

FORTY-THIRD DAY

Tuesday, April 1, 1997

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Woodrow Yasahara, Hawaii Assemblies of God, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 254 to 276) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 254, informing the Senate that on March 31, 1997, he signed into law S.B. No. 1493 as Act 4, entitled: "RELATING TO LIMITED LIABILITY COMPANIES," was placed on file.

Gov. Msg. No. 255, submitting for consideration and confirmation to the State Board of Public Accountancy, the nomination of STEPHEN Y.H. KWOCK, term to expire June 30, 2001, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 256, submitting for consideration and confirmation to the Civil Defense Advisory Council, the nominations of: EDITH C. PASCUA, term to expire June 30, 1998; and JUDITH A. YOUNG, term to expire June 30, 2001, was referred to the Committee on Transportation and Intergovernmental Affairs.

Gov. Msg. No. 257, submitting for consideration and confirmation to the Contractors License Board, the nominations of TSUKASA MURAKAMI, R. P. BUCK SCHIPA, CHARLIE T. RODGERS, GERARD SAKAMOTO and EDGAR M. YOKOYAMA, terms to expire June 30, 2001, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 258, submitting for consideration and confirmation to the Convention Center Authority, the nomination of RICHARD L. HUMPHREYS, term to expire June 30, 1998, was referred to the Committee on Economic Development.

Gov. Msg. No. 259, submitting for consideration and confirmation to the Board of Cosmetology, the nominations of JAN A. NAKAHARA, MITZI C. H-YAMAMOTO and KENNETH R. JOYNER, terms to expire June 30, 2001, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 260, submitting for consideration and confirmation to the Board of Dental Examiners, the nominations of MODESTA S. GAERLAN-TOKUNAGA, D.D.S., MARTIN K. OISHI, D.D.S., JANEEN-ANN A. OLDS and CYNTHIA YAMADA, terms to expire June 30, 2001, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 261, submitting for consideration and confirmation to the Commission on Persons with Disabilities, the nominations of: GRETCHEN S. LAWSON, term to expire June 30, 2000; and CHRISTINA M. PILKINGTON and HAROLD DE COSTA, terms to expire June 30, 2001, was referred to the Committee on Health and Environment.

Gov. Msg. No. 262, submitting for consideration and confirmation to the Hawai'i Community Development Authority, the nomination of JAMES K. TSUGAWA, term to expire June 30, 1998, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 263, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Hurricane Relief Fund, the nominations of CAROLEE C. KUBO, JANIS C. AKUNA and STEPHEN E. GOMES, terms to expire June 30, 2001, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 264, submitting for consideration and confirmation to the Island Burial Council, Island of Hawai'i, the nominations of MARIE J. SOLOMON and GERALDINE K. BELL, terms to expire June 30, 2001, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 265, submitting for consideration and confirmation to the Island Burial Council, Islands of Kauai and Niihau, the nomination of ALTHEA K.L. ARINAGA, term to expire June 30, 2001, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 266, submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lanai, the nominations of: CLIFFORD J. NAE'OLE, term to expire June 30, 1998; and ANTHONY H. AKANA, MICHAEL P. MINN and ROBERT AIWOHI, terms to expire June 30, 2001, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 267, submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, the nominations of MYRLE P. FLOREA, RONALD KIMBALL and ANNA D. GOODHUE, terms to expire June 30, 2001, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 268, submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, the nominations of KALANI KAPU, LAURA KALUA MANUEL and R. ERIC BEAVER, terms to expire June 30, 2001, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 269, submitting for consideration and confirmation to the Kaneohe Bay Regional Council, the nominations of GRETCHEN M. GOULD and KIM NICHOLAS HOLLAND, Ph.D., terms to expire June 30, 2001, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 270, submitting for consideration and confirmation to the State Council on Mental Health, the nominations of: LINDA COCHRAN and ROBERT K. WEAD, terms to expire June 30, 2000; and GABRIELLE B. BATZER, M.D., LAURA FLANNELLY, Ph.D., PAT MILLER, JOHN L. NOLAND and PATRICIA O'NEAL, terms to expire June 30, 2001, was referred to the Committee on Health and Environment.

Gov. Msg. No. 271, submitting for consideration and confirmation to the Molokai Irrigation System Water Users Advisory Board, the nomination of THOMAS DECOURCY, term to expire June 30, 2001, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 272, submitting for consideration and confirmation to the Advisory Committee on Pesticides, the nominations of CLYDE M. FUJIKAWA, PAUL JOSEPH CONRY and AINSLEY A. AHLO, terms to expire June 30,

2001, was referred to the Committee on Economic Development.

Gov. Msg. No. 273, submitting for consideration and confirmation to the Procurement Policy Office Board, the nomination of CLAIRE H. MOTODA, term to expire June 30, 2001, was referred to the Committee on Government Operations and Housing.

Gov. Msg. No. 274, submitting for consideration and confirmation to the Board of Public Broadcasting, the nominations of: JANE FUKUNAGA, term to expire June 30, 1999; and CHERYL K. HETHERINGTON, JANICE S. HIGASHI and THOMAS L. WARLING, terms to expire June 30, 2001, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 275, submitting for consideration and confirmation to the Board of Directors, Research Corporation of the University of Hawaii, the nominations of WALTER NUNOKAWA, Ph.D., and HERBERT A. SEGAWA, terms to expire June 30, 2001, was referred to the Committee on Education.

Gov. Msg. No. 276, submitting for consideration and confirmation to the Commission on Water Resource Management, the nominations of ROBERT G. GIRALD and DAVID A. NOBRIGA, terms to expire June 30, 2001, was referred to the Committee on Water, Land, and Hawaiian Affairs.

STANDING COMMITTEE REPORTS

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1388) recommending that S.C.R. No. 14, as amended in S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 14, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF GIVING PREFERENCE TO HAWAII'S SMALL BUSINESSES, SMALL DISADVANTAGED BUSINESSES, WOMEN OWNED SMALL BUSINESSES, AND NATIVE HAWAIIAN OWNED SMALL BUSINESSES IN THE CLEANUP AND RESTORATION OF KAHO'OLAWA ISLAND CONTRACT," was adopted.

Senators Iwase and Solomon, jointly with Senators Kawamoto and Sakamoto, for the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1389) recommending that S.C.R. No. 10 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 10, entitled: "SENATE CONCURRENT RESOLUTION URGING THAT PUA KA 'ILIMA 'O KAWAIHAE BE DESIGNATED A SITE FOR RECREATIONAL OCEAN ACTIVITIES," was adopted.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1390) recommending that S.C.R. No. 11 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 11, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON NATIVE HAWAIIAN CULTURAL FOOD RESOURCES," was adopted.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1391) recommending that S.C.R. No. 109 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 109, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE MANAGEMENT OF THE MAUNA KEA SCIENCE RESERVE," was adopted.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 1392) recommending that H.B. No. 148, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 148, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOW TRUCKS," passed Second Reading and was recommitted to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 1393) recommending that H.B. No. 939, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 939, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY TAXES AND FEES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 3, 1997.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 1394) recommending that H.B. No. 1450, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1450, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 3, 1997.

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 1395) recommending that H.B. No. 2239, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2239, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UTILITY LINES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 3, 1997.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1236 (Gov. Msg. No. 157):

Senator Baker moved that Stand. Com. Rep. No. 1236 be received and placed on file, seconded by Senator D. Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of DOSS K. TANNEHILL to the Board of

Dispensing Opticians, term to expire June 30, 2000, seconded by Senator D. Ige.

Senator Baker rose in support of the nominations and said:

"Mr. President, on behalf of your Committee on Commerce, Consumer Protection, and Information Technology, I have some remarks in support of all of these nominees and ask the body's favorable consideration to advise and consent. I'd like those remarks inserted into the Journal."

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

"Mr. President, I rise to speak in favor of these nominations.

"Mr. President and colleagues, your Committee on Commerce, Consumer Protection, Information Technology diligently questioned the candidates and found them to be qualified to fulfill the responsibilities of their respective board duties. While each candidate brings a wealth of education, experience and skills to their respective positions, your committee was most impressed with their commitment and dedication to public service.

"In making its recommendation, Mr. President, your committee was mindful of the importance the various boards and commissions have with regard to ensuring that licensed professionals are practicing their vocations with the highest standard of integrity and that consumers in the marketplace are well protected. We are confident that the candidates before us will make a positive contribution to the board or commission they seek.

"On behalf of Co-Chair Senator David Ige and myself, we strongly recommend confirmation of Doss Tannehill to the Board of Dispensing Opticians; Gary Lee and Milton Migita to the State Board of Barbers; Anna Kaohelaulii to the State Board of Chiropractic Examiners; Hideo Abe, to the Credit Union Advisory Board; Lance Shibata to the Elevator Mechanics Licensing Board; Henry Lee and Catherine Yoza, to the State Boxing Commission; Douglas Mukai to the Board of Massage Therapy; Wayne Carvalho and Frank Lafita, to the Board of Private Detectives and Guards; Terri Lynne Needles, Ph.D., to the Board of Psychology; and John Ohama to the Real Estate Commission.

"Thank you, Mr. President."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1237 (Gov. Msg. No. 182):

Senator Baker moved that Stand. Com. Rep. No. 1237 be received and placed on file, seconded by Senator D. Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nominations of GARY LEE and MILTON Y. MIGITA to the State Board of Barbers, terms to expire June 30, 2001, seconded by Senator D. Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1238 (Gov. Msg. No. 183):

Senator Baker moved that Stand. Com. Rep. No. 1238 be received and placed on file, seconded by Senator D. Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of ANNA C. KAOHELALUII to the State Board of Chiropractic Examiners, term to expire June 30, 2001, seconded by Senator D. Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1239 (Gov. Msg. No. 185):

Senator Baker moved that Stand. Com. Rep. No. 1239 be received and placed on file, seconded by Senator D. Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of HIDEO ABE to the Credit Union Advisory Board, term to expire June 30, 2001, seconded by Senator D. Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1240 (Gov. Msg. No. 188):

Senator Baker moved that Stand. Com. Rep. No. 1240 be received and placed on file, seconded by Senator D. Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of LANCE H. SHIBATA to the Elevator Mechanics Licensing Board, term to expire June 30, 2001, seconded by Senator D. Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1241 (Gov. Msg. No. 194):

Senator Baker moved that Stand. Com. Rep. No. 1241 be received and placed on file, seconded by Senator D. Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nominations of HENRY N.J. LEE and CATHERINE L. YOZA to the State Boxing Commission of Hawaii, terms to expire June 30, 2000, seconded by Senator D. Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1242 (Gov. Msg. No. 199):

Senator Baker moved that Stand. Com. Rep. No. 1242 be received and placed on file, seconded by Senator D. Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of DOUGLAS K. MUKAI to the Board of Massage Therapy, term to expire June 30, 2001, seconded by Senator D. Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1243 (Gov. Msg. No. 200):

Senator Baker moved that Stand. Com. Rep. No. 1243 be received and placed on file, seconded by Senator D. Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nominations of WAYNE G. CARVALHO and FRANK LAFITA to the Board of Private Detectives and Guards, terms to expire June 30, 2001, seconded by Senator D. Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1244 (Gov. Msg. No. 201):

Senator Baker moved that Stand. Com. Rep. No. 1244 be received and placed on file, seconded by Senator D. Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of TERRI LYNNE NEEDELS, Ph.D., to the Board of Psychology, term to expire June 30, 2001, seconded by Senator D. Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1245 (Gov. Msg. No. 202):

Senator Baker moved that Stand. Com. Rep. No. 1245 be received and placed on file, seconded by Senator D. Ige and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of JOHN OHAMA to the Real Estate Commission, term to expire June 30, 2001, seconded by Senator D. Ige.

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

Ayes, 25. Noes, none.

AGREE/DISAGREE

MATTERS DEFERRED FROM TUESDAY, MARCH 25, 1997

S.B. No. 5, S.D. 2 (H.D. 1):

On motion by Senator Baker, seconded by Senator D. Ige and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 5, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 285, S.D. 1 (H.D. 1):

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 285, S.D. 1, seconded by Senator Matsunaga.

Senator Chumbley then noted:

"Mr. President, for the most part, these are technical non-substantive in nature and we agree with those changes."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 285, S.D. 1, and S.B. No. 285, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," was placed on the calendar for Final Reading on Thursday, April 3, 1997.

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

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 305, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chumbley, Matsunaga, co-chairmen, McCartney, Anderson as managers on the part of the Senate at such conference.

S.B. No. 333, S.D. 1 (H.D. 1):

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 333, S.D. 1, seconded by Senator Matsunaga.

Senator Chumbley noted:

"Mr. President, again these are mostly technical and non-substantive in nature and we agree to the changes."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 333, S.D. 1, and S.B. No. 333, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," was placed on the calendar for Final Reading on Thursday, April 3, 1997.

S.B. No. 823, S.D. 1 (H.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 823, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chumbley, Matsunaga, co-chairmen, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 959 (H.D. 1):

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 959, seconded by Senator D. Ige.

Senator Baker explained:

"Mr. President, the House made only a clarifying amendment to which your committee agrees."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 959 and S.B. No. 959, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PRUDENT INVESTOR ACT," was placed on the calendar for Final Reading on Thursday, April 3, 1997.

S.B. No. 986, S.D. 1 (H.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 986, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chumbley, Matsunaga, co-chairmen, Metcalf, Anderson as managers on the part of the Senate at such conference.

S.B. No. 1279, S.D. 1 (H.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1279, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chumbley, Matsunaga, co-chairmen, McCartney, Anderson as managers on the part of the Senate at such conference.

**MATTER DEFERRED FROM
THURSDAY, MARCH 27, 1997**

S.B. No. 1428, S.D. 1 (H.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tanaka and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1428, S.D. 1, and requested a conference on the subject matter thereof.

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

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

"This morning's paper talks about same-sex marriage and it's an issue that we need to resolve.

"My office has conducted a survey that found that the majority of Hawaii's voters find the current Senate language in H.B. No. 117 confusing. When the people saw the actual language for the constitutional amendment, 38 percent thought it supports same-sex marriage; 20 percent thought it did not support same-sex marriage; 27 percent did not know; and 5 percent had no opinion. Something is wrong here. If people do not understand what it means, how can they make the choice that they want. The survey showed that 72 percent of Hawaii's people still oppose same-sex marriage. Also, the majority of the respondents -- 60 percent -- did agree that the proposed Senate language did not give Hawaii's voters a clean choice.

"A memorandum will be going out today to all Legislators discussing the findings of this survey and I hope that we will work diligently to come to an agreement on the language in H.B. No. 117.

"Mr. President, we, the Legislature, have promised the voters that they would have something to vote on. Let's keep that promise.

"I ask that the additional remarks from my survey be included in the Journal. Thank you."

The Chair having so ordered, Senator Sakamoto's remarks on his survey read as follows:

**"SURVEY SHOWS HAWAII'S VOTERS FIND SENATE
LANGUAGE FOR SAME SEX AMENDMENT CONFUSING**

"Today, Senator Norman Sakamoto released survey results showing that the majority of Hawaii voters find the proposed Senate language confusing.

"In the survey, people were asked to respond to the actual wording for the question that would appear on the ballot and to the language that would be included in the State Constitution if the Senate draft for H.B. No. 117 becomes final.

"The survey shows that 72 percent of Hawaii's population still oppose same-sex marriage. Supporters of same-sex marriage made up 14 percent and those with no opinion, 13 percent.

"The major finding of the survey was that when voters saw the actual wording, they were not sure what it meant.

"There was no consensus among the survey respondents as to what the Senate proposed language means: 38 percent thought it supported same-sex marriage, 20 percent thought it did not support same-sex marriage, 27 percent did not know, and 5 percent had no opinion.

"Several of the respondents were critical of the Senate language. One said, 'Put em in plain English.' Another person felt that the proposed ballot question and the language for the Constitution were trying to say two things at the same time. Many of the respondents (42 percent) rated the Senate language 'very difficult' to understand. Despite the confusion over the meaning of the Senate draft, there was a strong consensus (60 percent) who agreed that the proposed Senate draft did not give Hawaii's voters a clean choice.

"Senator Sakamoto noted that the survey results confirm what many of the critics have been saying -- Hawaii voters deserve a clean choice and the current Senate language does not give them that choice.

"The survey shows that the current Senate language is unworkable. It confuses the people. If they don't understand what the language is about, how can they make the choice they want? What Hawaii's voters need is language that they can understand. They want something that is clear and understandable so that when they go into the voting booth, they can decide what marriage means for Hawaii.

"The survey also brought to light the potential for a voters backlash. Two thirds of the respondents said they would respond 'negatively' or 'very negatively' if the proposed Senate language were to result in the legalization of same-sex marriage. This finding provides evidence to the concern of some people that if the proposed constitutional amendment does not give the voters what they want, another electoral backlash against Legislators may be in the making.

"Senator Sakamoto commented, 'There remains only a little over a week for the Senate and the House conferees to come to an agreement on the constitutional amendment. I urge my colleagues to use that time actively. This Legislature has promised that they would give to the people of Hawaii a constitutional amendment. Let us keep that promise.'"

ADJOURNMENT

At 11:57 o'clock a.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 2, 1997.