

FIFTY-FOURTH DAY

Friday, April 18, 1997

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:40 o'clock a.m. with the President in the Chair.

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

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

At this time, the following introductions were made to the members of the Senate:

Senator Tam introduced Archie Loo and Curtis Nishioka, treasurer and coordinator, respectively, of the Hawaii Career and College Fair.

Senator Sakamoto then introduced several representatives from The National Association of Women in Construction and The Painting and Decorating Contractors Association of Hawaii.

Senator Solomon, on behalf of Senator Anderson and herself, introduced Kumu Hula Chinky Mahoe and his halau, Halau Hula 'O Kawai'i'ula, and congratulated them on their men's division overall title at the 1997 Merrie Monarch Festival.

Senator Anderson introduced Kehaulani Enos of Halau Mohala 'Ilima, winner of the coveted title of Miss Aloha Hula at the 34th Annual Merrie Monarch Festival. Accompanying Miss Enos was Kumu Hula Mapuana de Silva.

Senator Matsunaga, on behalf of President Mizuguchi, congratulated Kumu Hula "Aunty Mae" Loebenstein and the members of her halau, Ka Pa Hula 'O Kauānoe 'O Wa'ahila, on their overall win and accomplishments at the 1997 Merrie Monarch Festival. Aunty Mae, who could not be present at this time, was represented by her granddaughter, Maelia Loebenstein, and daughter, Kawehi Stewart. Also introduced were Ulalia Woodside, Jaylin Winchester, Anela Akana, Shirley Tesoro and Hiwa Vaughan, all members of Aunty Mae's halau.

Senator Slom introduced Dottie Nahale and congratulated her along with her employer, Foodland Hawaii Kai, for being recognized by Vocational Rehabilitation and Services for the Blind as an outstanding Employer for 1996.

At 12:00 o'clock noon, the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:08 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 321 and 322) were read by the Clerk and were placed on file:

Gov. Msg. No. 321, dated March 17, 1997, transmitting the 1997 Report on the Hawaii Enterprise Zones Program prepared by the Department of Business, Economic Development, and Tourism, Business Services Division, pursuant to Chapter 209E, HRS.

Gov. Msg. No. 322, informing the Senate that on April 17, 1997, he signed into law House Bill No. 1839 as Act 29, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH, CHILD AND ADOLESCENT MENTAL HEALTH DIVISION."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 817 to 823) were read by the Clerk and were placed on file:

Hse. Com. No. 817, informing the Senate that the Speaker on April 15, 1997, added Representative Yamane as a manager on the part of the House at the conference on H.B. No. 581, H.D. 1 (S.D. 1).

Hse. Com. No. 818, informing the Senate that the Speaker on April 15, 1997, discharged Representative Pendleton and appointed Representative Marumoto as a manager on the part of the House at the conference on H.B. No. 979, H.D. 2 (S.D. 1).

Hse. Com. No. 819, informing the Senate that the Speaker on April 15, 1997, discharged Representative Goodenow and appointed Representative Tom as co-chairman on the part of the House at the conference on H.B. No. 1138, H.D. 1 (S.D. 1).

Hse. Com. No. 820, informing the Senate that the Speaker on April 15, 1997, added Representative Herkes as a co-chairman and Representative Ahu Isa as a manager on the part of the House at the conference on H.B. No. 1650, H.D. 1 (S.D. 1).

Hse. Com. No. 821, informing the Senate that the Speaker on April 15, 1997, discharged Representative Lee and appointed Representative Chang as a manager on the part of the House at the conference on H.B. No. 1797, H.D. 1 (S.D. 2).

Hse. Com. No. 822, informing the Senate that the Speaker on April 17, 1997, added Representative Ahu Isa as a manager on the part of the House at the conference on H.B. No. 1320 (S.D. 1).

Hse. Com. No. 823, informing the Senate that the Speaker on April 17, 1997, added Representative Garcia as co-chairman and Representatives Chang and Meyer as managers on the part of the House at the conference on H.B. No. 1604, H.D. 1 (S.D. 1).

CONFERENCE COMMITTEE REPORTS

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 117, presented a report (Conf. Com. Rep. No. 1) recommending that H.B. No. 117, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1 and H.B. No. 117, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO MARRIAGE," was deferred for a period of 48 hours.

By unanimous consent, action on Conf. Com. Rep. No. 1 and H.B. No. 117, S.D. 1, C.D. 1, was deferred until Tuesday, April 29, 1997.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 118, H.D. 1, presented a report (Conf. Com. Rep. No. 2) recommending that H.B. No. 118, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2 and H.B. No. 118, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNMARRIED COUPLES," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senators Baker and D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 1718) recommending that the Senate advise and consent to the nominations of the following:

SCOTT H. DUNN and ARTHUR C. TOKIN to the State Board of Public Accountancy, in accordance with Gov. Msg. No. 237;

GEORGE R. RODRIGUES, JR., and CLIFFORD LABOY to the Board of Electricians and Plumbers, in accordance with Gov. Msg. No. 242;

STEPHEN Y.H. KWOCK to the State Board of Public Accountancy, in accordance with Gov. Msg. No. 255;

TSUKASA MURAKAMI, R. P. BUCK SCHIPA, CHARLIE T. RODGERS, GERARD SAKAMOTO and EDGAR M. YOKOYAMA to the Contractors License Board, in accordance with Gov. Msg. No. 257;

JAN A. NAKAHARA, MITZI C. H-YAMAMOTO and KENNETH R. JOYNER to the Board of Cosmetology, in accordance with Gov. Msg. No. 259;

MODESTA S. GAERLAN-TOKUNAGA, D.D.S., MARTIN K. OISHI, D.D.S., JANEEN-ANN A. OLDS and CYNTHIA YAMADA to the Board of Dental Examiners, in accordance with Gov. Msg. No. 260;

CAROLEE C. KUBO, JANIS C. AKUNA and STEPHEN E. GOMES to the Board of Directors of the Hawai'i Hurricane Relief Fund, in accordance with Gov. Msg. No. 263; and

JANE FUKUNAGA, CHERYL K. HETHERINGTON, JANICE S. HIGASHI and THOMAS L. WARLING to the Board of Public Broadcasting, in accordance with Gov. Msg. No. 274.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1718 and Gov. Msg. Nos. 237, 242, 255, 257, 259, 260, 263 and 274 were deferred until Monday, April 21, 1997.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 1719) recommending that H.C.R. No. 168, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Chun Oakland, seconded by Senator McCartney and carried, the report of the Committee was adopted and H.C.R. No. 168, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF PROVIDING CONSERVATION AND RESOURCES ENFORCEMENT OFFICERS, DEPUTY SHERIFFS, AND LIQUOR COMMISSION INVESTIGATORS WITH CLASS A MEMBERSHIP WITHIN THE EMPLOYEES' RETIREMENT SYSTEM," was adopted.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1716 (Gov. Msg. No. 223):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1716 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the State Advisory Council on Rehabilitation of the following:

PETER FRITZ, terms to expire June 30, 1997 and June 30, 2000;

LOURDES P. MUGAS, SHARON SHORE and ANNA MARIE SPRINGER, terms to expire June 30, 1998; and

STEPHEN G. LARACUENTE, JEAN SANTOS and SARAH E. POTTER, terms to expire June 30, 1999,

seconded by Senator Ihara.

Senator Chun Oakland made the following request:

"Mr. President, I would like to ask permission to have language inserted into the Journal for Governor's Message 223."

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

"I would like to acknowledge the gubernatorial nominees who have volunteered their time to serve on the State Advisory Council on Rehabilitation.

"The eight nominees to the State Advisory Council on Rehabilitation have dedicated themselves to improving the lives of the physically challenged here in Hawaii. They will bring to the advisory board an unmeasurable level of commitment and a wealth of experience.

"Mr. Peter Fritz is an expert in the field of accessibility to persons with disabilities in the State of Hawaii. He has served as Coordinator of the Access Unit with the State Commission on Persons with Disabilities. Currently, as an associate with the Honolulu firm Watanabe, Ing & Kawashima, he advises clients regarding the American with Disabilities Act.

"Ms. Lourdes Mugas is an independent living specialist at the Hawaii Centers for Independent Living. For the last seven years, she has helped the disabled establish and maintain independent lives.

"Ms. Sharon Shore has used her art background to create therapeutic classes for individuals suffering from Alzheimer's Disease. She is also a member of the State Independent Living Council.

"Ms. Anne Marie Springer has been a board member of the Easter Seals Society of Hawaii and Access Aloha Travel, an organization that provides travel services for the disabled.

"Mr. Stephen Laracuento is a teacher at the Hawaii Center for the Deaf and the Blind. He is treasurer and board member of the Hawaii Services on Deafness, treasurer of the Aloha State Association of the Deaf, chairperson of the Hawaii Center for the Deaf and Blind Advisory Council, and a member of the Rehabilitation Advisory Council.

"Ms. Jean Santos is a founding partner and vice president of Business Consulting Resources. She has been Chair of the Chamber's Small Business Council and on its Board of Directors and Executive Committee. Her expertise lies in all areas of business management and consulting.

"Finally, Ms. Sarah Potter is the Director of Education and the Community Action Program Coordinator for the Protection and Advocacy Agency of Hawaii. She has extensive experience in advocacy programs in mental health.

"All of these nominees have selflessly given of themselves for the betterment of the State of Hawaii. I applaud their efforts and thank them for taking on the tough challenges facing all the residents of Hawaii."

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

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Kanno).

Stand. Com. Rep. No. 1717 (Gov. Msg. No. 241):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1717 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Policy Advisory Board for Elder Affairs of the following:

WARREN G. HAIGHT, term to expire June 30, 1999; and

ANTONE KAHAWAIOLAA JR., AGNES R. NAVARRO, SHIMEJI KANAZAWA, CAROL KIKKAWA-WARD and BEVERLY C. WONG, terms to expire June 30, 2001,

seconded by Senator Ihara.

Senator Chun Oakland then made the following request:

"Mr. President, I would like to ask permission to have language inserted into the Journal for Governor's Message 223."

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

"I would like to acknowledge the gubernatorial nominees who have volunteered their time to serve on the Policy Advisory Board of Elderly Affairs (PABEA).

"In the next twenty years, the elderly population of Hawaii will dramatically increase. If Hawaii is to position itself to meet the needs of this growing population, it will require leaders who possess visionary skills to set goals for the future. Often, in order to see the future, one must have a clear understanding of the past. Together, these six nominees represent a total of over one hundred years of experience with the issues affecting the elderly.

"Mr. Antone Kahawaiolaa, Jr. served for over 25 years with the ILWU as a business agent and representative. During this time, he acted as an advisor for the ILWU State Pensioner Association. Since his retirement, Mr. Kahawaiolaa has remained active with the ILWU by representing the union as the vice-president of the Hawaii State Council of Senior Citizens.

"Ms. Agnes Navarro has been volunteering in her community for over 30 years. Her work ranges from organizing community improvement projects with the Lanakila Community Association to dealing with public housing issues as a member of the Hawaii Housing Authority Public Housing Concerns Committee. She also takes the time to serve the needs of the homebound elderly as a member of the Retired & Senior Volunteer Program.

"Mr. Warren Haight is President of Warren G. Haight & Associates, Inc., a real estate company in Honolulu. He was the Chair of the Board and President of Oceanic Properties, Castle and Cooke Land Company and vice president of Castle and Cooke, Inc.

"Mrs. Shimeji Kanazawa has been called the 'Mother of Aging Programs in Hawaii' by her colleagues. She was first appointed to the Commission on Aging in 1968 by Governor John Burns. Since then, she has served under all succeeding governors as a member and chair of both COA and PABEA. She continues to be a key player both locally and nationally in helping to form policy towards the elderly.

"Ms. Carol Kikkawa-Ward is the President and Chief Officer of Interim Healthcare Services of the Pacific, Inc. She has been

an integral part of PABEA serving as its Chairwoman for four years. She was also appointed to Governor John Waihee's Blue Ribbon Panel on the Future of Healthcare in Hawaii.

"Finally, Ms. Beverly Wong has worked for the Department of Transportation of the State of Hawaii. She is active in the Boy Scouts of America, Friends of Salt Lake Library, and the Salt Lake Community Association.

"All of these nominees have selflessly given of themselves for the betterment of the State of Hawaii. I applaud their efforts and thank them for taking on the tough challenges facing all the residents of Hawaii."

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

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Kanno).

FINAL READING

S.B. No. 226, S.D. 1, H.D. 1:

On motion by Senator Baker, seconded by Senator D. Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 226, S.D. 1, and S.B. No. 226, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARCHITECTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Kanno).

S.B. No. 1506, S.D. 1, H.D. 1:

On motion by Senator Baker, seconded by Senator D. Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1506, S.D. 1, and S.B. No. 1506, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The Chair re-referred the following House concurrent resolutions that were received:

House Concurrent Resolution	Referred to:
No. 147 Affairs	Committee on Water, Land, and Hawaiian
No. 153, H.D. 1	Committee on Economic Development
No. 215, H.D. 1 Affairs	Committee on Water, Land, and Hawaiian
No. 259, H.D. 1 Affairs	Committee on Water, Land, and Hawaiian

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 5, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, dated April 17, 1997, transmitting the written notice given to the governor of the final form of H.B. No. 117, S.D. 1, C.D. 1, entitled: "PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO MARRIAGE," in accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, was read by the Clerk and was placed on file.

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

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

"Mr. President, I just want to give some recognition to the Office of Hawaiian Affairs for organizing the vigil that the Hawaiian people will be participating in. I want to thank them very much because any time we can encourage groups to come to the Legislature to participate in the democratic process would be a big plus for all of us.

"However, Mr. President, I just want to mention to OHA and my fellow colleagues that my co-chairman and I did have an opportunity to visit with the governor and we relayed the message to him that the Public Land Trust belongs to the Legislature. It was given to us by the constitution and it is this body that has to make the final decisions on anything pertaining to the Public Land Trust which includes the ceded lands.

"I reminded the governor that it's commendable that the chairman of the Office of Hawaiian Affairs is negotiating and talking with the executive, but the bottom line is, before anything can be ratified it has to be sanctioned by us. So it would behoove the Office of Hawaiian Affairs to understand the process and to realize that they do need a bill for whatever they envision as a possible settlement for the Hawaiian people, and of course, for the people of Hawaii.

"So with that, Mr. President, thank you very much."

Senator Taniguchi, for the Committee on Economic Development, requested a waiver of the 72-hour Notice of a Public Hearing, pursuant to Senate Rule 20, on H.C.R. No. 153, and the Chair granted the waiver.

At 12:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:24 o'clock p.m.

Senator Anderson then rose and said

"Mr. President, the reason I stood is I wanted to go along with what Senator Malama had originally said. I sat in on that committee, but yesterday in the Housing Committee we had a resolution for the Waimanalo groups to originally be able to buy their land. However, the land is ceded, and yet the argument from the department was that the AG had some concerns with the resolution allowing the people to stay there right now and, in fact, they were in court over the ceded lands. There are a lot of problems and yet they wanted to go ahead and demolish the homes, displace those people, and bring them back later. The people that are on the land, as far as we felt, were going to be able to sit there and I agree with the AG -- they are in court. These lands are encumbered. The only way the federal government can get involved is on unencumbered lands. And they said things had more or less changed now. Thirty years ago they were unencumbered. Well, those are trust lands and we are the ones to make that decision -- it is not the federal government -- we have to sit down and make decisions. It does go to court. You cannot sell. You cannot go ahead and do anything.

"And I quite agree with the Senator and those are the problems that we are having with the administration. We're having it with the Department of Hawaii Housing because they don't agree with us. And I just wanted to bring it forth that I agree with you wholeheartedly, Senator Solomon.

"Thank you very much, Mr. President."

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

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

"Mr. President, April 13 through 19 is the National Crime Victims' Rights Week, and this year's theme is Let Victims' Rights Ring Across America. I know we in the Senate are very much concerned about crime victims' rights. We passed out a constitutional amendment giving victims rights, including the right to restitution, and I do hope the House considers that bill next session.

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

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

"TRIBUTE TO VICTIMS AND SURVIVORS OF CRIME
'LET VICTIMS' RIGHTS RING ACROSS AMERICA'
KEYNOTE ADDRESS
SENATOR MATT MATSUNAGA

"As you know, we are now in the middle of National Crime Victims' Rights Week. This is a special time to recognize and honor the memory of victims of crimes. It is a time to recognize their families and friends. It is also a time to recognize the countless professionals and volunteers who believe victims' rights are worth fighting for, such as the victim advocates, concerned justice officials, clergy, medical and mental health workers, educators, policymakers, family, friends, and others who are dedicated to the cause of promoting victims' rights.

"I have worked hard on this issue not only because of my belief that it is important to the people and because of my duties as a legislator, but also because I feel it is important to my family. I have two very young children and they have helped me become more acutely aware of how important it is to protect the well being of the next generation. Let's make this world a better place and spare our children from violent crime. My family is in the fight against crime, and I have always been sympathetic to victims because my wife is a prosecutor. My father was also a prosecutor before he became a Congressman.

"And we are not alone in our belief that this issue is very important. President Clinton spoke strongly in favor of constitutional rights for crime victims, stating that victims 'should be at the center of the criminal justice process, not on the outside looking in.' He also said that criminals have protected rights, and the press has protected rights, but there has never really been much thought given to victims' rights. Until now. Now, the work and voice of the many organizations dedicated to victims' rights has been noticed, and both the executive branch and the legislative branch of our federal government are working to establish rights for victims. This is great, but the effort to help crime victims should not be limited to federal law. There is much that each of us can do to help crime victims. You can volunteer to help victims. They need help and you can provide it.

"If you know someone who has been touched by crime, offer them your support, an ear to listen, a shoulder for comfort. If you offer to ease their pain, your concern can be a lifeline of hope.

"If you hear or see or read about injustice, write a letter to the editor and let your voice be heard. A community's silence about justice for victims contributes to an injustice that affects us all. Let's not be quiet about this issue. Support for victims needs to be heard.

"One of the great symbols of justice and fairness in our nation is the Liberty Bell. We all know that it is a treasured relic of the early days of American independence, rung to announce the adoption of the Declaration of Independence in 1776. It is so important a symbol that in downtown Honolulu alone, there are two replicas. One is right here and the other is near the Father Damien statue in front of the State Capitol.

"The inscription on the bell, 'Proclaim liberty throughout all the land unto all the inhabitants thereof,' comes from the Bible and the relevance of this message still rings true today. Liberty and justice for all means justice for crime victims too.

"It is not widely known that the original name of the bell was the 'Old State House Bell.' The name 'Liberty Bell' came about when abolitionists began referring to it that way in 1839. The name Liberty Bell was created because people wanted the bell itself to stand for doing the right thing so that we can be stronger as a nation, a community, and even as individuals.

"You may have seen on the news how the crime problem has recently been worsening across the world. In Poland and Japan the news is that crime is on the upswing, and juvenile gangs are growing everywhere. Hawaii can set the example by providing victims' rights. Hawaii has been a leader in the past. For example, we were the first to add an Equal Rights Amendment to our constitution. We can set the example again by providing victims' rights. I believe in the philosophy 'think globally and act locally.' We need to do all that we can because when one member of our community is victimized, we all suffer.

"So as you consider this, and your gaze turns to the Liberty Bell, resolve to symbolically ring it; resolve to send a message. Continue to spread the word so that change can occur. More people need to know about the fight for crime victims. People don't currently know enough because they are unaware. Previously there had been only one sad way to learn about the lack of justice for victims: become a victim. But a great coalition of victims' service organizations have provided other ways to learn. I commend these organizations for their efforts to care for the victims and to get out the message to the public at large that we need to organize to promote change. The Domestic Violence Legal Hotline, Mothers against Drunk Driving, The League of Women Voters, Parents of Murdered Children, are just a few of the many service organizations that have worked so hard. We can all do our part in caring and helping others get involved.

"Together we have made great progress in the fight against crime. And we can keep the momentum going. While lesser issues receive more attention in the media and elsewhere, we were able to push significant legislation in the Senate. We were able to focus on keeping criminals off the streets, providing a constitutional amendment establishing rights for victims, and addressing drug, theft, domestic violence and other crimes. And this focus is urgently needed. In Hawaii there is one murder every 7 days. There is a rape or arson every day. There is a robbery or aggravated assault every 6 hours, and there is a burglary every half hour. There is some kind of theft every 8 minutes.

"Public outcry for criminal justice reform and concerns for public safety has compelled us to consider sentencing reforms to provide certainty of consequences for serious criminal behavior and repeat felony offenders. The Senate Judiciary Committee supports conforming Hawaii sentencing provisions with federal law that requires felons to serve at least 85 percent of their sentences.

"But what we really need is more compassion for the victims. That is why I have worked to establish rights for victims. Too often, the interests of justice have been heavily weighted on concern for the offenders' rights. The rights of victims must also be acknowledged and protected during their participation in what has become an increasingly complex criminal justice process.

"I was proud to introduce an amendment to the Hawaii State Constitution to embody rights into the Constitution itself. The Constitution would then ensure that victims or surviving family members shall have the rights to:

- 1) courtesy, fairness, respect, dignity, and privacy;

- 2) be protected from the accused;
- 3) be notified of court and paroling authority proceedings;
- 4) be notified of final dispositions of court cases;
- 5) be present at court proceedings;
- 6) be heard at sentencing proceedings;
- 7) be consulted about plea agreements; and
- 8) be awarded restitution from the offender.

"In support of the provisions of the constitutional amendment, I have also authored a measure which will ensure that crime victims receive restitution, by establishing a system of restitution fines to be used for compensation payments. Many crime victims and their families suffer economic loss as a result of the defendant's conduct. Restitution should include payment for stolen or damaged property, medical expenses, wages or profit loss, and funeral and burial expenses.

"I believe that all convicted offenders in the state should pay a restitution fine, however nominal. Among other things, this measure will require that restitution fines be ordered regardless of the defendant's present ability to pay. This movement towards holding offenders accountable and requiring them to repay their debt not just to society, but to the victim is consistent with the original legislative intent of restitution established in our Hawaii penal code.

"I also believe that criminal and penal code legislation is often drafted only from the perspective of the defendant or the prosecutor. We often forget or are ignorant of the needs and the perspective of the victim. As Senate Judiciary Co-Chair, I am committed to ensuring that the criminal bills drafted and supported by the Committee focus on the victim or the innocent party.

"For example, a number of the domestic violence bills I have authored create more legal protections for battered women and children, rather than focusing solely on increasing penalties for batterers. One such measure will allow a victim of domestic violence to obtain a restraining order for an indefinite period of time, rather than for a time specific. Another measure will create a period of safety for the person protected by a restraining order, a time in which law enforcement will ensure that there is no contact between the victim and the batterer.

"In addition to establishing victims' rights we are trying to cut down on the number of victims. One of the major causes of all crime is drugs. Violence and theft stem from drug trafficking. Although the manufacture and distribution of illegal drugs such as 'ice' has reached epidemic proportions in Hawaii, law enforcement officials lack powerful sanctions under current law. The manufacture of 'ice' in clandestine laboratories pose a significant public safety hazard not only because of the increasing numbers of these labs being discovered by law enforcement, but also due to the potential for injury-causing explosions which may harm innocent people. I am committed to establishing an aggressive policy for penalizing the manufacture, sale, and distribution of dangerous drugs by making the manufacturing a dangerous drug as a class A felony and imposing stiffer mandatory sentences for the distribution of 'ice' to minors.

"Hawaii ranks third highest in the nation per capita for property crime. The dramatic increase of personal property and automobile thefts against residents and tourists has caused alarming concern for public safety as well as the viability of the tourism industry.

"To send a clear message to the public that repeat offenders will be taken seriously, I proposed that habitual theft be categorized as a felony.

"Unfortunately, crimes against tourists are increasingly violent in nature as evidenced by the recent beating of a tourist/police officer during a robbery. In such a situation, prosecutors must prove beyond a reasonable doubt that the defendant intended to inflict serious bodily injury in order to be

convicted of first degree robbery. To assist prosecutorial efforts in convicting violent robbers, I support law which clarifies what intent is necessary to prove robbery and auto theft.

"To best protect victims of abuse, we need to consider the repetitive and retaliatory nature of domestic violence and strengthening existing laws by making restraining orders easier to obtain. I support tracking incidents of abuse by prohibiting a person convicted of physically abusing a family or household member from having records of such abuse expunged after five years. I want to allow evidence of prior acts committed by the same person against the same victim in domestic abuse prosecutions to be used in the court of law. Finally, I want to provide grants-in-aid to each county for domestic violence prosecution units.

"Sexual assault offenses, particularly those involving physical violence, violence against children, and repeat offenses, are an extreme threat to the public. Given the repetitive nature of sex offenders, public safety demands that convicts register with law enforcement by providing residential and employment addresses and telephone numbers. And in accord with federal requirements, we should allow the release of relevant information concerning the presence of sex offenders in the community.

"Some of these efforts were passed only in the Senate, and were not even considered by the House of Representatives. But the more that people know about these efforts, the more we can accomplish in the future.

"In conclusion, let me just say again that National Crime Victims' Rights Week is a time to recognize our many successes in serving crime victims. It is a time to honor victims, to remember their pain, and to memorialize their losses. To let victims' rights ring, we must share our knowledge about the devastating impact of crime and we must urge others to join in the fight.

"Thank you very much."

APPOINTMENT OF CONFEREES

S.B. No. 623, S.D. 2 (H.D. 1):

The President appointed Senator Levin as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 623, S.D. 2 (H.D. 1).

S.B. No. 871, S.D. 2 (H.D. 3):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 871, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Sakamoto, Fernandes Salling, Fukunaga, co-chairmen, Ihara, Taniguchi, Anderson as managers on the part of the Senate at such conference.

H.B. No. 454, H.D. 1 (S.D. 1):

The President discharged Senators Chumbley and Matsunaga as co-chairmen on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 454, H.D. 1 (S.D. 1).

H.B. No. 1613 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1613 and the request for a conference on the subject matter thereof, the President appointed Senators Fernandes Salling, Fukunaga, co-chairmen, Matsunaga, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1714, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1714, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Fernandes Salling, Fukunaga, co-chairmen, Chun Oakland, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1799, H.D. 1 (S.D. 1):

The President appointed Senator Levin as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1799, H.D. 1 (S.D. 1).

H.B. No. 1840, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1840, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Fernandes Salling, Fukunaga, co-chairmen, Levin, Anderson as managers on the part of the Senate at such conference.

ADJOURNMENT

At 12:30 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, April 21, 1997.