. 14 (H.B. No. 3618, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 14 was adopted and H.B. No. 3618, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE RULES," 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. 43 (H.B. No. 3341, H.D. 2, S.D. 2, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 43 be adopted and H.B. No. 3341, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Kanno rose in support of the measure and stated:

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

"Mr. President, my comments are mainly geared at some of the media coverage on this bill and I think there is a lot of confusion by the people providing news coverage on this matter. I think the Legislators involved are very concerned about the impact on public employees that this measure would implement. And just to explain, what this bill provides for is the starting of a payroll lag to commence on January 1, 1997. So that provides for about the next seven months' time for public employees to prepare for the implementation of a payroll lag.

"Now, the payroll lag will be implemented over a period of approximately nine months. It would be done gradually, beginning in the month of January 1997, beginning with the first pay period which would go from January 1 through January 15. Normally, public employees under our current system get paid on January

15, the last day of the pay period. The implementation of the lag means that they would instead be paid one day later on January 16 for that pay period. For the second pay period which goes from January 16 through January 31, they would be paid late two days. For the pay period in the first half of February from February 1 to February 15, their paycheck would be three days later, so they would be receiving that on February 18. And that would continue and that transition period will go all the way through September 30, when finally, for the pay period that goes from September 1 through September 15, they would be receiving their paycheck on September 30.

"The other part of the bill, because of the Legislators' concerns about the impact on public employees, is to provide that the Department of Human Resources Development shall establish a program to assist public employees who experience financial hardship due to this act. And I think we are very concerned about the perception that public employees are being greatly hurt by legislation being considered this year. We did decide not to implement the mandatory furlough bill.

"This measure, in addition to providing \$47 million toward our bottom line in fiscal '97, also addresses another serious matter that the administration has not been able to handle -- and that has to do with salary overpayments. In order for our current system to work, in order for that employee to receive a paycheck on January 15, the final day of the pay period, the time sheets and time cards are being submitted days in advance. So by implementing the payroll lag, we will be addressing two problems at the same time. One being, helping our bottom line with \$47 million and secondly, the salary overpayment problem which had been running into the millions of dollars.

"I urge my colleagues to vote 'yes' on this measure. Thank you."

Senator Anderson rose in opposition to the measure and said:

"Mr. President, I'd like to say a few words, if I may.

"I'd like to vote 'no' on this particular matter, and I don't want to point any fingers but I will say that we are the ones who caused it. We did set up a new program, hired new personnel. It was through our own fault that we are where we are today. And now we're asking everybody to take this pay lag. And I realize that most of us are saying, well, at least we're not laying off people. And I don't think that's where everybody is coming from.

"I think what we have to look at is where do we cut and how do we cut. Do we get rid of whole departments, move administration? Just what are we going to do that's going to be fiscally responsible? We didn't do that so everybody is going to have to take the jerk, and we're not in there ourselves as far as I remember. And I think that's one of the things that the community looked at. If you are going to have a payroll lag for the employees, they wanted us to also take the same type of lag in our paychecks.

"So for that reason, I will be voting 'no.'"

Senator Ikeda rose in support of the measure as follows:

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

"I don't think that any of us are really particularly happy about having to pass this bill, but it does do two things. First of all, it addresses the problem that we have with the overpayments and the fact that there are a few

million dollars that have been overpaid and we are having a difficult time collecting them. Secondly, it does, by way of passing this bill, produce about \$47 million, and that \$47 million will go a long way towards helping us to make selective cuts in personnel.

"I don't believe that we should fool anybody and say that these cuts aren't going to be made. They are made in this budget and they will continue to be made, but without this kind of a bill you can anticipate a RIF similar to the one that we saw occur last year during the interim. And I don't think any one of us, if we had our choice, would say that's a good way to proceed. Thank you."

Senator Anderson responded:

"May I respond, Mr. President? I thoroughly agree with the chairwoman that nobody feels very happy about this. However, when we were in committee we asked different department heads why did this happen? How did you happen to overpay? How come there was delayed payments on sick leave? Where did this all start? And they didn't come up with good answers. They weren't justifying the problems that we have today. And I think that's what we were supposed to have done is gotten to the bottom of this. And when I said that we needed good surgery, what we did is we had programs that we should have gotten rid of that should have never started in the first place that were not working. And we turned around and we said what we're going to do instead of putting this to death is we'll go ahead and amputate and just feed it a little bit more. That's the problem that we're having.

"We haven't looked at good fiscal, responsible types of programs that should not be funded because they're not good. We should get rid of some of the departments that are not functioning properly. What we do is every time we try to get rid of people, we keep the top echelon and we remove secretaries and clerks and the whole bit because people come down. If a person isn't functioning as a supervisor or administrator, then that's the one that should go, and then we'll save some bucks -- big bucks. If we don't function, the people have the right to throw us out. That's the same thing that we have to look at. If it's not functioning, dump it. Thank you very much."

Senator Ikeda then responded:

"Mr. President, I couldn't agree more with my colleague across the aisle. I think that we have made an attempt to reorganize and downsize government and consolidate departments. As I said earlier in my speech on the budget, the momentum has started. The administration will have to come in with some recommendations next year.

"I would like to just say that we are open to any specific suggestions that the good Senator may have and we would welcome his recommendations as to programs and departments that aren't working.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 43 was adopted and H.B. No. 3341, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARY PAY PERIODS OF PUBLIC OFFICERS AND EMPLOYEES," 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. 47 (H.B. No. 3711, S.D. 2, 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. 3711, S.D. 2, 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. 48 (H.B. No. 3423, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Holt and carried, Conf. Com. Rep. No. 48 was adopted and H.B. No. 3423, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WARRANTIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 2:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:16 o'clock p.m.

**MATTER DEFERRED FROM
MONDAY, APRIL 15, 1996**

FINAL READING

Conf. Com. Rep. No. 51 (S.B. No. 2211, S.D. 2, H.D. 2, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 51 be adopted and S.B. No. 2211, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Kanno rose in support of the measure and said:

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

"Mr. President, I wanted to point out how important this bill would be for construction of school facilities all across the state. This bill calls for a constitutional amendment which would be done this coming year to provide that funds for school construction projects would not lapse at three years. I'm sure we are all familiar with the need of school facilities, especially at the intermediate and high school levels, because we are badly in need of a new intermediate school, being Kapolei Intermediate School, and we are also badly in need of Kapolei High School being built. And I'm aware that there are a number of other projects throughout the state also in line.

"With an intermediate school costing over \$30 million today and a high school costing over \$70 million to build, and with our annual \$90 million appropriation for school construction projects, we would be hard pressed to meet the needs of these particular areas, not to mention the buildings, the cafeterias, the office buildings, the gyms and other facilities that are also needed.

"So I ask the members to please take a close look at this measure and if they see fit, to please advise their constituencies that this will be on the ballot. It will be an important measure for us in meeting the school construction needs of the future. It provides that we will be able to enter into long-term leases, lease purchase arrangements, qualified design build contracts, and other agreements that would allow for the provision of public school facilities.

"We do really need to look at new ways of getting our schools built. There are developers out there who are willing to cooperate and help us build our schools, and we need to be looking at these kinds of ways to meet these needs.

"I urge my colleagues to vote 'aye.' Thank you."

Senator Anderson added his remarks as follows:

"Mr. President, I'm for the bill but I do have some reservations.

"I agree with the chairman that if anything, the construction industry needs a boost. But we keep saying, not only for new school projects but repair and maintenance and everything else, that we can't put it out all at one time because we don't have enough contractors out there. I think there's a whole bunch of contractors that are out of work. They need to have the jobs. If we have the money, let's fund the projects and make sure that they move forward. That would certainly help our economy. And I don't think that it should be only certain contractors that get certain jobs. Make sure that everybody gets a little piece of the pie. That would certainly help our industry and will certainly help our economy.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 51 was adopted and S.B. No. 2211, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL CONSTRUCTION PROJECTS," 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. 2836, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 79 was adopted and S.B. No. 2836, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 83 (S.B. No. 641, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 83 and S.B. No. 641, S.D. 2, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 85 (S.B. No. 2552, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 85 was adopted and S.B. No. 2552, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 88 (S.B. No. 2090, S.D. 2, H.D. 2, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 88 be adopted and S.B. No. 2090, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Tam requested a ruling of the Chair as follows:

"Mr. President, I may have a possible conflict of interest. I'm a sales representative for a termite company."

The Chair ruled that Senator Tam was not in conflict.

Senator Anderson also requested a conflict ruling from the Chair and said:

"Mr. President, I may have a conflict. I sell pesticides."

The Chair ruled that Senator Anderson was not in conflict.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 88 was adopted and S.B. No. 2090, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," 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. 89 (S.B. No. 2278, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 89 and S.B. No. 2278, S.D. 2, H.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 90 (S.B. No. 2333, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 90 was adopted and S.B. No. 2333, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PURCHASES OF SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 91 (S.B. No. 2522, S.D. 1, H.D. 2, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 91 be adopted and S.B. No. 2522, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Levin.

Senator Liu rose to speak against the measure and stated:

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

"Mr. President, I did serve on the Conference Committee and I can say that the chairman of the Committee on Health worked very hard, I think, in attempting to represent very firmly and steadfast the views of many members of this body in regards to the community hospital system. But after reviewing the final product and after seeing, I guess, the overall theme that seemed to support the approach that this body took and I think to some degree the body across the way, I just cannot find myself to support the bill because I think it goes in the opposite direction from which we should be going.

"Some have said that this bill will help the system become 'more independent.' Some have even used the phrase 'privatize.' I would argue most vehemently that this bill does nothing to help privatization. It does very little to help greater independence, if that is what some people want in regards to this hospital system. In fact, it does things which will make it more difficult to have more options and have more creative ways of looking at how to best run this system.

"The bill is very up front in indicating that this new Hawaii Health System Corporation will be an instrument and agency of this state. It's almost an oxymoron to indicate that this is an independent 'agency of the state.' It's still going to be a part of the State of Hawaii.

"The Legislature can insert itself to take a look at the kind of services that is being offered and whenever there is a disagreement as to what is a substantial reduction or elimination of direct patient care services. Well, that will require the approval of the Legislature and the Legislature, on its own, may intervene when there are concerns or questions. And I think many times there will be questions over interpretation of the kinds of services being made available.

"More problematic on an operational standpoint, this bill indicates that the new board cannot assign or lease, hypothecate or sell ... really, it can't do anything in regards to its assets; and in regards to using its assets in a way that will allow it to actually leverage itself out of dependency from the state, which I think some people here have said should be a goal.

"This bill creates a new civil service system for hospital employees. I have no idea how that is going to aid changes in the future. And if we have problems with the current contracts that we have with our unions there, I don't really see how creating a new system is going to change that very much.

"I'm wondering why the administration or others haven't been more creative in the last year-and-a-half in revisiting this long-term issue of how to look at the hospital systems, despite the various task forces, etc., that have been formed. We're not looking at empowering the employees. Maybe we should put out an RFP to the private sector, but allow employees to have a stock ownership in the new entity.

"These are the kind of ideas which I think should have been put forward, but have not been. I think, unfortunately, what we have here is a bill that will, rather than make it easier to manage this system in the years to come during the transition over to this new board and new corporation which will still be an instrument or an agency of the state, things are going to be worse.

"So, with that, Mr. President, I urge us to perhaps reconsider the action we are moving toward, and I urge others to vote against this bill. Thank you."

Senator Baker rose in support of the measure and stated:

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

"Mr. President and colleagues, S.B. 2522, C.D. 1, is but one of the many important initiatives this body has put forward as part of our commitment to making government more efficient and responsive to the people of this state. I clearly take an opposite view from the previous speaker.

"Specifically, this bill restructures the current bureaucracy-laden community hospital administration system by fashioning it into a public corporation, the Hawai'i Health Systems Corporation. This new body, consisting of healthcare providers and stakeholders within the community hospital system, is being established to give more autonomy to our community hospitals so that they may better serve and provide for the medical needs of the people of this state.

"Mr. President, most of the community hospitals are on the neighbor islands and, for the most part, represent the only long-term or acute care facilities available to the residents there. For many years our communities have clamored for autonomy -- for the opportunity to have our community hospitals run more like the private sector and to be freed from the crushing bureaucracy in the Department of Health. This bill is a milestone because it moves clearly in that direction. The hospitals now have a structure in place that will enable them to focus on their primary mission ... which is quality health care.

"Through this new corporation, the community hospitals will have the opportunity to manage their own resources and be accountable for their own fiscal integrity. I believe in the long run that this will provide cost savings to the taxpayers in this state and, more importantly, for those of us who have no other options, it will allow us to access better health care service throughout our communities.

"Hawai'i is often recognized for its outstanding health care delivery system that is the envy of our nation. The Hawai'i Health System Corporation is yet another example of how this state is structuring its institutions to, in this instance, enable our community hospitals to be in a position to provide affordable, quality health care for the residents of this state that must depend on this system.

"I urge my colleagues to vote in favor of this measure. Thank you."

Senator Fernandes Salling then inquired:

"Mr. President, would the chair of Health yield to a question?"

The President posed the question to Senator Levin and Senator Levin having answered in the affirmative, Senator Fernandes Salling continued:

"Maybe I've missed something in the bill and you can point it out to me, but on page 5, we've set up a corporation board consisting of eleven members and it seems to be fairly set out in terms of their representation -- one member from the city and county of Oahu, one from Kauai, one from Maui, one from the eastern section of Hawaii, one from the western section of Hawaii, and five members at-large. Now, in looking further on page 20 and 21, this is where the question comes in, Mr. President, because I'm confused. Now, I see that we have regional management advisory committees and this advisory committee will consist of nine members. The management advisory committee ... and it just states the east Hawaii region, and maybe somewhere else in the bill it sets out how it is to be handled from Oahu, Maui and Kauai, and that would be my question. And I hope that it is in the bill, but it only addresses the Big Island. It states that the East Hawaii Region (and this is regional, not corporate -- now there are two separate issues here), the regional committee shall have three members who reside in the Kau district, three members ... in the Hamakua/North Hilo districts, three members ... in the South Hilo/Puna districts. The West Hawaii region shall have not less than three members who reside in the North Kohala / South Kohala district."

"Would the chair please explain to me if somewhere else in the bill we have spelled out that, with respect to the regional committees, we have the membership stated specifically as you have for the Big Island, stated for on the regional for Oahu, Kauai and Maui."

Senator Levin responded:

"Mr. President, I should have specified that I would yield to a question of 20 words or less, but be that as it may, I would point out to the Senator from Kauai that on page 20 it talks about a management advisory committee for each region, so each of the five regions will have a management advisory committee made up of nine members. I consulted with or sent communications to all the neighbor island Legislators, including the Senator from Kauai, asking them if they wanted to have any special designation with respect to residency of the members on their islands' advisory committee. The response I got back from Maui was that they did not need any special designation; I did not hear from Kauai; and from my colleagues on the Big Island, I did get responses and I tried to accommodate the request from West Hawaii.

"So the short answer to the inquiry is that there will be a management advisory committee for the Island of Kauai made up of nine residents of the Island of Kauai but with no other specific designation. With respect to East Hawaii and West Hawaii, we have specified where the members should reside."

Senator Fernandes Salling continued to inquire:

"Would the chair please continue to yield to a few more questions? (Senator Levin: "I will.") For obvious reasons I'm sure you know why you did not hear from the Senator from Kauai. But how is it going to be handled, then, for Maui and Kauai who decided not to spell it out in the bill. Who's going to choose? How is it going to be handled?"

Senator Levin replied:

"The chief executive officer (on page 20, line 10) will be making the appointments to the advisory committees."

Senator Fernandes Salling continued:

"And that is from each respective island?"

Senator Levin answered:

"Yes, there will be five management advisory committees, one for each region, for Kauai ..."

Senator Fernandes Salling interjected:

"The chief executive officer is not ..."

Senator Levin responded:

"The chief executive officer of the corporation."

Senator Fernandes Salling continued:

"You don't have one for each island, do you? You're talking about the head guy, and he will decide how it's going to be handled and who will be picked, and which portions of the islands will be represented. Is that correct?"

Senator Levin answered:

"The chief executive officer will be appointing the members of the advisory committees, Mr. President."

Senator Fernandes Salling inquired:

"So what I just asked you, is that correct?"

Senator Levin replied:

"I believe that is correct."

Senator Fernandes Salling further inquired:

"So would your advice be then, for those of us who did not designate specifically in the bill as the Big Island did, once the chief executive officer is selected, consult with them and inform and advise them that we would like to see it handled in the same manner, perhaps, as it was on the Big Island. Would that be your best advice?"

Senator Levin answered:

"With respect to the corporate board, you need to approach the Governor and try to get as much and the best representation from Kauai as possible. With respect to the management advisory committees, it would be the chief executive officer. And if in the next session the Island of Kauai wants to somehow designate how the committee members will be chosen other than this, I am sure that whoever will be chair of the Health Committee would be receptive to that. I certainly would be."

Senator Fernandes Salling then said:

"I certainly hope so, if you were certainly the chair of the Health Committee, which I certainly hope you will be."

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 91 was adopted and S.B. No. 2522, S.D. 1, 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, 24. Noes, 1 (Liu).

Conf. Com. Rep. No. 92 (S.B. No. 2795, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Levin and carried, Conf. Com. Rep. No. 92 was adopted and S.B. No. 2795, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH, CHILD AND ADOLESCENT MENTAL HEALTH DIVISION," 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. 3135, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 96 was adopted and S.B. No. 3135, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUDGET REDUCTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 97 (S.B. No. 107, H.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 97 was adopted and S.B. No. 107, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 100 (S.B. No. 2264, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 100 was adopted and S.B. No. 2264, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 101 (H.B. No. 2452, H.D. 3, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 101 was adopted and H.B. No. 2452, H.D. 3, 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. 102 (H.B. No. 2642, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 102 was adopted and H.B. No. 2642, 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. 103 (H.B. No. 1257, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 103 and H.B. No. 1257, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 107 (H.B. No. 3300, S.D. 1, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 107 be adopted and H.B. No. 3300, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Aki rose in opposition to the measure and stated:

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

"Revenues that belong to the Office of Hawaiian Affairs belong to the Hawaiian people. And when the State of Hawaii accepted the trust responsibilities, we also have in our Constitution the fact that the trust cannot be

diminished. I believe that this bill will diminish the trust responsibility, and therefore, I cannot support it.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 107 was adopted and H.B. No. 3300, 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, 24. Noes, 1 (Aki).

Conf. Com. Rep. No. 108 (H.B. No. 3650, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 108 was adopted and H.B. No. 3650, 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. 111 (H.B. No. 3342, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 111 was adopted and H.B. No. 3342, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE MAXIMIZATION," 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. 3554, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 113 and H.B. No. 3554, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 115 (H.B. No. 3852, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 115 was adopted and H.B. No. 3852, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST ETV HAWAII/ELEPHANT TELEVISION, INC.," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 116 (H.B. No. 3968, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 116 was adopted and H.B. No. 3968, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INSURANCE," 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. 3512, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Ikeda and carried, Conf. Com. Rep. No. 117 was adopted and H.B. No. 3512, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 118 (H.B. No. 3548, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Gaulty and carried, Conf. Com. Rep. No. 118 was adopted and H.B. No. 3548, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR 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. 122 (H.B. No. 2729, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Gaulty and carried, Conf. Com. Rep. No. 122 was adopted and H.B. No. 2729, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 123 (H.B. No. 50, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 123 was adopted and H.B. No. 50, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 131 (H.B. No. 3138, H.D. 1, S.D. 2, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 131 be adopted and H.B. No. 3138, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Kawamoto rose to support the measure as follows:

"Mr. President, I rise to speak in favor of H.B. 3138, Relating to Adult Education.

"I would like to thank the subject Chair, Senator Chumbley, for listening to you on opening day, and to many of us who said we needed to beef up adult ed to prepare for the social change in our comp ed bill. We need to look at adult ed as one of many alternative education programs and to be treated as such and not as a step child as is presently being done by the DOE.

"I hope this bill will make the Department of Education revisit the adult ed programs in light of our comp ed bill and the recent change in policy of the Community Colleges to drop remedial english and math courses. I

urge my fellow colleagues to vote 'aye' on this bill. Thank you."

Senator Chumbley rose and stated:

"Mr. President, I have some written remarks I'd like to have inserted into the Journal."

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

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

"Mr. President, this bill is just one of twenty-three measures that your Committee on Education has brought forth for final legislative consideration. This package of initiatives is something that all members can be very proud of, Mr. President, for they will have a very positive impact on public schools through-out our state.

"The first section of this bill will enable all schools to retain profits arising from student entrepreneurial activities.

"The second section develops a process in which businesses or individuals can receive a tax deduction to promote charitable contributions of educational technology equipment and services to our public schools. This will clearly assist the state in getting technology into the schools at a much faster pace by creating new partnerships with business.

"The last part of this bill will provide a place within the adult and community education programs for the at-risk-students who do no function well within the traditional high school environment. Further, it requires the DOE to move money to support the at-risk-students who are now in alternative programs. And finally, it allows the DOE to charge tuition to adults who require remedial courses prior to entry into our community college system.

"I ask all of my colleagues to support this important measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 131 was adopted and H.B. No. 3138, 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, 25. Noes, none.

Conf. Com. Rep. No. 132 (H.B. No. 1716, H.D. 1, S.D. 1, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 132 be adopted and H.B. No. 1716, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Kawamoto, rising in support of the measure, then stated:

"Mr. President, I rise to speak in favor of H.B. 1716, Relating to UH/West Oahu.

"First of all, Mr. President, I would like to thank the Governor and his staff for the plan to make a dream for so many for so long, 20 years, come true. I would like to thank the chairs of Higher Ed, Planning, Ways and Means, and Housing. Senators Ige, Iwase, Ikeda and Bunda, respectively, for allowing this bill along with S.B. No. 608 and H.B. No. 3970 to pass through their committees to make West Oahu University a reality. I

would also like to thank the James Campbell Estate for being flexible in allowing changes in the original agreement to allow additional time to begin construction.

"I would very much like to also thank my colleagues in the Senate and our counterparts in the House for your vision, your patients, and your help in bringing this project much closer to reality. Having said all that, I assure you, Mr. President and honorable colleagues, that the new campus at spacious Kapolei will truly be a tribute to this Legislature and one that we can all be proud of.

"Some day as we reminisce and look back at this session, we can all take pride that we played a part in developing this world class campus as an institution of higher education for our young people. Mr. President, I urge all my colleagues to vote 'aye' on this bill. Thank you."

Senator Taniguchi rose and stated:

"Mr. President, regretfully I will be voting against this bill and I request that my comments be inserted into the Journal."

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

"Mr. President, I rise to speak in opposition to H.B. No. 1716, H.D. 1, S.D. 1, C.D. 1. In doing so, I would first like to state that I am supportive of the land exchange portion of this bill. What I oppose is the establishment of a special fund.

"In these times when the Legislature and Executive are making significant cuts to the University of Hawaii system's monetary support, and substantial increases to student tuition costs are being made by the Board of Regents, it seems odd that we are embarking on a path to lock ourselves into making major expenditures on a new four-year university campus through a special fund.

"For anyone who believes that we are somehow funding this new campus without significantly affecting our state budget, I ask that you look at the facts. We are already spending \$64.4 million to repay the Airport Special Fund for funds used to acquire the Hawaii Raceway Park property -- the land now being exchanged with the Campbell Estate. Construction costs and operating funds for a new campus will be in the hundreds of millions of dollars. This will certainly greatly impair this Legislature's ability to fund other good and worthy programs in the future.

"Secondly, I do not understand why we need a special fund for a particular campus. It is a bad precedent and sends a message to other segments of the University system -- which have long waited for funding for their own facilities or programs -- that this project will leapfrog them. I believe that this is a matter of fairness, and that the West Oahu campus must wait its turn like everyone else.

"Because of my past and continued support for higher education for the people of Hawaii, it is with regret that I must vote against H.B. No. 1716, C.D. 1. Thank you, Mr. President."

Senator Kanno rose in support of the measure as follows:

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

"Earlier in the session there was discussion about traffic in regards to the University of Hawaii at Manoa campus,

and I think the bill before us presents a tremendous opportunity for our whole community. I think that there's always been a concern about access to the University of Hawaii at Manoa, and particularly with the communities of Filipino and Hawaiian ancestry. These communities are greatly under-represented at the Manoa campus. Whatever the reason is that certain communities may or may not have access or may have barriers towards succeeding at Manoa, we hope that with the prospect of a new university campus on the scale of U.H. West Oahu, we'll resolve some of those issues.

"I think this also goes to address some of the struggle that we've been having with growth and development on the Island of Oahu. Every community meeting that I go to, our freeway off ramps and our traffic situation is brought up. And I think as we look to the Kapolei area as our second city, and we look at resources and facilities such as U.H. West Oahu, I think there is hope that we are going to be able to go into the future with a well planned community.

"I urge my colleagues to vote 'aye.' Thank you."

Senator Chumbley then said:

"Mr. President, please ask the clerk to mark my 'aye' vote with reservations. I am concerned about the fiscal impact to the neighbor islands' community college system in the future, as a result of this."

Senator Fernandes Salling added:

"Mr. President, for the same reasons stated previously, will you please ask the Clerk to mark my vote 'aye, with reservations.'"

Senator Matsuura said:

"Mr. President, please mark my vote 'aye, with reservations' also."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 132 was adopted and H.B. No. 1716, H.D. 1, S.D. 1, 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, 24. Noes, 1 (Taniguchi).

Conf. Com. Rep. No. 134 (H.B. No. 3773, H.D. 1, S.D. 1, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 134 be adopted and H.B. No. 3773, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Bunda then rose and said:

"Mr. President, please note that I will be voting 'aye, with reservations.'"

Senator Aki rose in opposition to the measure and stated:

"Mr. President, I rise to speak against H.B. 3773, C.D. 1. I have comments here against this bill and I would like to have it inserted into the Journal."

The Chair having so ordered, Senator Aki's remarks are as follows:

"Mr. President, I rise to speak against H.B. 3773, C.D. 1.

"I have grave concerns over the process. The process establishing the Sovereignty Election Council has divided our Hawaiian community and created confusion. I believe that the process will continue to divide our community, bring on legal challenges, and may, in fact, hinder those who are working to create a Hawaiian nation.

"I also have concerns about the timing of the election, which is scheduled later this year.

"There is much frustration, confusion, mistrust and anger in our community. Under these circumstances, I think this vote is unfair to our Hawaiian community. We don't need to ask whether it wants to form a Hawaiian nation. That question has already been answered -- first, by the United States government in the form of the apology resolution passed two years ago, also, the people of this state have indicated many times their strong support of giving the Hawaiian people their rights, privileges and land.

"The task before us and especially the leaders of the Hawaiian organizations is to provide leadership and to develop legislation that will bring our community together.

"We are not doing that by passing this bill.

"I will vote against this bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 134 was adopted and H.B. No. 3773, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN SOVEREIGNTY ELECTIONS COUNCIL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Aki).

Conf. Com. Rep. No. 136 (H.B. No. 3154, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 136 and H.B. No. 3154, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 138 (H.B. No. 3964, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 138 was adopted and H.B. No. 3964, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 139 (H.B. No. 3153, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 139 and H.B. No. 3153, H.D. 2, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 145 (S.B. No. 2485, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 145 was adopted and S.B. No. 2485, 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.

Conf. Com. Rep. No. 148 (S.B. No. 2819, S.D. 2, H.D. 1, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 148 be adopted and S.B. No. 2819, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Bunda.

Senator Fernandes Salling rose to speak against the measure and said:

"Mr. President and respected colleagues, I rise in opposition to this bill. I cannot in good conscience vote in favor of this measure before us, although I wish to make it clear that I don't expect this body to vote down the measure at this time, given the kind of legislative and budgetary emergency which would result from its failure.

"As chair of the Transportation and Government Affairs Committee, it's my duty to publicly make it clear that this measure which transfers \$19 million from the highway special fund to the general fund will result in a statewide fuel tax increase of not less than 9 cents per gallon by July 1, 1999. For the following reasons, I must go on record at this time in opposition to such a fuel tax increase:

1. This method of financing state programs and projects doesn't deal with the real problem -- the overall size of our state budget.
2. The premise of the highway special fund is that users pay the cost to operate the program. This \$19 million is being transferred to be used for non-highway purposes.
3. While it is true that there are currently substantial surplus monies in the highway fund, this excess amount is definitely needed to offset future expenditures. The transfer of these funds now will result in a shortage of funds in the future.
4. Moreover, this administration has previously transferred \$10 million from the highways fund during the fall of last year.
5. This transfer of funds will increase fuel taxes to a minimum of now 25 cents on a dollar for every automobile user, trucking company, highway user and farmer, and will also increase the cost of shipping by truck, all goods sold to every consumer in this state.
6. Last but not least, this is a tax increase plain and simple. It is something this Legislature had gone on record promising not to do this year. The fact that it will not affect our pocketbooks until 1999 doesn't change the harsh reality that this measure will raise Hawaii's taxes."

Senator Ikeda rose in support of the measure as follows:

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

"Mr. President, this was an administration proposal which initially would have called for the taking of approximately \$21 million. Over time and knowing the subject matter chair's concerns, I requested, and so did the Finance Committee in the House, clean information, reliable figures, and this is what we received from the

Department of Transportation as well as from the Department of Budget and Finance. Yes, it will result in a 9 cents per gallon increase in the year 2000. However, there will be an increase in the year 2000 to the gasoline tax regardless of whether we take this money now or not. The fact is that this fund was designed in that fashion, it's a flat rate. It does not have a percentage growth to even cover inflation, so at various periods in time it requires an increase.

"I have here a letter from Mr. Kazu Hayashida and I would like to read this:

'Attached is the final Highway Division Financial Summary dated 4/23/96 which reflects a \$19 million transfer to the general fund. Our previous estimate showed a 17.250 million transfer, but we have since revised our financial summary to further include a reduction in our debt service in fiscal '96 and a 10 percent reduction in our special maintenance program from fiscal '98 through the year 2002. These adjustments may result in reductions in our capital improvement and special maintenance programs and have been discussed with the Department of Budget and Finance. The overall operations and safety of the highways program will not be affected. Under this scenario the Highway Fund would require an approximate increase of 9 cents in taxes in the fiscal year 2000 to remain solvent.'

"Mr. President, we've scaled it down to the point where both departments have agreed that the impact of taking these funds will be minimal and this is what we have proposed to put before this body."

Senator Fernandes Salling rose again and said:

"Mr. President, very briefly. I think that we need to remind people in this body that there's an administration budget with administration proposals, which is then given to the Legislature and it is up to us to decide what to do -- whether or not to agree or not to agree, and in this case, whether or not to increase taxes for the benefit of the people of this state.

"I don't want to belabor this anymore. We've gone over it in caucus. We've had a lot of time with spread sheets and information, but I felt that it's very important that we realize that we can't blame the administration. The Legislature had their chance to work on the budget and to come up with ways to cut, and I cannot support this bill which cuts and transfers \$19 million from the highway fund and places it into the general fund."

Senator Ikeda then added:

"Mr. President, it's never easy to do these things. The alternative would be to find monies elsewhere -- and we have looked; we have tried to cut in other areas.

"I have a proposal to make. I have asked that several bills be put to the end of this afternoon's calendar. These are bills that I have looked at and they contain general fund appropriations. They are important to people, no doubt; they will affect people, no doubt; but they are not life and death. I am prepared, Mr. President, if it is the wish of this body, to recommit these bills. It would save the state a few million dollars and we may be able to rework the numbers in this take."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 148 was adopted and S.B. No. 2819, S.D. 2, H.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, 22. Noes, 3 (Anderson, Fernandes Salling, Liu).

Conf. Com. Rep. No. 152 (S.B. No. 2891, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 152 and S.B. No. 2891, S.D. 2, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 153 (S.B. No. 2941, S.D. 2, H.D. 2, C.D. 1):

Senator Ikeda moved that Conf. Com. Rep. No. 153 be adopted and S.B. No. 2941, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Liu rose in opposition to the measure and stated:

"Mr. President, I rise to speak against this measure, not really because of the substance in it regarding commercial fisheries, but just as a way to highlight that within this bill we are creating another special fund. In this session, I count that we have created, at a minimum, eleven new special funds of one kind or another, either revolving, trust, or special funds. We have consolidated a few -- three, it appears. But just as a sign that hopefully we can do better next session and looking even more carefully at this area, I shall be voting 'no.' Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 153 was adopted and S.B. No. 2941, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMERCIAL FISHERIES SPECIAL FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Liu).

FINAL READING

S.B. No. 2209, S.D. 2, 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. 2209, S.D. 2, and S.B. No. 2209, S.D. 2, H.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.

S.B. No. 2811, 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. 2811, S.D. 1, and S.B. No. 2811, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A DEFERRED COMPENSATION RETIREMENT PLAN FOR PART-TIME, TEMPORARY, AND SEASONAL/CASUAL EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2866, S.D. 2, 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. 2866, S.D. 2, and S.B. No. 2866, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF LAND TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2999, S.D. 2, 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. 2999, S.D. 2, and S.B. No. 2999, S.D. 2, H.D. 2, 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.

S.B. No. 3231, 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. 3231, S.D. 1, and S.B. No. 3231, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF REAL PROPERTY BY THE COUNTIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Liu).

THIRD READING

Stand. Com. Rep. No. 2962 (H.B. No. 3383):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2962 was adopted and H.B. No. 3383, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE REIMBURSEMENT OF THE AIRPORT REVENUE FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 3:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:04 o'clock p.m.

Senator Solomon rose on a point of information and stated:

"Mr. President, I rise on a point of information.

"Mr. President, it is my understanding that some of the members have problems with Supplement No. 1. Is that true, Mr. President, in terms of the agenda?"

The Chair replied:

"No, I have not heard of any."

Senator Solomon responded:

"Thank you, Mr. President."

STANDING COMMITTEE REPORTS

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2967) recommending that H.B. No. 3274 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2967 was adopted and H.B. No. 3274, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF NEW MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2968) recommending that H.B. No. 3336 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2968 was adopted and H.B. No. 3336, entitled: "A BILL FOR AN ACT RELATING TO HONEY BEE EXPORT SHIPMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2969) recommending that H.B. No. 3348 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2969 was adopted and H.B. No. 3348, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR MEDICAID INVESTIGATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2970) recommending that H.B. No. 3339 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2970 was adopted and H.B. No. 3339, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS PROJECT ASSESSMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2971) recommending that H.B. No. 3361, H.D. 2, pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2971 was adopted and H.B. No. 3361, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII FILM FACILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2972) recommending that H.B. No. 3369, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2972 and H.B. No. 3369, H.D. 1, was deferred to the end of the calendar.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2973) recommending that H.B. No. 3380 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2973 was adopted and H.B. No. 3380, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2974) recommending that H.B. No. 3424, H.D. 2, pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2974 was adopted and H.B. No. 3424, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUIDATION OF INSURERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2975) recommending that H.B. No. 3425, H.D. 2, pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2975 was adopted and H.B. No. 3425, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION OUT OF THE SPECIAL FUND FOR THE ADMINISTRATION OF WORKERS' COMPENSATION INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2976) recommending that H.B. No. 3453 pass Third Reading.

Senator Ikeda moved that Stand. Com. Rep. No. 2976 be adopted and H.B. No. 3453, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Liu rose in support of the measure as follows:

"Mr. President, I rise to speak in favor of this motion, but also to point out that, unfortunately, this may not be enough. By increasing the guarantee ceiling for the Department of Hawaiian Home Lands by \$29 million, we may only be dealing with a very short-term immediate situation. The auditor pointed out last year that as of June 1993 the Department of Hawaiian Home Lands, at least in her opinion, had already exceeded the guarantee authority by \$5.8 million.

"Since that time, and currently as I speak, there are probably I'd say 500 to 600 homes in various stages of construction on Hawaiian Home Lands. One of the largest turn-key operations in its history is now being built on the Waianae Coast; that in and of itself has around 260, 270 homes. What that means is that in all

likelihood the \$29 million increase in the guarantee limit has probably been reached, perhaps we're even over that at this point and time.

"More ominously, again, in the opinion of the auditor, the commitments which could ensue from the Department of Hawaiian Home Lands agreements with the Veterans Administration and the Office of Hawaiian Affairs might exceed \$180 million. If you take the administration's own promises of building 4,000 homes on Hawaiian Home Lands by 1998, then conservatively you are looking at the need for \$200 million at the low end and maybe as much as \$400 million on the high end for mortgage financing. The issue here is that most of those mortgages will need some kind of insurance and some kind of guarantee. And most of that guarantee amount is going to have to come from the Department of Hawaiian Home Lands.

"So I would hope that next session, the administration provides assistance to the Department of Hawaiian Home Lands and comes down with a bill with a more realistic guarantee increase or some other kind of new mechanism for financing, because the committee report is absolutely correct -- financial institutions cannot ... because of their own regulatory concerns of having to lend in a prudent, safe and sound fashion. They will have a difficult time working with the department without recourse to some source of funds or some source of insurance.

"So this is a positive step, but again I would hope that the administration understands that if it is to fulfill its promise to build those 4,000 homes by the end of 1998, more will need to be done so that there can be the kind of private sector and public sector cooperation in this area to build more Hawaiian Home Lands homes.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2976 was adopted and H.B. No. 3453, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2977) recommending that H.B. No. 3454 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2977 was adopted and H.B. No. 3454, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR CHILD FOSTER CARE PAYMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2978) recommending that H.B. No. 3459 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2978 was adopted and H.B. No. 3459, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2979) recommending that H.B. No. 3461 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2979 was adopted and H.B. No. 3461, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY FEDERAL FUND APPROPRIATION INCREASE FOR HEALTH CARE PAYMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2980) recommending that H.B. No. 3481, H.D. 1, pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2980 was adopted and H.B. No. 3481, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MARTIN LUTHER KING, JR., HOLIDAY ACTIVITIES BY THE CIVIL RIGHTS COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2981) recommending that H.B. No. 3525 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2981 was adopted and H.B. No. 3525, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII FISHERIES COORDINATING COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2982) recommending that H.B. No. 3537, H.D. 2, pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2982 was adopted and H.B. No. 3537, H.D. 2, 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.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2983) recommending that H.B. No. 3539 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2983 was adopted and H.B. No. 3539, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2984) recommending that H.B. No. 3545 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2984 was adopted and H.B. No. 3545, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2985) recommending that H.B. No. 3584, H.D. 1, pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2985 was adopted and H.B. No. 3584, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII TUITION AND FEES SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2986) recommending that H.B. No. 3603, H.D. 1, pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2986 was adopted and H.B. No. 3603, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2987) recommending that H.B. No. 3645, H.D. 1, pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2987 was adopted and H.B. No. 3645, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION OF FINES AND COSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2988) recommending that H.B. No. 3648, H.D. 2, pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2988 was adopted and H.B. No. 3648, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION AND TRAINING FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2989) recommending that H.B. No. 3724 pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2989 was adopted and H.B. No. 3724, entitled: "A BILL FOR AN ACT RELATING TO THE KAHŌ'OLAWÉ ISLAND RESERVE COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2990) recommending that H.B. No. 3769, H.D. 3, pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2990 was adopted and H.B. No. 3769, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO PERSONS DISPOSSESSED OR DISPLACED BY VOLCANIC ERUPTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2991) recommending that H.B. No. 3916, H.D. 1, pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2991 was adopted and H.B. No. 3916, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Ikeda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2992) recommending that H.B. No. 3976, H.D. 1, pass Third Reading.

On motion by Senator Ikeda, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2992 was adopted and H.B. No. 3976, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF A SPECIAL PURPOSE REVENUE BOND TO ASSIST AN INDUSTRIAL ENTERPRISE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 2993) recommending that H.C.R. No. 20 be adopted.

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, the report of the Committee was adopted and H.C.R. No. 20, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE HAWAII NATIONAL GUARD'S (HING) DRUG DEMAND REDUCTION PROGRAM (DDR)," was adopted.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 2994) recommending that H.C.R. No. 55, H.D. 1, be adopted.

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, the report of the Committee was adopted and H.C.R. No. 55, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF CEBU OF THE REPUBLIC OF THE PHILIPPINES," was adopted.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 2995) recommending that H.C.R. No. 198 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 2995 and H.C.R. No. 198 was deferred to the end of the calendar.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 2996) recommending that S.R. No. 104, as amended in S.D. 1, be adopted.

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, the report of the Committee was adopted and S.R. No. 104, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE CONVENING OF A GREENWAYS STEERING COMMITTEE," was adopted.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

FINAL READING

Conf. Com. Rep. No. 83 (S.B. No. 641, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 83 was adopted and S.B. No. 641, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNICATIONS," 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. 2278, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 89 was adopted and S.B. No. 2278, 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. 103 (H.B. No. 1257, H.D. 2, S.D. 2, 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. 1257, 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. 113 (H.B. No. 3554, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 113 was adopted and H.B. No. 3554, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATED TAX SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 136 (H.B. No. 3154, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 136 was adopted and H.B. No. 3154, H.D. 2, S.D. 2, 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. 139 (H.B. No. 3153, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 139 was adopted and H.B. No. 3153, H.D. 2, S.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. 152 (S.B. No. 2891, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ikeda, seconded by Senator Grauly and carried, Conf. Com. Rep. No. 152 was adopted and S.B. No. 2891, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PROGRAMS TO REDUCE PRISON AND JAIL OVERCROWDING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

Stand. Com. Rep. No. 2972 (H.B. No. 3369, H.D. 1):

Senator Ikeda moved that Stand. Com. Rep. No. 2972 be adopted and H.B. No. 3369, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Matsuura rose to speak against the bill and said:

"Mr. President, I'll be voting 'no' on this measure. What this bill does is that it includes public finance bond underwriting and public finance bond investment banking as professional services. This means that both of these services can go on the non-bid process. I don't know of any other state that includes these services as professional services in their procurement codes. This is one area that procurement abuses are already taking place. Allowing these services on a non-bid process is asking for problems. I'm voting against it.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2972 was adopted and H.B. No. 3369, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Matsuura).

ADOPTION OF RESOLUTION

Stand. Com. Rep. No. 2995 (H.C.R. No. 198):

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, the report of the Committee was adopted and H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FACILITATE AND PROMOTE THE USE OF VOLUNTEER GROUPS IN THE REPLANTING OF DESIGNATED ROADSIDE AREAS TO LOW GROWTH, LOW MAINTENANCE VEGETATION UNDER AN INTEGRATED VEGETATION MANAGEMENT (IVM) PROGRAM," was adopted.

At 3:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:25 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

S.B. No. 2322, S.D. 2 (H.D. 2):

Senator Ikeda moved that the Senate reconsider its action taken on April 12, 1996, in disagreeing to the amendments proposed by the House to S.B. No. 2322, S.D. 2, seconded by Senator Baker and carried.

Senator Ikeda moved that the Senate agree to the amendments proposed by the House to S.B. No. 2322, S.D. 2, seconded by Senator Baker.

Senator Ikeda noted:

"Mr. President, the House made technical amendments to the bill, so we can agree to them."

Senator Levin then said:

"Mr. President, could the chair explain the substance of the bill please."

At 3:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:29 o'clock p.m.

Senator Ikeda explained:

"Mr. President, the bill would allow spouses to have permits issued jointly and it would allow \$35 to be charged for registration of firearms. These fees are commensurate with the charge made by the Federal Bureau of Investigations so the maximum fee would be \$35."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2322, S.D. 2, and S.B. No. 2322, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2401, S.D. 2 (H.D. 2):

Senator Ikeda moved that the Senate reconsider its action taken on April 12, 1996, in disagreeing to the amendments proposed by the House to S.B. No. 2401, S.D. 2, seconded by Senator Baker and carried.

Senator Ikeda moved that the Senate agree to the amendments proposed by the House to S.B. No. 2401, S.D. 2, seconded by Senator Baker.

Senator Ikeda then noted:

"Mr. President, this bill establishes a temporary pilot program within the Judiciary to allow for computer-based digital and electronic filing of court documents. It does increase the fee in order to cover the costs. The House just made technical amendments to this bill; we can accept them."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2401, S.D. 2, and S.B. No. 2401, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

S.B. No. 3110, S.D. 2 (H.D. 2):

Senator Ikeda moved that the Senate reconsider its action taken on April 12, 1996, in disagreeing to the amendments proposed by the House to S.B. No. 3110, S.D. 2, seconded by Senator Baker and carried.

Senator Ikeda moved that the Senate agree to the amendments proposed by the House to S.B. No. 3110, S.D. 2, seconded by Senator Baker.

Senator Ikeda explained:

"Mr. President, the bill excludes services performed by student interns from the definition of employment under the Hawaii Employment Security Law. It authorizes the Department of Labor to provide grants and subsidies for employment education and training services exempt from Chapter 42B and extends the time period for employment and training fund assessments until December 31, 2000. The House made technical amendments to this bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3110, S.D. 2, and S.B. No. 3110, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 231 to 238) were read by the Clerk and were disposed of as follows:

Senate Resolution

No. 231 "SENATE RESOLUTION RECOGNIZING WITH GRATITUDE EACH OF THE MINISTERS OF RELIGION WHO OPENED A DAY OF THE SENATE, EIGHTEENTH LEGISLATURE OF THE STATE OF

HAWAII, REGULAR SESSION OF 1996, WITH AN INSPIRATIONAL INVOCATION."

Offered by: Senators Baker, Liu.

On motion by Senator Baker, seconded by Senator Liu and carried, S.R. No. 231, was adopted.

No. 232 "SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE EIGHTEENTH LEGISLATURE, REGULAR SESSION OF 1996."

Offered by: Senators Baker, Liu.

On motion by Senator Baker, seconded by Senator Liu and carried, S.R. No. 232, was adopted.

No. 233 "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. 233, was adopted.

No. 234 "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. 234, was adopted.

No. 235 "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. 235, was adopted.

No. 236 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT."

Offered by: Senators Baker, Liu.

On motion by Senator Baker, seconded by Senator Liu and carried, S.R. No. 236, was adopted.

No. 237 "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. 237, was adopted.

No. 238 "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. 238, was adopted.

At 3:33 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:34 o'clock p.m.

Senator Solomon rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, on behalf of myself, Senator Whitney Anderson, Senator Milton Holt, Senator Randall Iwase, Senator Michael Liu, Senator James Aki, Senator Robert Bunda, Senator Donna Ikeda, Senator Cal Kawamoto, and Senator Joe Tanaka, we will be submitting a letter to Attorney General Bronster which reads:

'It is the position of the undersigned Hawaii State Senators that the trial court in the referenced matter was correct in refusing to issue marriage licenses to couples of the same sex. We also concur with the court in the case of Dean vs District of Columbia, Ct. App. No. 92-CV-737(1995), which concluded unanimously that it is impossible for two persons of the same sex to marry and it cannot be a denial of equal protection to refuse to allow such persons to marry quoting from Black's Law Dictionary and Webster's Dictionary, both defining marriage as the union of two members of the opposite sex. This letter requests that you forthwith file a motion pursuant to Article 2, the Hawaii Rules of Evidence, relating to judicial notice particularly Rule 201 and Rule 202 to compel the trial court in the referenced matter to take judicial notice of (a) the definition of the word "marriage" in particular editions of the most popular dictionaries of the English language and (b) the language of the Statutes of those States of the United States which define the word "marriage".

Cognizant as we are that the Hawaii Supreme Court in reviewing the referenced matter did not hold that the refusal to issue licenses to couples of the same sex amounted to denial of the equal protection clause of the Hawaii Constitution stating merely that a Statute "gives rise to the question whether the applicant couples have been denied equal protection".

We believe that the trial court having noticed the requested facts can properly find that there is and can be, consonant with the meaning of the word "marriage" no such thing as marriage between couples of the same sex and that Hawaii as a member state of the Republic has a compelling interest that our Statutes not be subject to the absurd and irrational definitions urged by the plaintiffs in Baehr vs Miike.'

"Thank you."

Senator Matsuura rose on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege.

"I am going to speak in regards to the subject of same-sex marriage. Sometime in the future somebody is going to want to know what happened in the Legislature because this issue has worldwide implications. I have not seen in the newspapers, or anywhere else, an accurate documentation of what occurred. Therefore, I am going to put it into the Senate Journal so that somebody in the future can read it to have some idea as to what happened, because I was there. I'm going to give my personal opinion as to what happened. Others who disagree with me can give their side of the story.

"The first court challenge relating to same-sex marriage came in the State of Minnesota. The Supreme Court of the State of Minnesota turned it down, saying that same-sex marriage was not a civil rights issue, and that was 24 years ago. This same issue came up 12 years later in the

State of Washington. The State of Washington and the State of Hawaii have about the same state constitution. The Supreme Court of the State of Washington also turned it down. This issue was then brought up in Hawaii. You all have some ideas as to what happened and why. Our supreme court in 1993 ruled that our marriage laws discriminated against gay and lesbian couples and that unless the state can show a 'compelling state interest' to justify the discrimination, the court will order the Department of Health to issue marriage licenses to same-sex couples.

"For those of you who are not lawyers, the courts have different standards. The highest standard in the civil court case is 'beyond reasonable doubt'; that's the highest. In a constitutional case the highest standard is 'compelling reason,' followed by the 'intermediate level,' and the lowest level is the 'rational basis.' The lawyers tell us that at the standard that the supreme court gave to the circuit court that at the 'compelling reason' level, the state has no chance of winning. The state is going to lose 100 percent. Had the supreme court justices put it at the 'intermediate level,' then the state wins at the probability level of 100 percent. Unfortunately, we don't have much choice -- either change the constitution or think of some other alternative. The problem started at the supreme court and we are faced with finding a solution.

"Now, with that background, let me go back to two measures that surfaced this session. The first one, which you are very familiar, was H.B. 2366. This was the constitutional amendment bill. To some of us, H.B. 2366 was the answer -- put that issue on the ballot and let the public decide. Who's going to go against what the public wants. The judiciary, the supreme court will all have to abide by what the public wants. That appeared to be a simple answer to a complicated problem.

"However, two things stood in the way of going the constitutional amendment route. One of them was that the state might win on the issue of the marriage license, but it did not answer the question regarding the civil right issues regarding discrimination against gay and lesbian couples.

"I have to commend my colleagues on the Senate Judiciary Committee because they took a lot of pressure. Believe me, they took a lot of pressure. I had one person come into my office and he just couldn't understand Senator Matsunaga's position on this issue. He was attacking Senator Matsunaga because he's been very consistent, from last year and this year, very consistent! In his eyes, I was the good guy because I was for the constitutional amendment. However, I had to tell him that he had to understand people like Matsunaga, Grauly, etc.

"I said let me give you an illustration. I went down to the State of Georgia in 1953, I said just imagine ... there's a church in Georgia. The minister is a Caucasian, a white man, and he happened to marry a black person and a white woman. If this happened in 1953, the town would be totally out of control. They would catch the couple and the minister. And let's imagine that Senator Matsunaga is a deacon of that church. I can tell you for a fact that this crowd would have hung the white minister, the black man and the white woman, and there would be a fourth man hanging from a tree and that would be the deacon, Matsunaga, because Matsunaga is going to help the three. That's how firmly Senator Matsunaga believes that this issue is a civil rights issue. Not many people would be willing to give up their lives for a noble cause.

"The concerns regarding the civil rights issue and the equal protection clause of our state constitution had to be

addressed and H.B. 2366 did not address those concerns. Therefore, when it came to voting on H.B. 2366 in the Senate Judiciary Committee, it didn't have the votes to pass out of the committee because it didn't satisfy the so-called civil rights issues. You all know that on Thursday, H.B. 2366 had only 12 votes on the floor. You know it; I know it, because I was one of the 12. To put the constitutional amendment on the ballot, we had to have two-thirds vote in both the House and the Senate. The House had the two-thirds vote. We had to have at least 17 votes in the Senate -- we didn't even have 13 votes to pass the bill. We had to look at another vehicle or alternative.

"And so surfaced H.B. 3347 whose title was about the interpretation of state statutes. The contents of H.B. 3347 was changed. It had a complete metamorphosis and it became a same-sex marriage bill. Now, I'm going to concentrate only on H.B. 3347 and what happened on the last two days before final decking because this is important. I want the public to know what really happened on Thursday and Friday. On Thursday, H.B. 3347 had three conference drafts. I'm going to read the sections that are important. All three conference drafts had the same language in the beginning, which read:

'A provision in a statute which provides for the issuance of marriage licenses solely to couples of the opposite sex shall be interpreted as consistent with all of the rights protected by this Constitution;'

"The first Senate conference draft added:

'... provided that the State shall allow couples of the same sex to register as life partners, and incur substantially similar obligations and receive substantially similar benefits as provided by law to married couples, except that parental rights and responsibilities may be conferred to the same sex partner of a natural parent only through legal proceedings.'

"A lot of people looked at that and said 'domestic partnership.' The House members said, no, they can't go with that draft. So the House came back with a second draft. This is still on Thursday. The same beginning was put in:

'A provision in a statute which provides for the issuance of marriage licenses solely to couples of the opposite sex shall be interpreted as consistent with all of the rights protected by this Constitution; provided, however, that nothing in this section shall be interpreted as restricting the power of the legislature to enact laws for the benefit of unmarried couples.'

"This House language gave the Senate members problems because the issue of civil rights was not addressed. The House draft was rejected by the Senate conferees.

"The third and last draft was a Senate proposal. This was the final draft. It was signed by all the committee members and the chairman of the Judiciary Committee. Mr. President, this is Senator Grauly's speech prior to giving the House members the Senate conference draft. I wish Senator Grauly would read this -- you would think that Martin Luther King was speaking -- but if he's not going to read it then I want it to be inserted in the Journal because it is a powerful, powerful speech, and I am very proud of it. When he read this statement, I thought to myself ... man, I'm looking at the future leader of Hawaii.

'Chairman Tom and Members of the Conference:

Good Evening. The Senate would like to respond to your latest proposed C.D. 1 to H.B. 3347, H.D. 1.

The 14th Amendment to the United States Constitution somewhat concisely provides that a State may not "deny to any person within its jurisdiction the equal protection of the laws". This is what we as Americans believe. This is what we as a nation will protect. This is what our laws will uphold and our lawmakers must maintain.

The counterpart provision in our Hawaii Constitution goes even farther. Article I, Section 5 of our Constitution states:

"No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights, or be discriminated in the exercise thereof because of race, religion, sex or ancestry."

Ours is a state with a tremendous history in civil rights, of which we can be justifiably proud. Ours was the first state in the nation to ratify the Equal Rights Amendment. The 1991 Legislature, of which you were a member, Chairman Tom, was one of the first legislatures in the nation to make "sexual orientation" a protected class by prohibiting discrimination in housing and employment on the basis of one's sexual orientation.

The forced internment of Japanese-Americans during World War II has given all of us a tremendous sensitivity to civil rights. In a place where everyone is a minority -- different than any other place on earth -- civil rights is what distinguishes us and defines us as a people. It is who we are. It is who we are proud to be.

What then in the House position thus far in response to the Supreme Court's decision in Baehr vs. Miike?

On March 1, 1996 you passed H.B. 2366, H.D. 1 -- a constitutional amendment defining marriage as "the legal association reserved exclusively for the lawful union of a man and a woman".

Constitutional law expert Professor Jon Van Dyke has advised us that H.B. 2366 is "an odd response" to Baehr Vs. Miike -- that it would be irrelevant to the case -- the fact that gays cannot enter into a marriage does not eliminate the problem -- that the problem is discrimination, not just the label attached -- that the bill does not come to grips with the discrimination that needs to be remedied -- that there is a solid chance that the bill violates the U.S. Constitution.

Another constitutional expert, our foremost practitioner in constitutional law, Attorney Evan Shirley, has told us that he believes the bill is inconsistent with Article I, Section 3 (the Equal Rights Clause); Article I, Section 5 (the Equal Protection Clause); and Article I, Section 4 (Freedom of Religion clause).

Unfortunately, sad to say, in strongly espousing H.B. 2366 even to this late date, certain religious groups have made it very difficult for the Senate to move forward and avoid the result of having the court mandate same sex marriages, which both the House and Senate oppose. It is possible that those who dislike gay and lesbian people the most may be most responsible for the issuance of same-sex marriage licenses. That would be a supreme irony.

Chairman Tom, this is an unusual role for the legislature, for you and me and our respective committees. We have had to carry this burden for the

last three years. But we are being called upon on this divisive issue to lead, not follow. To have the courage of our convictions. To be not just smart, but wise.

Chairman Tom, I want to give you a new proposed C.D. 1. It is our LAST proposed C.D. 1. It calls for a constitutional amendment which we believe all the people of Hawaii should vote on. It asks the people the following question:

"Shall a provision in a statute which provides for the issuance of marriage licenses solely to couples of the opposite sex be interpreted as consistent with all of the rights protected by Article I, Section 5 of the constitution, provided that governmental benefits and obligations will be allocated to all on an equal basis?"

I have already drafted the Conference Committee Report -- already signed by the Senators. Deck it if you choose.

I have a second Conference Committee Report -- also already signed by the Senators. It is Senator Holt's language, verbatim. At the very least, deck this one!

Thank you very much.'

"This last Senate conference draft was given to the House conferees on Friday evening. They had plenty of time to study it. I am going to read the proposed language two times: 'A provision in a statute which provides for the issuance of marriage licenses solely to couples of the opposite sex shall be interpreted as consistent with all of the rights protected by this Constitution;'. That's what 70 percent of the people of Hawaii wanted. Now, the sentence that followed: 'provided that governmental benefits and obligations will be allocated to all on an equal basis.' I repeat, 'provided that governmental benefits and obligations will be allocated to all on an equal basis.' This simple sentence fulfills the requirements of the court of law.

"A person asked me, 'What did you give the gays and the lesbians?' And I said, I'll be very honest with you; we gave them what they already have, nothing more and nothing less, with one exception -- marriage is between a man and a woman. In the State of Hawaii one cannot discriminate for jobs or for housing because of sexual identity. Had the House conferees accepted the final Senate proposal, we would have had the required two-thirds vote in both houses and the constitutional amendment would have been on the ballot this November. That would have accomplished the goal that we all wanted. It would put the constitutional amendment on the ballot and the supreme court would have been satisfied because all the people of Hawaii would have the same governmental benefits and obligations on an equal basis. That's addressing the civil rights issue! When I think of the huge number of people that were praying at that hour of conference and we let the bill die is truly a failure that we must all bear.

"I hope that people who read this history will find an answer as to why this bill died. The last Senate conference draft was the answer that everybody in the State of Hawaii wanted. This provided equal rights to everybody -- blind, deaf, whatever, handicapped, disabled. This was it! The only thing I could tell those who called me crying was that all things will work together for good to them that love God. That's the only assurance we have from God. I hope that the public understands that we really tried our level best to pass something that would put this issue on the ballot which would be fair and right for all the people of Hawaii, including the gays and the lesbians.

"Some say wait till election. I can only ask the people of Hawaii that if you're going to target anybody, target me because I was the responsible person. Believe me. I talked to Justice Padgett late Thursday night and asked him if there was anything wrong with the last Senate proposal and he said he couldn't see anything wrong. That was our solution and yet we all failed. If they're going to target some of these members of the Judiciary, they will be making a second big mistake. It will be an unfortunate mistake because I have to admit that in all my 16 years as a Legislator, I've never been more proud of the members of the Senate Judiciary Committee, and that includes the Republican member. (Laughter.)

"So with that, Mr. President, when people evaluate what happened in this Legislature, they will have a better understanding of what happened. I'm not altogether too proud of our accomplishments. However, I'm very proud of the work of the Senate Judiciary Committee and I commend not only the Judiciary chairman but the staff that worked so hard. I can only say mahalo from the people of Hawaii.

"Thank you very much."

Senator Kawamoto rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, as the media claim and some of our learned colleagues from the minority party have claimed, we as a body have done little to enhance our state economy this past session. I beg to differ, Mr. President. We initiated a bill, which at the last minute was deemed flawed by the Attorney General. In her opinion, the bill's title contained two subjects. Again through her wisdom, Senator Ikeda, Ways and Means chair, took a House bill with the proper title, "Public Contracts", and inserted our bill as an S.D. 2 to H.B. 3789. Because the House agreed with our amendment in its entirety, action is being taken in the other house today and not here. This amendment provides for a 15 percent break at bidding time for our local contractors. This would mean more jobs for our local construction industry and keeping the millions of dollars spent on Hawaii's public works projects here at home, in the state, to be circulated among our people. In turn, it will enhance our local business and state economy as our people buy the houses, the cars, food, entertainment and others. Potentially, this could be big if the procurement people adhere to this bidding guidance.

"I promise today to be the watchdog for these major public works projects to insure that our local construction industry gets its major share.

"Thank you, Mr. President."

Senator Gaulty also rose on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, I just wanted to take this opportunity to thank several individuals in the community who came and assisted the Judiciary Committee on the same-sex marriage issue, particularly during the last days of our deliberations.

"First, I'd like to thank Professor Jon Van Dyke, Professor of Constitutional Law at U.H., who, despite the fact that he was preparing for an important case which he subsequently won a couple of days later, took the time to

meet with us and to brief us on the important points of constitutional law.

"Secondly, I'd like to thank Evan Shirley who is the foremost practitioner in constitutional law in our state, who dropped what he was doing and came to the assistance of the committee and assisted us as we prepared one of the drafts in conference.

"Third, I'd like to thank Justice Frank Padgett who stayed over despite the fact that he was going to go home to Maui one evening but stayed over just so that he could assist the committee the following morning with our deliberations.

"Mr. President, I also want to especially thank the members of the committee who have listened to all of the testimony, who have tried to understand the constitution. I think we as a body, particularly as a committee, have learned a great deal about the constitution and what it means as a result of our deliberations. And I think this can only happen when you have open-minded individuals who are willing to listen to the testimony, listen to the experts. I want to particularly thank my vice-chair, Senator McCartney. Without him I don't think I would have made it through this session, but he was a tremendous inspiration to me and a tremendous support. I thank you very much, Mike.

"And lastly, Mr. President, I'd like to ask that the position of the Senate in final conference with the House be included in the Journal, if possible. Thank you, Mr. President."

The Chair having so ordered, the inclusion of the Senate's position in final conference is identified as Attachments "A" and "B" to the Journal of this day.

Senator Baker then rose and said:

"Mr. President, there was a very important measure before this body today that was on consent calendar and consequently no one spoke in favor of it, so I would ask that my remarks in support of Conf. Com. Rep. No. 98, the beach liability bill, be inserted in the Journal at the appropriate place."

The Chair so ordered.

Senator Tam rose on a point of personal privilege and said:

"Mr. President, on a point of personal privilege.

"On behalf of myself and my colleagues, there's one group of people we forgot to thank and that is our staff -- the people who work long hours away from their families -- and we deeply thank you for all the hours you worked throughout this session.

"Thank you."

Senator Ikeda also rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, I am in receipt of a press release from the Democratic Party of Hawaii in which its chairman, Richard Port, issued a statement expressing his disappointment and concern that the Hawaii State Legislature has failed to address several important issues of concern to the members of the Democratic Party and to the citizens of Hawaii. This is a quote:

'I am disappointed that the Hawaii State Legislature failed to resolve Hawaii's auto insurance problem, fund the highly successful Hawaiian Language Immersion Program, and reform the current unpopular pension plan for elected officials. The members of the Democratic Party, in their State Convention Platform, Resolutions, and Grassroots conferences, have indicated that our elected officials need to address these issues.

'Moreover, I am concerned by the extent of the cuts in general assistance and the deep cuts in the Hawaii Civil Rights Commission budget. Democrats are always troubled when the most vulnerable members of our society are disproportionately affected by a down turn in the economy and when discrimination cannot be quickly dealt with in our community.

'Finally, I am particularly disappointed in the manner in which Senator Donna Ikeda and Senator Milton Holt have been conducting the affairs of their respective committees. Many of the problems this Legislature has had can be traced directly to their doors.

'I hope the Legislature will extend the session and complete their unfinished work.'

"Mr. President, I think some clarification is in order and that's the reason why I am standing on a point of personal privilege. First of all, Mr. President, Mr. Port talks about cuts to the Hawaii Civil Rights Commission budget. I think you should know that the administration took those cuts to the budget as well as the cuts made to general assistance during the interim. The Senate's position was to not adopt the cuts imposed by the Governor and let him continue to restrict funds through the end of this fiscal year. That action could have given the Governor the flexibility to release restricted funds if the need arose. The House insisted on taking the cuts and we finally agreed.

"On the high-three -- the Senate passed a very comprehensive and tough bill, as you know, Mr. President. The House proposal was high-five which was unacceptable because it would have negatively impacted on the retirement of civil servants while lifting the 75 percent cap on retirement benefits for judges and elected officials. This would have potentially increased, rather than reduced our retirement benefits. The Senate left another proposed conference draft on the table -- one which we felt was workable and met the objections of the Attorney General -- we never received a response from the House.

"The Hawaiian Immersion Program was not expanded, but its basic funding is in the Education budget. Mr. President, if we had the resources, we would have funded the expansion. But under the circumstances, we set as our priority funding workload increases for the schools. Mr. President, I would have loved to have been able to give the money for these programs. The problem is that we cannot give what we don't have.

"I am disappointed and hurt by Mr. Port's personal attack. It is totally unjustified."

Senator Iwase, rising on a point of personal privilege, then said:

"Mr. President, I rise on a point of personal privilege.

"I had not intended to speak today; I think we have gone through enough of a difficult session -- all of us. But I am rather disturbed by the press release from the chairman of the Democratic Party and I want to state why.

"Mr. President, we are, I believe that we are, a society in transition. We have traveled fifty years down the road of the 'New Deal.' Today many of the New Deal programs have been exhausted. The middle class has shrunk. The programs that were funded by government, the philosophy of government, are changing. We are at a fork in the road. There's a poem by Robert Frost about the road not taken, and how taking the road not taken, it has made all the difference. We are at that fork in the road, and we have to make a lot of choices because we are at that fork in the road -- about our philosophy of government, about who we are, about where our society is heading, about the kind of visions we have to have. These choices are very difficult to make and we have had to make them. In the five years that I have been here, they have been very difficult.

"As Democrats, our base -- our base -- is the blue collar. We have supported social nets. We do support welfare. We are for civil rights. But today in Hawaii, 1995, with a diminished revenue base, with a constricted economy, we have to cut. In making these choices, we make mistakes, but it seems in the past five years instead of trying to solve problems, instead of dealing with the issues as politicians and members of parties, as a public, we have been contented, because we have not quickly solved the problems, to blame each other, to finger-point, to look at other people and say, it's your fault.

"Well, Mr. President, we are not going to solve a single problem in this state; we will not solve a single problem in this nation; we are not going to solve a single problem in this world so long as we believe that the problem lies with somebody else, and that when a mistake is made, it is somebody else's faulty -- that it is not the government's fault; it is not the Legislature's fault; it is not the Senate's fault.

"Mr. President, I am disappointed by this because it represents to me the kind of thinking that prohibits us from solving problems. And if the Democratic Party falls because of this kind of memo, it's going to fall because of the weight of its own ignorance. Mr. President, I'm not going to be a party to that, and I hope none of us here are. Whether you are for or against Milton Holt, for or against Donna Ikeda, for or against Rey Grauly, we have had disagreements, but by golly we've got to walk out of here as members of one body and be proud of the work we did, accept the responsibility for what we did and not take this kind of trash.

"Thank you, Mr. President."

Senator Anderson also rose on a point of personal privilege as follows:

"Mr. President, I stand on a point of personal privilege.

"Mr. President, I had a few notes and I was going to make a different speech until Mr. Port sent this, then all hell breaks loose as usual. (Laughter.)

"I said the other day that it's very seldom that I stand up here and defend anybody; it's much easier to tear apart people. But I've known Senator Ikeda and Senator Holt for a good number of years, and if I disagree with them that's because of an issue; it's the same with Senator Grauly or anybody else. I've always said I've never held anybody personally responsible for anything. We have differences -- that's it. When we walk out of here, I'm your friend -- but I'm still from the opposite party.

"When you have a man send down that he is disappointed in the Hawaii Legislature because of the

automobile insurance, that there was a problem ... from day-one we knew there were problems as soon as the Senate said we had a position, the House had a position and so did the Governor. We weren't going to end up with a damned thing and if we were it was going to be so watered down that it wouldn't have worked anyway. And if you didn't know that, then you haven't been around in a long time.

"The rest of these unpopular things like the high-three, I think that was one of the committees that I saw Mr. Port at and some of the other watch-dogs. And I told them personally, when I ran and I turned down the high-three, I didn't see any of you coming out and slapping me on the back saying, 'Good job, Whitney.' They didn't support me. They didn't much give a darn. So why didn't these watch-dogs come out when there were such things as a real workers' comp reform, unemployment funds that were being spent, fireman's binding contracts, the Hawaiian trust fund being lowered by \$13 million, the same-sex or domestic relationships? Where were they for the people, coming out and saying we're for or against it? Not one of the watch-dogs came out. We fought individually. We did what we thought was right or wrong. I don't remember reading too much in the papers from any of these groups. I even brought one group together and said we did a floor speech on this; was it going to come out in the papers or the news media or television? But where were you folks to fight for workers' comp? Where were you for unemployment when they spent over a million dollars? We didn't come out and do that with our watch-dog.

"So all we have, ladies and gentlemen, is each other. That's very factual. We may disagree. I think it's a shame when any party can turn around and say don't support this individual because he or she has not backed the party. They happen to like somebody that they work with every day. I once told my minority floor leader, when he first ran, that I couldn't support him because I was supporting another individual, and he was hurt. And I said, 'Listen, when we're on that floor, I depend on that person for my help in passing a bill or killing a bill or amending a bill. That's why I can't support you at this time.' When he ran he wasn't very happy with me, but when we went to a Republican Convention I told an individual 'I can't support you; you may be a cousin but you moved into this guy's district and I'm supporting him because we've always had a good relationship for amending and helping with bills.'

"So, whether you like Whitney Anderson, Milton Holt, or Donna Ikeda, it doesn't really matter. But if you can work with us and we happen to be a fair person, then they might be running a jackass on the outside that might belong to your party, but that doesn't make any difference. So I am disappointed in your Democratic Party leadership. I've been there at the Republican leadership so I know when a person writes against somebody, but I do blame us. I do blame us for all of the problems that we have not really gone along with and taken care of.

"I was going to speak on this workman's comp bill that we have, 3512. It's watered down so bad because in one of these sections here it takes out and repeals reasonable. Well, this is for guidelines and frequency of treatments and reasonable utilization of health care and services. And then they took out from line 11 through line 22. That took out everything.

"Those are our problems. We watered down everything. We don't know exactly how it's going to affect those people out there. If businesses go down, there is no labor. But what happens is that you get hung up on the idea that the labor unions are for this or

against it and you forget what's happening to our economy. And that's what we did. We spent I don't know how much time on same-sex. It wasn't even supposed to be here. When it first came up, I don't care what the judge says back here, Judge Matsuura, but I've had attorney general's opinions one year that said you can't do this because it's anti-trust and the very next year, the same attorney general said that's a good bill -- the same bill, same attorney general. So I disagree with all of attorney parts of this.

"Anyway, ladies and gentlemen, I really wanted to say I'm glad the Governor appointed me. I've enjoyed working with you guys for two years. (Laughter.) And you knew that, didn't you. (More laughter.) Anyway, thank you very much, Mr. President and my fellow colleagues."

Senator Holt rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege.

"Again, in response to the chairman of the Democratic Party's press conference earlier today. I won't refer to his name because I have difficulty understanding why he is in that position.

"Mr. President, there hasn't been a whole lot of explanation in the press regarding what happened to the auto insurance bill. Your conferees are well aware of what happened. They went through it with me. Everything was out in the open, not behind doors. In fact, all the meetings that I had were in Representative Menor's office, not in my office.

"Essentially, what happened yesterday was that we were at a point where the Senate had accommodated the House so much that we even listed the points of accommodation from where we were when we passed that bill over to the House. And I'll just go quickly through it for you. We had agreed with the House to include a mandatory premium reduction of 25 to 35 percent which would be immediate and actuarially defensible. We agreed with the House on their amnesty provisions for currently uninsured motorists. We agreed with the House on penalty provisions for fraud violations. We agreed with the House on penalty provisions for denial of no fault benefits by insurers. We even increased the damages to treble damages. We included penalty provisions for attorneys and insurers engaging in unfair and deceptive acts, with the House.

"Also, we have agreed with language for intervention by the Insurance Commissioner to adjust rates. We went along with the House adding provisions to allow group insurance plans. We included mandatory bodily injury at 15 per person and 30,000. We didn't have that in the Senate version going across. We repealed peer review which was an earlier Senate position. And going into yesterday we felt we could come down, and we made a significant concession -- we went from \$250,000 on the mandatory minimum medical coverage to \$100,000.

"We met at about 8:00 o'clock or so last evening and came in with a suggestion by one of my conferees to beef up our bill by adding another penalty provision for insurers who did not pay out their claims. We added a \$5,000 penalty to our bill and the House responded: 'Is that all?' And we said, well, yes. We've pretty much gone as far as we could, we couldn't make anymore concessions without without giving away the rate reductions that we had proposed in the bill. But in the concept of trying to come out with an agreement, we asked them to please come back in half an hour. And we

broke with an agreement that the House would come back in half an hour.

"We returned at 8:45 and waited. My staff called Representative Menor twice, three time -- no response. The conferees from the House started showing up -- Representative Herkes, Representative Yamane and even one of the co-chairs showed up -- Chair Tom. And about 9:30, the indication was that Representative Menor was busy in his office and couldn't make it down. So what the Senate proposed at that time was another proposal, since the other chair of the committee was there, was to send a C.D. 1 over the table which changed our mandatory premium reduction from 25 to 35 percent, making it a 35 percent mandatory reduction -- a minimum of.

"Then we came back into session. The word was given to us that Representative Menor wanted to meet at 11:00 and as you know, we had other issues in here to debate and we didn't get out of here until 11:15 or 11:30. We went to the conference room and waited for the House to come back into conference. At about 10 minutes to 12:00, a couple of the members from the House were there, but the Speaker walked in, sat next to me, and asked me if that's all that the Senate was going to give to the House. And I said we couldn't give anymore concessions and he indicated that the bill was dead.

"So, it is with that understanding, and I hope clarification, that the people in the community and people in this body, and especially the chairman of the Democratic Party, take a look at the facts and try to understand the facts, and give the people in this body who have a responsibility to deal with difficult issues the time and room necessary to do so without jumping to conclusions. I believe we negotiated in good faith. We had time to even make a few more counter-proposals, but no one wanted to come back to the table.

"With that, Mr. President, I'd like to leave it. I don't want to leave this session on that kind of a note, and I'm not so sure that this note that I'm going to leave on is any better, but I feel compelled to make some statements at this point. May I, Mr. President?

"Mr. President, we started this session faced with many problems, and we made promises to the people to address them -- budget crisis, lagging state economy, economic development, same-sex marriage, no-fault automobile insurance reform, 'high-three' reform.

"Based on my past experience, the Legislature has traditionally addressed major issues in one of three ways:

1. Either avoid or postpone them until the next session -- no-fault, convention center, and same-sex;
2. 'Band-aid' the problem by reacting to the symptoms rather than the cure -- smoking, gun control versus crime control; or
3. We address the problem directly and fix it -- autonomy for the University, build an arena for the University, build a park in Kakaako and the waterfront.

"In general, the Legislature's record on addressing the problems of this state has been mixed. This year, however, we are on the verge of adjourning without a decision on every major issue. And I go back to the list -- budget crisis, lagging state economy, economic development, same-sex marriage, no-fault automobile insurance reform, 'high-three' reform. As far as I am concerned, we have failed to meet the basic needs of the people of this state in our role as elected leaders and

policy makers. More importantly, we have also dishonored the public trust that was granted to us upon our election to office. If we adjourn with this record, we do not deserve to be returned to office. This is the message that I have heard from the people, and it will be a major factor in their decision on who to support in the upcoming elections.

"All of the members of the House and half of the Senate are up for re-election this year. This is definitely not the kind of record that I would think any incumbent would want to run on.

"While I do not exactly know the exact reasons for our failure, I strongly believe that it is deeply rooted in our lack of vision and strong leaders within the Legislature and the lack of direction from the chairman of the Democratic Party. Given this environment, I am truly ashamed to admit that important decisions were based on political considerations, rather than our constituency.

"Although I cannot speak for every member, I do know that we all make personal sacrifices for the good of the whole. Speaking for myself, I have endured the breakup of my marriage, the loss of precious time with my three sons during their formative years from age three to five which can never be recovered, and the constant and abusive attacks from the media. My family and I have endured all of this and we have no regrets, because we truly believe that the people of this state have benefitted at our expense.

"I am going to list a few examples, Mr. President, as far as benefits to the state, because I endured over the years:

Today we have voted on a bill to allow the University to retain 100 percent of its indirect overhead revenues;

Act 51, as reflected in today's Governor's Message, would allow the Board of Regents to grant four-year baccalaureate degrees to our students at the community colleges;

We have university autonomy, moved out in 1984;

We've constructed a Marine Education and Training Center -- the best in the nation;

We've constructed the Automotive Technology Facility at Honolulu Community College -- the best in the nation;

We have a brand new School of Architecture at the University of Hawaii;

We're building a new convention center;

Even the renovation of the Neil Blaisdell Center (just in case you folks don't know) -- that \$13 million provision was in the International Market Place Convention Center bill;

We increased funding for neighbor island tourism programs;

We eliminated 'pyramiding and gross up' on the TAT to protect our visitor industry;

Kakaako Waterfront Park and Aloha Tower Development are realities;

Keeki Lagoon Park and the Canoe Racing Facility -- the community loves that;

We've expanded Sand Island State Park and even acquired Heeia Kea wetlands;

We incorporated 'social impact' in the mandatory five-year boundary review two years ago;

The hunter education program, which is one of the top in the nation right now; we also created the Wildlife Revolving Fund (all these things the state has benefited from);

Natural Area Partnership Program;

Forest Stewardship Program;

We have earmarked 25 percent of the conveyance tax into the Natural Area Reserve Fund for the above two programs;

We regulated 'thrill craft' and enforcement provisions for marine conservation districts;

We provided prescriptive authority for APRNS (advanced practice registered nurses);

And we even passed the used car 'Lemon Law' for the protection of the consumer.

"In closing, I just would like to thank all of my colleagues who joined me in the past in making sure that the business of the people was accomplished upon adjournment. This year, however, I would like to state for the record, Mr. President, that we have failed to accomplish this and we have failed once again to restore the public's confidence in state government.

"Thank you."

Senate President Mizuguchi delivered his closing remarks as follows:

"I have been a member of the State Legislature for 22 years.

"I have been a member of the Senate for 18 years.

"In all that time, the Legislature has rarely been so challenged as in the session now at an end. The unhappy influence of a poorly performing economy has overshadowed much of what we did, while complex, difficult and emotional issues preoccupied us.

"With much effort, we maintained the cohesiveness of the Senate. All parties were heard, all interests represented.

"The price paid for participation was high. This was a session of missed opportunities.

"When all is said and done, however, it will be clear that we have worked hard and produced results that will improve various state programs.

"In addition, we have invested time and energy into complex issues, the better to reach resolution in the future.

"As always, much remains to be done, and the accomplishments of the next legislative session will be rooted in our actions today.

"Moreover, we have gone very far in the direction of budget cuts, and we must seriously ask ourselves whether the social structure in which we take pride can sustain further restrictions. As we contemplate the next session,

it may well be that we should entertain low-impact, high yield revenue enhancements.

"I have served three years as President of the Senate, and I am proud that each of those sessions ended on time.

"My leadership has been open. Every member has been free to voice his or her conscience, and we have maintained a common purpose throughout.

"Each of you has had the greatest latitude to exercise independent judgement and discretion. In turn, you have demonstrated tolerance, wisdom beyond your years and an abiding respect for this esteemed institution.

"For those of you who are at mid-term, I wish you well.

"For those running for re-election, I wish you good luck.

"It has been an honor and a privilege to serve you.

"Thank you very much."

At this time, the Chair appointed Senators Baker, Ihara and Liu to inform the House of Representatives that the Senate is ready to adjourn, Sine Die.

At 4:30 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:54 o'clock p.m.

Senator Anderson then rose and said:

"Mr. President, I would like to request that we adjourn in the name of a fellow colleague, Emilio Alcon, a former Vice Speaker and a friend. Thank you."

ADJOURNMENT

Senator Ihara moved that the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, adjourn Sine Die, on a moment of silence in memory of the late Representative Emilio Alcon, seconded by Senator Liu and carried.

At 4:55 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 1996, adjourned Sine Die.

ATTACHMENT "A"

Chairman Tom and Members of the Conference:

Good Evening. The Senate would like to respond to your latest proposed C.D. 1 to H.B. 3347, H.D. 1.

The 14th Amendment to the United States Constitution somewhat concisely provides that a State may not "deny to any person within its jurisdiction the equal protection of the laws". This is what we as Americans believe. This is what we as a nation will protect. This is what our laws will uphold and our lawmakers must maintain.

The counterpart provision in our Hawaii Constitution goes even farther. Article I, Section 5 of our Constitution states:

No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights, or be discriminated in the exercise thereof because of race, religion, sex or ancestry.

Ours is a state with a tremendous history in civil rights, of which we can be justifiably proud. Ours was the first state in the nation to ratify the Equal Rights Amendment. The 1991 Legislature, of which you were a member, Chairman Tom, was one of the first legislatures in the nation to make "sexual orientation" a protected class by prohibiting discrimination in housing and employment on the basis of one's sexual orientation.

The forced internment of Japanese-Americans during World War II has given all of us a tremendous sensitivity to civil rights. In a place where everyone is a minority -- different than any other place on earth -- civil rights is what distinguishes us and defines us as a people. It is who we are. It is who we are proud to be.

What then in the House position thus far in response to the Supreme Court's decision in Baehr vs. Miike?

On March 1, 1996 you passed H.B. 2366, H.D. 1 -- a constitutional amendment defining marriage as "the legal association reserved exclusively for the lawful union of a man and a woman".

Constitutional law expert Professor Jon Van Dyke has advised us that H.B. 2366 is "an odd response" to Baehr Vs. Miike -- that it would be irrelevant to the case -- the fact that gays cannot enter into a marriage does not eliminate the problem -- that the problem is discrimination, not just the label attached -- that the bill does not come to grips with the discrimination that needs to be remedied -- that there is a solid chance that the bill violates the U.S. Constitution.

Another constitutional expert, our foremost practitioner in constitutional law, Attorney Evan Shirley, has told us that he believes the bill is inconsistent with Article I, Section 3 (the Equal Rights Clause); Article I, Section 5 (the Equal Protection Clause); and Article I, Section 4 (Freedom of Religion clause).

Unfortunately, sad to say, in strongly espousing H.B. 2366 even to this late date, certain religious groups have made it very difficult for the Senate to move forward and avoid the result of having the court mandate same sex marriages, which both the House and Senate oppose. It is possible that those who dislike gay and lesbian people the most may be most responsible for the issuance of same-sex marriage licenses. That would be a supreme irony.

Chairman Tom, this is an unusual role for the legislature, for you and me and our respective committees. We have had to carry this burden for the last three years. But we are being called upon on this divisive issue to lead, not follow. To have the courage of our convictions. To be not just smart, but wise.

Chairman Tom, I want to give you a new proposed C.D. 1. It is our LAST proposed C.D. 1. It calls for a constitutional amendment which we believe all the people of Hawaii should vote on. It asks the people the following question:

Shall a provision in a statute which provides for the issuance of marriage licenses solely to couples of the opposite sex be interpreted as consistent with all of the rights protected by Article I, Section 5 of the constitution, provided that governmental benefits and obligations will be allocated to all on an equal basis?

I have already drafted the Conference Committee Report -- already signed by the Senators. Deck it if you choose.

I have a second Conference Committee Report -- also already signed by the Senators. It is Senator Holt's language, verbatim. At the very least, deck this one!

Thank you very much.

ATTACHMENT "B"

HOUSE OF REPRESENTATIVES
EIGHTEENTH LEGISLATURE, 1996
STATE OF HAWAII

H.B. NO. 3347
S.D. 1
C.D. 1
PROP-3

A BILL FOR AN ACT

RELATING TO INTERPRETATION OF STATUTES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Findings and purpose. The legislature finds
2 that the question of the issuance of marriage licenses to couples
3 of the opposite sex and to couples of the same sex is a policy
4 question that should be decided by the legislature and then
5 presented to the electorate. The legislature further finds that
6 it seeks to avoid gender-based discrimination relating to
7 government privileges to same sex couples by providing them with
8 the same economic obligations and substantially similar other
9 obligations and the same economic benefits and substantially
10 similar other benefits as provided by law to married couples.
11 The legislature further finds that the State has a strong
12 governmental interest in the institution and regulation of
13 marriage and in the question of full faith and credit to be
14 extended to persons married in the State of Hawaii.

15 The purpose of this Act is to propose an amendment to the
16 Constitution of the State of Hawaii in order to interpret a
17 provision in a statute which provides for the issuance of
18 marriage licenses solely to couples of the opposite sex.
19 Provided that governmental benefits and obligations will be

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H.B. NO. 3347
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PROP-3

1 allocated to all on an equal basis, a statutory provision which
2 provides for the issuance of marriage licenses solely to couples
3 of the opposite sex shall be interpreted as consistent with
4 Article I, section 5 of this Constitution.

5 SECTION 2. The Constitution of the State of Hawaii is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "INTERPRETATION OF MARRIAGE STATUTES

9 Section 23. A provision in a statute which provides for the
10 issuance of marriage licenses solely to couples of the opposite
11 sex shall be interpreted as consistent with all of the rights
12 protected by this Constitution; provided that governmental
13 benefits and obligations will be allocated to all on an equal
14 basis."

15 SECTION 3. The question to be printed on the ballot shall
16 be as follows:

17 "Shall a provision in a statute which provides for the
18 issuance of marriage licenses solely to couples of the opposite
19 sex be interpreted as consistent with all of the rights protected
20 by Article I, section 5 of this Constitution, provided that
21 governmental benefits and obligations will be allocated to all on
22 an equal basis?"

23 SECTION 4. New constitutional material is underscored.

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1 SECTION 5. This amendment shall take effect upon compliance
2 with Article XVII, section 3, of the Constitution of the State of
3 Hawaii.