

SIXTIETH DAY

Tuesday, April 29, 1997

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, convened at 11:53 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Donna Faith Eldredge, Executive Director, Hawaii Council of Churches, 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.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 333, dated April 28, 1997, transmitting the "Hawaii State Airports Cultural Master Plan, Summary Report," prepared by the Hawaii Airports Cultural Development Committee and the University of Hawaii School of Architecture for the Department of Transportation, Airports Division, pursuant to Act 218, Section 17, SLH 1995, was read by the Clerk and was placed on file.

CONFERENCE COMMITTEE REPORTS

Senator Tam, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.C.R. No. 171, S.D. 1, presented a report (Conf. Com. Rep. No. 168) recommending that S.C.R. No. 171, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Adoption.

On motion by Senator McCartney, seconded by Senator Slom and carried, Conf. Com. Rep. No. 168 was adopted and S.C.R. No. 171, S.D. 1, H.D. 1, C.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE HAWAII STATE LIBRARY SYSTEM," was Finally Adopted.

Senator Tam, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.C.R. No. 182, S.D. 1, presented a report (Conf. Com. Rep. No. 169) recommending that S.C.R. No. 182, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Adoption.

On motion by Senator McCartney, seconded by Senator Slom and carried, Conf. Com. Rep. No. 169 was adopted and S.C.R. No. 182, S.D. 1, H.D. 1, C.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO REVIEW ITS POLICY FOR WORKING WITH HAWAII'S DEAF, HARD-OF-HEARING, AND DEAF-BLIND COMMUNITY," was Finally Adopted.

Senator Tam, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.C.R. No. 270, S.D. 1, presented a report (Conf. Com. Rep. No. 170) recommending that S.C.R. No. 270, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Adoption.

On motion by Senator McCartney, seconded by Senator Slom and carried, Conf. Com. Rep. No. 170 was adopted and S.C.R. No. 270, S.D. 1, H.D. 1, C.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF EDUCATION," was Finally Adopted.

ORDER OF THE DAY

AGREE/DISAGREE

MATTER DEFERRED FROM
FRIDAY, APRIL 25, 1997

S.C.R. No. 198, 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.C.R. No. 198 and S.C.R. No. 198, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION ON THE SUBJECT OF JUDICIAL TAXATION," was returned to the Clerk's desk and placed on file.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1780 (Gov. Msg. No. 310):

Senator Aki moved that Stand. Com. Rep. No. 1780 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nominations to the Hawai'i Library Advisory Commission of the following:

ELAINE H. KOMO, term to expire June 30, 2000; and

VIRGINIA L. MOORE term to expire June 30, 2001,

seconded by Senator Tam.

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. 1781 (Gov. Msg. No. 292):

Senator Aki moved that Stand. Com. Rep. No. 1781 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nomination of EUNICE M. DEMELLO to the State Foundation on Culture and the Arts, term to expire June 30, 2001, seconded by Senator Tam.

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. 1782 (Gov. Msg. No. 295):

Senator Aki moved that Stand. Com. Rep. No. 1782 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nomination of BENJAMIN T. TORIGOE to the Hawai'i Historic Places Review Board, term to expire June 30, 2001, seconded by Senator Tam.

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. 1783 (Gov. Msg. No. 309):

Senator Aki moved that Stand. Com. Rep. No. 1783 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission of the following:

LUCY M. AKAU, GEORGE W.H. KANIHO, JOELENE K. LONO, CAROLEE K.K. ARICAYOS and CANDACE K. LEE, terms to expire June 30, 1999;

LANE KAAIAI, ANTOINETTE L. LEE and MARY ANN HUTCHINSON, terms to expire June 30, 2000; and

SHERRY K. EVANS and ABIGAIL K. ROSA, terms to expire June 30, 2001,

seconded by Senator Tam.

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. 1829 (Gov. Msg. No. 296):

Senator Chumbley moved that Stand. Com. Rep. No. 1829 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nomination of LANI RAE SUIISO GARCIA to the Hawai'i Paroling Authority, term to expire June 30, 2000, seconded by Senator Matsunaga.

Senator Solomon rose and said:

"Mr. President, I have some remarks which I would like to submit for the Journal, and this is on Gov. Msg. No. 296 -- the nominee to the Hawaii Paroling Authority, Lani Rae Suiso Garcia. These are remarks in support of the nominee. I know that she's very capable and will do a wonderful job."

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

"Lani Rae Suiso Garcia has been appointed based upon her professional credentials, integrity, and a desire to make Hawaii better through her participation on the Hawaii Paroling Authority.

"Testimony in support of the nominee indicates that Ms. Garcia's expertise in criminal law as well as her understanding of community issues will serve her well during her tenure as a member of the Hawaii Paroling Authority.

"Ms. Garcia adequately responded to the committee's inquiries about her view on current legislative issues related to crime as well as her role on the Hawaii Paroling Authority. After full consideration of her background, character, experience, and qualifications, I recommend that the Senate advise and consent to the nomination."

Senator Chumbley then said:

"Mr. President, I also have remarks to be inserted in the Journal for Gov. Msg. No. 296 for Lani Garcia, in support of this nomination. Thank you."

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

"Lani Rae Suiso Garcia holds Bachelor's and Master's degrees of Education from the University of Manoa and a J.D. from the William S. Richardson School of Law. Ms. Garcia's professional experience includes serving as a former Assistant Federal Public Defender and currently as a partner in a criminal defense firm. Ms. Garcia is also active in various professional and community organizations.

"Testimony in support of the nominee was submitted by the Dean of the William S. Richardson School of Law, the Office of the Public Defender, Catholic Charities of the Diocese of Honolulu, four members of the legal profession, and a private citizen. Testimony in support of the nominee indicates that Ms. Garcia's expertise in criminal law, as well as her understanding of community issues, will serve her well during her tenure as a member of the Hawaii Paroling Authority."

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. 1830 (Gov. Msg. Nos. 289, 297 and 298):

Senator Tanaka moved that Stand. Com. Rep. No. 1830 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nominations of the following:

SUMNER PARDEE ERDMAN to the Board of Agriculture, term to expire June 30, 2001 (Gov. Msg. No. 289);

ROSE CRUZ CHURMA, PAUL Y. CHINEN and AUDREY E.J. NG to the Board of Directors, Hawai'i Strategic Development Corporation, terms to expire June 30, 2001 (Gov. Msg. No. 297);

SAM SHENKUS and LETICIA T. GAOING to the Hawai'i Tourism Marketing Council, terms to expire June 30, 1999 (Gov. Msg. No. 298); and

HIDEAKI IMURA, LESTER W.B. MOORE and ROSS WILSON JR., to the Hawai'i Tourism Marketing Council, terms to expire June 30, 2001 (Gov. Msg. No. 298),

seconded by Senator Taniguchi.

Senator Solomon then rose and said:

"Mr. President, I will be submitting remarks in support of Gov. Msg. No. 289, also in support, Mr. President."

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

"Sumner Pardee Erdman is a volunteer, willing to serve without compensation, and will work with compassion and commitment to assist in administering the various functions of the Board of Agriculture. Mr. Erdman has been appointed based upon his professional credentials, integrity, and a desire to make Hawaii better through his participation on the Board of Agriculture.

"Mr. Erdman is currently president of both Ulupalakua Ranch and White Deer Ranch, a division of Ulupalakua Ranch located in Princeville, Oregon. A graduate of the University of Puget Sound, Mr. Erdman has been president of the Maui Cattlemen's Association, president and vice-president of the Hawaii Cattlemen's Council, and was a founding director of North American Elk Breeders Association.

"After full consideration of the background, character, experience, and qualifications of Mr. Erdman, I recommend that the Senate advise and consent to his nomination."

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. 1831 (Gov. Msg. No. 251):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 1831 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Fernandes Salling then moved that the Senate advise and consent to the nomination of RICKI K. TAMANAHA to the Board of Taxation Review, Second Taxation District (Maui County), term to expire June 30, 2001, seconded by Senator Fukunaga.

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. 1832 (Gov. Msg. No. 252):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 1832 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Fernandes Salling then moved that the Senate advise and consent to the nomination of ALVIN WAKAYAMA to the Board of Taxation Review, Third Taxation District (Hawai'i), term to expire June 30, 2001, seconded by Senator Fukunaga.

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. 1833 (Gov. Msg. No. 253):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 1833 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Fernandes Salling then moved that the Senate advise and consent to the nominations to the Board of Taxation Review, Fourth Taxation District (Kauai) of the following:

GEORGE M. MENOR, terms to expire June 30, 1997 and June 30, 2001; and

EDUARDO TOPENIO, JR., term to expire June 30, 2001,

seconded by Senator Fukunaga.

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. 1834 (Gov. Msg. No. 318):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 1834 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Fernandes Salling then moved that the Senate advise and consent to the nomination of AMOR B. NINO to the Board of Taxation Review, First Taxation District (Oahu), term to expire June 30, 2001, seconded by Senator Fukunaga.

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. 1835 (Gov. Msg. No. 291):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1835 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of GEORGE NIITANI to the Civil Service Commission, term to expire June 30, 2001, seconded by Senator Kanno.

Senator McCartney rose and stated:

"Mr. President, I'd like to insert some remarks into the Journal in support of Gov. Msg. No. 291, George Niitani, Civil Service Commission."

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

"It is my pleasure to insert these remarks into the Senate Journal on behalf of George Niitani, the governor's nominee to the Civil Service Commission. He was an outstanding public servant with the Department of Land and Natural Resources. As a former leader of the HGEA, George has a long history of representing the employees in the public sector. In his retirement I know he is very dedicated and committed to the work of the Civil Service Commission and think he is an excellent choice for the job. I wholeheartedly support his nomination."

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. 1837 (Gov. Msg. No. 293):

Senator Levin moved that Stand. Com. Rep. No. 1837 be received and placed on file, seconded by Senator Metcalf and carried.

Senator Levin then moved that the Senate advise and consent to the nominations of LORRAINE GODOY, GERALD J. MCKENNA, M.D., ANNETTE YAMAGUCHI, THELMA C. NIP and DOMINIC K. INOCELDA to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, terms to expire June 30, 2001, seconded by Senator Metcalf.

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. 1838 (Gov. Msg. No. 317):

Senator Levin moved that Stand. Com. Rep. No. 1838 be received and placed on file, seconded by Senator Metcalf and carried.

Senator Levin then moved that the Senate advise and consent to the nomination of STEVEN HOSAKA to the Radiologic Technology Board, term to expire June 30, 2001, seconded by Senator Metcalf.

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. 1839 (Gov. Msg. Nos. 299, 300, 301, 302, 303, 304, 305 and 306):

Senator Levin moved that Stand. Com. Rep. No. 1839 be received and placed on file, seconded by Senator Metcalf and carried.

Senator Levin then moved that the Senate advise and consent to the nominations of the following:

SUSAN B. HUNT and VIVIAN HO to the Statewide Health Coordinating Council, terms to expire June 30, 1999 (Gov. Msg. No. 299);

NOELLA J. KONG to the Statewide Health Coordinating Council, term to expire June 30, 2000 (Gov. Msg. No. 299);

CLIFTON K. TSUJI, TIMOTHY E. JOHNS, JOHN S. KAOPUA, LEONARD A. RAPOZO SR., EDWIN S. OHTA, SABRINA R. TOMA, HIDEO MATSUSHITA, RANDOLPH P. PERREIRA, MERLE A. RYLAND and PETER C. LEWIS to the Statewide Health Coordinating Council, terms to expire June 30, 2001 (Gov. Msg. No. 299);

MARK TAYLOR to the Honolulu Subarea Health Planning Council, term to expire June 30, 2000 (Gov. Msg. No. 300);

SCOTT EDWARD O'BRIEN, DONN TAKAKI and DEBORAH K. MORIKAWA to the Honolulu Subarea Health Planning Council, terms to expire June 30, 2001 (Gov. Msg. No. 300);

LENORA L. LORENZO, CREIGHTON LIU and PATRICIA ST. JOHN-PAYNE to the Central Oahu Subarea Health Planning Council, terms to expire June 30, 2001 (Gov. Msg. No. 301);

BETTE LARRABEE, AIRLEEN LUCERO and JOAN LEE MARS to the Waianae Coast Subarea Health Planning Council, terms to expire June 30, 2001 (Gov. Msg. No. 302);

HANS TAALA to the Windward Oahu Subarea Health Planning Council, term to expire June 30, 1999 (Gov. Msg. No. 303);

JEROME O. MANNING, CAROL ODO and CLAUDINE MIKI TOMASA, R.N., to the Windward Oahu Subarea Health Planning Council, terms to expire June 30, 2001 (Gov. Msg. No. 303);

RENEE KUSANO, LITO ASUNCION, PATRICK E. LINTON and WAYNE C. SHIROTA to the Hawai'i County Subarea Health Planning Council, terms to expire June 30, 2001 (Gov. Msg. No. 304);

LEONARD A. RAPOZO SR. and ELEANOR R. RAGASA to the Kauai County Subarea Health Planning Council, terms to expire June 30, 2001 (Gov. Msg. No. 305); and

HERBERT A.K. CAMPOS and (HELEN) JEANNE KENLON to the Maui County Subarea Health Planning Council, terms to expire June 30, 2001 (Gov. Msg. No. 306);

seconded by Senator Metcalf.

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. 1840 (Gov. Msg. No. 308):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1840 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland moved that the Senate advise and consent to the nominations to the Statewide Independent Living Council of the following:

BARBARA FISCHLOWITZ-LEONG, terms to expire June 30, 1997 and June 30, 2000; and

MARVIN F. POYZER, HEATHER PROUD, SHARON SHORE and LORI G. ODELL, terms to expire June 30, 1999,

seconded by Senator Kanno.

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

Ayes, 25. Noes, none.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of GARY L. SMITH to the Statewide Independent Living Council, terms to expire June 30, 1997 and June 30, 2000, seconded by Senator Kanno.

Senator Anderson rose in opposition to the nominee and stated:

"Mr. President, I'd like to speak in opposition to Gov. Msg. No. 308, gubernatorial nominee Gary L. Smith.

"I personally do not know the nominee but I was in the committee. We received testimony in opposition by two people. We then deferred this and on about the third day we received a lot of papers in favor of the nominee. However, the opposition that was given was because the person did not have the compassion for the position of the Independent Living Council. He did not understand fully, evidently, the needs of these people that he would be serving. The people that sent in all of the recommendations on his behalf were from that particular council and it was on his administrative ability. I don't think that's what we were looking at. When you're dealing with people you have to be compassionate, understand their needs, and consequently I don't believe that was the case with Mr. Smith's nomination. So I am voting 'no' for that particular nominee.

"Thank you, Mr. President."

Senator Solomon also rose in opposition and said:

"Mr. President, I also will be voting 'no' on the same person as mentioned by the previous speaker, Gary L. Smith, in Gov. Msg. No. 308."

Senator Tam then rose and stated:

"Mr. President, please register a 'no' vote for me on Gary Smith, also, for the same reasons."

Senator Tanaka then said:

"Mr. President, could you cast a 'no' vote for me also."

Senator Slom also stated:

"Mr. President, cast a 'no' vote for me, please."

Senator Sakamoto rose in opposition and said:

"Mr. President, similarly, I also sit on the committee and in reviewing nominees, I think there are many opportunities for these people to serve, but on this type of council I think people need to work together and I would prefer a nominee who would be more harmonious in that cooperative spirit, Mr. President. So I vote 'no,' as well."

Senator Kawamoto noted:

"'No' vote, also, Mr. President."

Senator Bunda rose and stated:

"A 'no' vote also."

Senator Iwase remarked:

"A 'no' vote. Thank you."

Senator Aki added:

"Mr. President, cast a 'no' vote for me also."

Senator M. Ige then said:

"Mr. President, I haven't voted 'no' on a ... well it's my second 'no' vote on a nominee, but could the words of Senator Sakamoto be inserted into the Journal as though they were my own. Thank you."

The Chair so ordered.

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:13 o'clock p.m.

Senator Chumbley stated:

"Mr. President, please cast a 'no' vote for me on the nominee Gary Smith."

Senator Fernandes Salling added:

"Also, Mr. President, a 'no' vote on the nominee Gary Smith."

The motion was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 12. Noes, 13 (Aki, Anderson, Bunda, Chumbley, Fernandes Salling, Ige, M., Iwase, Kawamoto, Sakamoto, Slom, Solomon, Tam, Tanaka)

Stand. Com. Rep. No. 1841 (Gov. Msg. Nos. 290, 294, 311, 313, 314, 315 and 316):

Senator Baker moved that Stand. Com. Rep. No. 1841 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 the following:

STEVEN J.T. CHOW to the State Board of Chiropractic Examiners, term to expire June 30, 2001 (Gov. Msg. No. 290);

MELVIN S. KURAOKA, WALLACE T. OKI and GARY T. OURA to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, terms to expire June 30, 2001 (Gov. Msg. No. 294);

CULLEN T. HAYASHIDA, Ph.D., to the Board of Medical Examiners, term to expire June 30, 1998 (Gov. Msg. No. 311);

THOMAS B. GROLLMAN, M.D., to the Board of Medical Examiners, term to expire June 30, 2001 (Gov. Msg. No. 311);

LAURA Y. CHOCK to the Board of Examiners in Optometry, term to expire June 30, 2001 (Gov. Msg. No. 313);

JON F. HARRELL, D.O. and RUDY BRIONES to the Board of Osteopathic Examiners, terms to expire June 30, 2001 (Gov. Msg. No. 314);

ANDREW C. NOWINSKI to the Pest Control Board, term to expire June 30, 2001 (Gov. Msg. No. 315); and

VALERIE M.K. MATSUNAGA, Pharm. D. and TERRI-ANN LEONG, Pharm. D., to the Board of Pharmacy, terms to expire June 30, 2001 (Gov. Msg. No. 316);

seconded by Senator D. Ige.

Senator Baker rose in support of the nominees as follows:

"Mr. President, on behalf of your Committee on Commerce, Consumer Protection, and Information Technology, I have some remarks in support of Stand. Com. Rep. No. 1841 and all the nominees listed therein."

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 and 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 recommendations, 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:

Steven J.T. Chow to the State Board of Chiropractic Examiners;
Melvin S. Kuraoka, Wallace T. Oki and Gary T. Oura to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects;
Cullen T. Hayashida and Thomas B. Grollman to the Board of Medication Examiners;
Laura Chock to the Board of Examiners in Optometry;
Rudy Briones and Jon F. Harrell to the Board of Osteopathic Examiners
Andrew C. Nowinski to the Pest Control Board; and
Terri-Ann Leong and Valerie M.K. Matsunaga to the Board of Pharmacy.

"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. 1842 (Gov. Msg. No. 256):

Senator Kawamoto moved that Stand. Com. Rep. No. 1842 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations to the Civil Defense Advisory Council of the following:

EDITH C. PASCUA, term to expire June 30, 1998; and

JUDITH A. YOUNG, term to expire June 30, 2001,

seconded by Senator Sakamoto.

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. 1843 (Gov. Msg. No. 307):

Senator Kawamoto moved that Stand. Com. Rep. No. 1843 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations of KELVIN DANG and RANDALL A. MEDEIROS to the State Highway Safety Council, terms to expire June 30, 2001, seconded by Senator Sakamoto.

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. 1844 (Gov. Msg. No. 319):

Senator Kawamoto moved that Stand. Com. Rep. No. 1844 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations of ROBERT L. MONTAGUE, TAI SOON LEE and ED MINA to the Advisory Board on Veterans Services, terms to expire June 30, 2001, seconded by Senator Sakamoto.

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. 1847 (Gov. Msg. No. 145):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1847 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of BOB T. KITA to the Civil Service Commission, term to expire June 30, 1999, seconded by Senator Kanno.

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. 1848 (Gov. Msg. No. 189):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1848 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of TOBIAS (TOBY) M.L. MARTYN to the Board of Trustees, Employees' Retirement System, term to expire January 1, 2003, seconded by Senator Kanno.

Senator McCartney rose and stated:

"Mr. President, I'd like to insert some remarks into the Journal in support of Gov. Msg. No. 189, Toby Martyn to the Employees' Retirement System."

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

"Mr. President, I rise to speak in support of Toby Martyn, governor's nominee to serve on the State of Hawaii Retirement System Board of Directors. Toby is a very competent person who has an excellent background in finances. His expertise in the financial and investment community will add value to the board of directors. I know he is committed to doing what's best for Hawaii public servants. I urge my colleagues to support his nomination."

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. 1849 (Gov. Msg. No. 196):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1849 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations of RALSTON H. NAGATA and GEORGE M. YASUMOTO to the Board of Trustees, Deferred Compensation Plan, terms to expire, June 30, 2001, seconded by Senator Kanno.

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

Ayes, 25. Noes, none.

FINAL READING

Conf. Com. Rep. No. 160 (H.B. No. 350, H.D. 1, S.D. 1, C.D. 1):

Senator Fernandes Salling moved that Conf. Com. Rep. No. 160 be adopted and H.B. No. 350, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak against the bill as follows:

"Mr. President, regretfully I rise to speak against the budget bill.

"I know that there were an awful lot of hours and hard work put into this bill, but unfortunately I'm looking at the budgets that every single mom, every family, and every small business owner has had to contend with. And unfortunately, Mr. President, this budget does not reflect the economic hardships that are faced by the people of Hawaii. It has some items in it that should not be here and we're generally faced with a situation of taking the lesser of several evils or taking the good along with the bad.

"But for those people who have already lost their jobs, people who have lost their homes to foreclosures and are going to, and those people who have lost their businesses to bankruptcies and are going to, I think we owe them a greater service and to provide a budget that is not going to take more of their income, more of their take-home pay. Unfortunately, Mr. President, despite the hard work, this budget would not provide any more income, no financial choices for our citizens, be they individuals or businesses. Therefore, I cast a 'no' vote.

"Thank you, Mr. President."

Senator Sakamoto supported the measure as follows:

"Mr. President, I rise supporting the measure but I feel I must express my concerns.

"We're clearly supporting the tourist industry -- appropriating \$26 million for marketing in fiscal 1997-98; \$24 million for 1998-99; plus \$10 million of emergency marketing

funds already appropriated. We're supporting the construction industry with the governor's \$1 billion CIP budget. We support the airline industry with the aircraft maintenance tax credit, hotel industry with the remodeling tax credit. We even have a tax credit for motion pictures and a tax credit for a non-existing stock exchange, but, Mr. President, where is the support for Hawaii's 29,000 small businesses? They are the life blood of our state's economy.

"In the original Senate budget, Senator Fernandes Salling presented a diversified economic stimulus tax package that would have supported many small businesses and improved our local business economy. This body supported that a few weeks ago, yet today small businesses are begging leadership for its support, continually communicating its needs to you. We offered them little relief, little support.

"Mr. President, leadership has said no, to requests for coordinated care; no, to the clear privatization message; no, to a major portion of the small business package. Leadership did not even deliver the job reference liability bill. That bill would have helped both employers and employees applying for jobs. And Mr. President, in this budget you're saying no ... you forgot them again.

"Thank you, Mr. President."

Senator Iwase rose to support the bill and stated:

"Mr. President, I'm rising to speak in support of the budget, but I would like to incorporate the comments of the Senator from Moanalua as if they were my own, and I would like to emphasize them very strongly.

"I am somewhat disappointed that a lot of the job measures are not supporting jobs and the creation of business has been deleted. I do know how hard, as the Senator from Moanalua pointed out, how hard the co-chair from Kauai sought to have a tax revenue enhancement package. It's not here.

"I think this is a budget that, at least, emphasizes education, but I think we leave short the emphasis that we need to have on job creation and on business and I would hope that leadership would pursue these next year.

"Thank you."

Senator Fukunaga rose in support of the measure and said:

"In response to some of the prior remarks, Mr. President, I believe the Ways and Means Committee very definitely wanted to provide as much relief to small businesses as we could. However, I would like to point out that among the measures we agreed to is S.B. No. 147, Relating to Taxation, in which we did address the pyramiding of leases.

"We also had a small business loan guaranty measure which we have agreed upon, and while we have not been able to pass as many of the tax exemptions as the Senator from Moanalua would like, it's important to note that we have held down the growth of government as much as possible -- such that general fund growth in this biennium budget is 0.7 percent.

"For all of those reasons, Mr. President, I would urge my colleagues to vote in support of this bill. Thank you."

Senator Solomon also supported the measure as follows:

"I am also rising, Mr. President, in support of the budget bill and I would like to incorporate both Senator's remarks, the Senators from Moanalua and Mililani, as though they were my own.

"Mr. President, I also would like to commend the co-chairwoman from Kauai for her courageous tax package that, in fact, would have helped to diversify our economy, would have

helped small business, and it's just unfortunate that the leadership in this State Senate could not see its way clear to maybe hold the line a little firmer to at least get our Senate positions more incorporated into the budget.

"Thank you very much."

Senator Chun Oakland rose to speak in support of the measure and said:

"Mr. President, I would also like to speak in favor of H.B. No. 350.

"With regard to the budget area relating to human services, I do want to thank the co-chairs and members of the Ways and Means Committee, as well as the entire Legislature, for supporting the restoration of funds in the areas of general assistance, in particular, to the point of \$27 million per year. I would also like to point out that the funding for assistance to families with dependent children, as well as immigrants, are in the budget this year, and I very much appreciate that on behalf of our committee and the families that will be affected very positively.

"Thank you."

Senator Tam, also rising in support of the bill, then stated:

"Mr. President, I wish to speak in favor of H.B. No. 350, H.D. 1, S.D. 1, C.D. 1, relating to the state budget.

"Before speaking on H.B. No. 350, C.D. 1, I wish to thank my colleagues on the Senate Ways and Means Committee, especially the co-chairpersons. A special thanks goes to the staff of the Senate Ways and Means Committee staff for their dedication in the formation of a people's budget. Thank you for working 20 hours a day (I speak from experience).

"Mr. President, fellow colleagues, and the citizens of the State of Hawaii, I speak in favor of the state budget for public education. The education budget is a progressive and quality budget for Hawaii's public school students. Personally, as a parent of a public school student, I am pleased with this legislature's education budget. The budget maintains a firm education funding for classroom needs in a period of economic sluggish times and even adds more dollars to classroom needs. The highlights of the education budget are as follows:

1. It maintains the student-teacher ratio of 20 to 1 students in kindergarten to third grades.
2. \$2,500,000 additional dollars for instructional materials (textbooks, workbooks, computer programs, etc.).
3. Full funding for special education needs according to federal and state laws.
4. Full funding for full-time school registrar positions at all intermediate schools statewide, whereby \$296,322 for FY 1997-98 and \$355,524 for FY 1998-99.
5. \$35,000,000 in general funds and an additional \$17,000,000 in CIP (Capital Improvement Project) for school repair and maintenance.
6. Full-time Athletic Care Specialists (Athletic Trainers) in every public high school at a cost of \$296,322 for FY 1997-98 and \$355,524 for FY 1998-99.
7. Expansion of the Hawaiian Language Immersion Program for kindergarten to 12th grade. \$25,000 for FY 1997-98.
8. Additional \$25,000 for the statewide Annual Conference of Secondary School Students to include grades 7-12,

where students actively contribute to plans towards quality education.

"In closing, Mr. President and fellow colleagues, and for the record, I request Governor Cayetano to utilize the federal impact aid money, about \$20,000,000 to be given to the state of Hawaii in October 1997 to supplement the state general fund budgets for A+ and the After-School Remedial Program. In doing so, our public school students will not have to pay increased fees. The purpose of the federal impact aid money is to supplement the educational financial program needs that the State general fund budget is unable to. Thank you."

Senator Anderson rose to speak on the measure as follows:

"Mr. President, I have some reservations on this bill. I did have some on its first go-around. I stood up and told the rest of my colleagues that I was very proud to be a Senator and I thought that we were keeping in tune with the Council of Revenues. Since then we have gone way overboard, Mr. President, and it bothers me that not only are there increases but the increase in the CIP is even over and above what the governor originally intended. It's something in the tune of providing \$1.3 billion for fiscal year 1998, an increase of 76 percent over '97; a \$1.14 billion for fiscal year 1999, an increase of 52.1 percent.

"Now, I want to make sure that we help our businesses as much as anybody else, but I most certainly don't want to stand here as a Senator and a minority and give the governor the option to give whatever jobs he feels he should be giving or hold back what he wants to. If we're going to do this because next year is going to be an election year ... and he can call us irresponsible, because he would. He can go ahead and pass whatever he wants to and say I'm going to hold back because these people were irresponsible, passing out a budget that is exceeding what we can afford. And that's exactly what we've allowed him to do and we played the game.

"I also have concerns because we did not pass tax incentives for the businesses. Both Senator Slom and Senator Sakamoto are absolutely right. We did nothing for business. What happened to the 80 percent that businesses could write off if they took people out? We didn't pass that. But read your paper, ladies and gentlemen -- restaurants and businesses are going down the tube, and yet we sit here and we say, 'Well, we've done well. We gave the HVB \$10 million plus the other money that we're going to give them.' We give them money every year

"We did a great job because we gave money to diversified ag. We do that every year. Don't talk about what we do every year -- talk about what we're not doing. We're not cutting government. We're over-spending. We're taking special funds and using them. The teachers ... God, I want to give them a raise as much as anybody else, but then we do a payroll lag and they get to pay for some of their own raises that they're going to get.

"Why don't we look at this realistically and try to do the job that we're elected for. And if we're doing a bad job, hell, let them kick us out. But no, everybody is worried. They say, I have to get reelected so I can do a better job. You're not even doing the job that you're elected for, in the first place.

"Thank you very much, Mr. President. That's why I have some reservations."

Senator Tam rose again and stated:

"Mr. President and fellow colleagues, I failed to mention one other part in the budget which I'm very pleased to announce and that is \$250,000 for additional library books within our budget for each year. The reason I bring this up is because, remember we had this issue of the Baker & Taylor contract which, unfortunately, is causing us great pain throughout the

whole State of Hawaii and the public has spoken out that they wish to cancel this contract because it does not do any public service need, and therefore, what we have done is to give the Board of Education the option to cancel the contract. And in order to cover for the selection process to purchase additional library books, we included in each fiscal year, \$250,000. So now it's in the hands of the Board of Education to cancel the contract as their option.

"Thank you."

Senator McCartney supported the measure as follows:

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

"Mr. President, I'd just like to thank the two co-chairs for their hard work. It was a very challenging session -- a time when declining revenues are still facing us and many needs are on the table. If you look at the budget, I think they were faced with multiple needs and limited resources, and balancing the budget is a challenge, especially in conference. And I think that we realize that government can't be all things to all people and some tough decisions and tough choices need to be made.

"This budget reflects the reality of today's economy and is designed to stimulate it, and therefore, Mr. President, I support it.

"Thank you."

Senator Levin spoke in support of the bill and said:

"Mr. President, I would like to reiterate the comments made by the Majority Leader. I definitely share his sentiments and I rise in favor of the bill.

"In particular, I want to praise both the co-chairs and the staff. It wasn't very long ago, but perhaps we need to be reminded, that we were dropped a \$270 million bombshell. That was just a few weeks ago, and the staff and the co-chairs took on the task of balancing the budget in spite of that. They did the job calmly, efficiently. We have managed to fund the collective bargaining agreements, the other programs that are needed. We have managed to balance the budget within the parameters set forth for us, and it was a tremendous accomplishment. And I think they deserve a lot of credit and support.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 160 was adopted and H.B. No. 350, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

FINAL READING

MATTERS DEFERRED FROM FRIDAY, APRIL 25, 1996

S.B. No. 251, S.D. 1, H.D. 2:

On motion by Senator Levin, seconded by Senator Metcalf and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 251, S.D. 1, and S.B. No. 251, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 727, S.D. 2, H.D. 1:

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 727, S.D. 2, and S.B. No. 727, S.D. 2, H.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.

S.B. No. 846, S.D. 1, H.D. 2:

On motion by Senator Levin, seconded by Senator Metcalf and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 846, S.D. 1, and S.B. No. 846, 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. 1624, H.D. 2:

On motion by Senator Tam, seconded by Senator Aki and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1624 and S.B. No. 1624, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 51 (S.B. No. 135, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator D. Ige and carried, Conf. Com. Rep. No. 51 was adopted and S.B. No. 135, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 52 (S.B. No. 512, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 52 was adopted and S.B. No. 512, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND VOCATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL READING

S.B. No. 293, S.D. 1, H.D. 1:

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 293, S.D. 1, and S.B. No. 293, S.D. 1, H.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.

S.B. No. 1064, S.D. 1, H.D. 1:

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1064, S.D. 1, and S.B. No.

1064, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BALLOT ACCESS FOR POLITICAL PARTIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1464, S.D. 1, H.D. 1:

On motion by Senator M. Ige, seconded by Senator Bunda and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1464, S.D. 1, and S.B. No. 1464, S.D. 1, H.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. 3 (H.B. No. 1745, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tanaka and carried, Conf. Com. Rep. No. 3 was adopted and H.B. No. 1745, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 4 (H.B. No. 1610, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 4 was adopted and H.B. No. 1610, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF THE UNITED STATES," 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. 1965, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 6 was adopted and H.B. No. 1965, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARMFUL AQUATIC LIFE," 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. 2, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 7 was adopted and H.B. No. 2, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 8 (H.B. No. 1660, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Aki, seconded by Senator Tam and carried, Conf. Com. Rep. No. 8 was adopted and H.B. No. 1660, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," 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. 1894, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator D. Ige and carried, Conf. Com. Rep. No. 11 was adopted and H.B. No. 1894, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERSHIP OF THE ELEVATOR MECHANICS LICENSING BOARD," 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. 1863, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 12 was adopted and H.B. No. 1863, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER AND BUSINESS EDUCATION," 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. 939, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator D. Ige and carried, Conf. Com. Rep. No. 13 was adopted and H.B. No. 939, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY TAXES AND FEES," 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. 106, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 17 was adopted and H.B. No. 106, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTHFUL OFFENDERS," 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. 103, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tanaka and carried, Conf. Com. Rep. No. 19 was adopted and H.B. No. 103, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS," 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. 351, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tanaka and carried, Conf. Com. Rep. No. 20 was adopted and H.B. No. 351, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," 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. 1309, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Bunda, seconded by Senator D. Ige and carried, Conf. Com. Rep. No. 22 was adopted and H.B. No. 1309, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIME," 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. 636, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Iwase, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 23 was adopted and H.B. No. 636, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 25 (H.B. No. 1105, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Levin and carried, Conf. Com. Rep. No. 25 was adopted and H.B. No. 1105, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 26 (H.B. No. 1819, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 26 was adopted and H.B. No. 1819, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," 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. 631, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 27 was adopted and H.B. No. 631, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DECISIONS," 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. 1713, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Iwase, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 30 was adopted and H.B. No. 1713, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," 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. 1012, S.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, Conf. Com. Rep. No. 33 was adopted and H.B. No. 1012, 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. 34 (H.B. No. 1841, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 34 was adopted and H.B. No. 1841, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 35 (H.B. No. 65, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator D. Ige and carried, Conf. Com. Rep. No. 35 was adopted and H.B. No. 65, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," 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. 113, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 36 was adopted and H.B. No. 113, H.D. 1, 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. 37 (H.B. No. 107, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 37 was adopted and H.B. No. 107, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES," 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. 1287, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator M. Ige, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 39 was adopted and H.B. No. 1287, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," 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. 175, H.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 53 was adopted and S.B. No. 175, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 54 (S.B. No. 373, H.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 54 was adopted and S.B. No. 373, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 55 (S.B. No. 165, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 55 was adopted and S.B. No. 165, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DONATION OF PHARMACEUTICALS AND HEALTH CARE SUPPLIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 56 (S.B. No. 1554, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 56 was adopted and S.B. No. 1554, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," 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. 1879, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 57 was adopted and S.B. No. 1879, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 58 (S.B. No. 1619, H.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 58 was adopted and S.B. No. 1619, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," 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. 377, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 59 was adopted and S.B. No. 377, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPAIRED DRIVERS," 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. 835, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 60 was adopted and S.B. No. 835, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIANS," 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. 1589, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 61 was adopted and S.B. No. 1589, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD DEATH REVIEW," 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. 426, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Aki, seconded by Senator Tam and carried, Conf. Com. Rep. No. 62 was adopted and S.B. No. 426, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 64 (S.B. No. 1588, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 64 was adopted and S.B. No. 1588, S.D. 1, H.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. 68 (S.B. No. 1197, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 68 was adopted and S.B. No. 1197, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES," 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. 633, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tanaka and carried, Conf. Com. Rep. No. 70 was adopted and S.B. No. 633, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BED AND BREAKFAST OPERATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 71 (S.B. No. 647, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 71 was adopted and S.B. No. 647, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," 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. 718, H.D. 1, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 72 was adopted and S.B. No. 718, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRE-SENTENCE DIAGNOSIS AND REPORT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 73 (S.B. No. 986, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 73 was adopted and S.B. No. 986, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 76 (S.B. No. 1267, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 76 was adopted and S.B. No. 1267, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 78 (S.B. No. 138, S.D. 1, H.D. 3, C.D. 1):

On motion by Senator Baker, seconded by Senator D. Ige and carried, Conf. Com. Rep. No. 78 was adopted and S.B. No. 138, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE REIMBURSEMENTS OF MENTAL HEALTH AND SUBSTANCE ABUSE BENEFITS FOR ADVANCED PRACTICE REGISTERED NURSES," 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. 141, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator D. Ige and carried, Conf. Com. Rep. No. 79 was adopted and S.B. No. 141, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASE-PURCHASE AGREEMENTS," 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. 152, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator D. Ige and carried, Conf. Com. Rep. No. 80 was adopted and S.B. No. 152, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," 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. 656, S.D. 1, H.D. 3, C.D. 1):

On motion by Senator Baker, seconded by Senator D. Ige and carried, Conf. Com. Rep. No. 81 was adopted and S.B. No. 656, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS,"

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. 1114, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 82 was adopted and S.B. No. 1114, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 83 (S.B. No. 1191, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 83 was adopted and S.B. No. 1191, S.D. 1, H.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. 84 (S.B. No. 1487, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 84 was adopted and S.B. No. 1487, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 85 (S.B. No. 1522, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 85 was adopted and S.B. No. 1522, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS," 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. 1901, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator D. Ige and carried, Conf. Com. Rep. No. 86 was adopted and S.B. No. 1901, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 90 (S.B. No. 252, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 90 was adopted and S.B. No. 252, 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. 91 (S.B. No. 1266, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 91 was adopted and S.B. No. 1266, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 92 (S.B. No. 1268, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 92 was adopted and S.B. No. 1268, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT," 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. 1794, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 93 was adopted and S.B. No. 1794, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SANITATION PERMITS," 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. 1535, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 95 was adopted and S.B. No. 1535, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 101 (H.B. No. 1370, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Iwase, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 101 was adopted and H.B. No. 1370, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FOREST RESERVES," 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. 1657, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Aki, seconded by Senator Tam and carried, Conf. Com. Rep. No. 103 was adopted and H.B. No. 1657, 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, 25. Noes, none.

Conf. Com. Rep. No. 104 (H.B. No. 2234, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Aki, seconded by Senator Tam and carried, Conf. Com. Rep. No. 104 was adopted and H.B. No. 2234, 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, 25. Noes, none.

Conf. Com. Rep. No. 108 (H.B. No. 1023, S.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, Conf. Com. Rep. No. 108 was adopted and H.B. No. 1023, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SECONDARY SCHOOL STUDENTS CONFERENCE," 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. 1731, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, Conf. Com. Rep. No. 109 was adopted and H.B. No. 1731, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII STATE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 110 (H.B. No. 120, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 110 was adopted and H.B. No. 120, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY CARE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 124 (S.B. No. 1571, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 124 was adopted and S.B. No. 1571, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 126 (S.B. No. 1632, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator M. Ige, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 126 was adopted and S.B. No. 1632, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 127 (S.B. No. 37, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tanaka and carried, Conf. Com. Rep. No. 127 was adopted and S.B. No. 37, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 129 (S.B. No. 58, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, Conf. Com. Rep. No. 129 was adopted and S.B. No. 58, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KINDERGARTENS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 130 (S.B. No. 1951, H.D. 2, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 130 was adopted and S.B. No. 1951, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 132 (S.B. No. 1082, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 132 was adopted and S.B. No. 1082, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 133 (H.B. No. 1640, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 133 was adopted and H.B. No. 1640, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 136 (H.B. No. 1721, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 136 was adopted and H.B. No. 1721, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELIGIBILITY FOR PAYMENT PROGRAMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 138 (H.B. No. 139, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 138 was adopted and H.B. No. 139, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM," 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. 1838, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 139 was adopted and H.B. No. 1838, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 144 (H.B. No. 1831, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, Conf. Com. Rep. No. 144 was adopted and H.B. No. 1831, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 145 (H.B. No. 1843, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 145 was adopted and H.B. No. 1843, H.D. 2, S.D. 2, C.D. 1, 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.

Conf. Com. Rep. No. 146 (H.B. No. 1250, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 146 was adopted and H.B. No. 1250, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL RESPONSE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 154 (H.B. No. 1188, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 154 was adopted and H.B. No. 1188, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A SYMPOSIUM ON CRIME IN HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 155 (H.B. No. 140, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 155 was adopted and H.B. No. 140, 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.

At 12:32 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:09 o'clock p.m.

FINAL READING

Conf. Com. Rep. No. 14 (H.B. No. 2202, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator D. Ige and carried, Conf. Com. Rep. No. 14 was adopted and H.B. No. 2202, H.D. 2, 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. 89 (S.B. No. 1683, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Aki, seconded by Senator Tam and carried, Conf. Com. Rep. No. 89 was adopted and S.B. No. 1683, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A HAWAIIAN LANGUAGE COLLEGE," 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. 1032, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 94 was adopted and S.B. No. 1032, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," 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. 717, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 98 was adopted and S.B. No. 717, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENT EDUCATION FOR SEPARATING PARTIES," 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. 1775, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 105 was adopted and H.B. No. 1775, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 112 (H.B. No. 1836, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 112 was adopted and H.B. No. 1836, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRINKING WATER," 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. 2032, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, Conf. Com. Rep. No. 113 was adopted and H.B. No. 2032, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-TO-WORK OPPORTUNITIES," 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. 931, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tanaka and carried, Conf. Com. Rep. No. 117 was adopted and H.B. No. 931, H.D. 2, S.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. 118 (H.B. No. 1690, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 118 was adopted and H.B. No. 1690, 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. 120 (H.B. No. 1804, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 120 was adopted and H.B. No. 1804, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REPAIRS AND MAINTENANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 131 (S.B. No. 1581, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 131 was adopted and S.B. No. 1581, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 134 (H.B. No. 1646, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 134 was adopted and H.B. No. 1646, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AN 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. 135 (H.B. No. 1840, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 135 was

adopted and H.B. No. 1840, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," 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. 258, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 137 and H.B. No. 258, S.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 140 (H.B. No. 122, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 140 was adopted and H.B. No. 122, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION," 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. 167, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 141 was adopted and H.B. No. 167, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMATIC BRAIN INJURY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 142 (H.B. No. 1984, S.D. 2, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 142 was adopted and H.B. No. 1984, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG ABUSE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 148 (H.B. No. 1591, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 148 was adopted and H.B. No. 1591, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE CLEARINGHOUSE FOR MISSING CHILDREN," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 151 (H.B. No. 108, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 151 was adopted and H.B. No. 108, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 152 (H.B. No. 1613, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 152 was adopted and H.B. No. 1613, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AUTOMATED SYSTEMS DEVELOPMENT FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 159 (H.B. No. 472, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 159 was adopted and H.B. No. 472, 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. 161 (H.B. No. 1390, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 161 was adopted and H.B. No. 1390, H.D. 1, S.D. 2, 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. 162 (H.B. No. 2060, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 162 was adopted and H.B. No. 2060, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 163 (H.B. No. 2019, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 163 was adopted and H.B. No. 2019, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

Stand. Com. Rep. No. 1784 (H.B. No. 248, H.D. 2):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1784 was adopted and H.B. No. 248, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1785 (H.B. No. 1658, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1785 was adopted and H.B. No. 1658, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS EDUCATION PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1786 (H.B. No. 1659):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1786 was adopted and H.B. No. 1659, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1787 (H.B. No. 1662):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1787 was adopted and H.B. No. 1662, entitled: "A BILL FOR AN ACT RELATING TO THE STATE AQUARIUM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1788 (H.B. No. 1709, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1788 was adopted and H.B. No. 1709, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1789 (H.B. No. 2016, H.D. 2):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1789 was adopted and H.B. No. 2016, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE UNIVERSITY OF HAWAII-HILO THEATRE REVOLVING FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1790 (H.B. No. 787):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1790 was adopted and H.B. No. 787, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1791 (H.B. No. 1687):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1791 was adopted and H.B. No. 1687, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC FUNDS TRANSFERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1792 (H.B. No. 1855, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1792 was adopted and H.B. No. 1855, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPLIANCE RESOLUTION FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1793 (H.B. No. 1869, H.D. 2):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1793 was adopted and H.B. No. 1869, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1794 (H.B. No. 1878, H.D. 2):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1794 was adopted and H.B. No. 1878, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1795 (H.B. No. 1895, H.D. 2):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1795 was adopted and H.B. No. 1895, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO APPOINTMENT OF ADVISORY COMMITTEES FOR REGULATORY PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1796 (H.B. No. 1896, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1796 was adopted and H.B. No. 1896, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT OF PROFESSIONAL AND VOCATIONAL LICENSE FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1797 (H.B. No. 2110, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1797 was adopted and H.B. No. 2110, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITY EXEMPTIONS FROM REAL PROPERTY TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1798 (H.B. No. 1572, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1798 was adopted and H.B. No. 1572, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS,"

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

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

Stand. Com. Rep. No. 1799 (H.B. No. 1573):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1799 was adopted and H.B. No. 1573, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1800 (H.B. No. 1574):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1800 was adopted and H.B. No. 1574, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1801 (H.B. No. 1576):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1801 was adopted and H.B. No. 1576, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1802 (H.B. No. 1581):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1802 was adopted and H.B. No. 1581, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR AGRICULTURAL RESOURCE MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1803 (H.B. No. 1696, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1803 was adopted and H.B. No. 1696, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1804 (H.B. No. 2214):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1804 was adopted and H.B. No. 2214, entitled: "A BILL FOR AN ACT RELATING TO COFFEE CERTIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1805 (H.B. No. 2238, H.D. 2):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1805 was adopted and H.B. No. 2238, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1808 (H.B. No. 1615):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1808 was adopted and H.B. No. 1615, entitled: "A BILL FOR AN ACT RELATING TO VACATION ALLOWANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1809 (H.B. No. 1617, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1809 was adopted and H.B. No. 1617, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUGGESTION AWARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1810 (H.B. No. 1620, H.D. 2):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1810 was adopted and H.B. No. 1620, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1811 (H.B. No. 1719):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1811 was adopted and H.B. No. 1719, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT AND FOR THE BLIND SHOP REVOLVING AND HANDICRAFT FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1812 (H.B. No. 1810):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1812 was adopted and H.B. No. 1810, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1813 (H.B. No. 1812, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1813 was adopted and H.B. No. 1812, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1814 (H.B. No. 1381, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1814 was adopted and H.B. No. 1381, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEAL COURT FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1815 (H.B. No. 1631, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1815 was adopted and H.B. No. 1631, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1816 (H.B. No. 1634, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1816 was adopted and H.B. No. 1634, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1817 (H.B. No. 1036, H.D. 2):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1817 was adopted and H.B. No. 1036, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1818 (H.B. No. 1104, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1818 was adopted and H.B. No. 1104, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1819 (H.B. No. 1746):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1819 was adopted and H.B. No. 1746, entitled: "A BILL FOR AN ACT RELATING TO DUTIES OF THE KAHŌ'OLAWĒ ISLAND RESERVE COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1820 (H.B. No. 1752, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1820 was adopted and H.B. No. 1752, H.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1821 (H.B. No. 1768, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1821 was adopted and H.B. No. 1768, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF LAND TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1822 (H.B. No. 1707):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1822 was adopted and H.B. No. 1707, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF VETERANS' SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1823 (H.B. No. 1757, H.D. 2):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1823 was adopted and H.B. No. 1757, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1824 (H.B. No. 264, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1824 was adopted and H.B. No. 264, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR THE WILCOX HEALTH SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1825 (H.B. No. 1753, H.D. 2):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1825 was adopted and H.B. No. 1753, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1826 (H.B. No. 1712, H.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 1826 was adopted and H.B. No. 1712, H.D. 1, 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, 24. Noes, none. Excused, 1 (Bunda).

H.B. No. 1642:

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, H.B. No. 1642, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTRONIC FILING OF TAX RETURNS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1643, H.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, H.B. No. 1643, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS TO THE STATE BY ELECTRONIC FUNDS TRANSFER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 2:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:14 o'clock p.m.

FINAL READING

S.B. No. 26, H.D. 1:

Senator Tam moved that S.B. No. 26, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Aki.

Senator Kawamoto rose to support the measure as follows:

"Mr. President, I'd like to rise in support of this bill.

"The purpose of this bill is to clarify the responsibility of parents and guardians for minors' compliance with the Student Code of Conduct adopted by the Board of Education. This bill also clarifies that destruction of school property by a student is reason to subject parents and guardians to proceedings under Chapter 302A, Hawaii Revised Statutes.

"The principals of the Leeward District would like to have this to administer their programs in their schools. So I urge all my colleagues to vote 'aye' on this bill. Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 26, H.D. 1, and S.B. No. 26, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENT AND GUARDIAN RESPONSIBILITY FOR MINOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Chumbley, Ige, D., Matsunaga). Excused, 1 (Taniguchi).

MATTER DEFERRED FROM FRIDAY, APRIL 18, 1997

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

Senator Chumbley moved that Conf. Com. Rep. No. 1 be adopted and H.B. No. 117, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Matsunaga supported the measure and said:

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

"Mr. President, this measure proposes an amendment to our constitution which would provide simply that 'The legislature

shall have the power to reserve marriage to opposite-sex couples.'

"Last session, a majority of this body opposed any constitutional amendment which addressed the issue of same gender marriage. This opposition was based on the belief that the provision of equal rights through the provision of domestic partnership status would moot the Supreme Court's ruling in *Baehr v. Lewin* and thereby retain marriage's opposite gender reservation while ensuring equal access to government benefits for all of Hawaii's citizens. The House of Representatives, on the other hand, sought to resolve the issue by simply barring same gender marriage in a way that we felt smacked of animus and potentially perverted our constitution.

"This year we have made a commitment to put to rest the public furor over this issue. In an effort to reach agreement with the House, we proposed a constitutional amendment to allow the voters of this state to decide the issue. However, as we began this process, we made three commitments in the framing of any amendment. These commitments were:

1. We would not permit our state's commitment to due process and equal protection to be conditioned or diminished;
2. We would not permit nontraditional couples to be deprived of substantial economic marital rights; and
3. We would not permit any hint of 'animus' in the language of our constitution.

"The measure we vote on today satisfies these commitments. Essentially, it accomplishes what we sought to achieve last year. That is, marriage licenses will be limited to opposite sex couples, but coupled with the passage of H.B. No. 118, C.D. 1, nontraditional couples will be provided access to substantially similar economic marital rights and benefits.

"Mr. President, I have additional remarks I would like inserted into the Journal. Thank you."

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

"Mr. President, the language of the amendment, as a legislative compromise, is necessarily somewhat ambiguous regarding impact and intent. But we have tried, in the purpose clause, to make certain that our intended effect is clear. That is, the only substantive expression of intent in the purpose clause is to address the issue of the issuance of marriage licenses. Our intent is to thus limit the scope of the amendment to the ministerial act of issuing licenses. Other constitutional rights regarding attendant rights and benefits are not to be affected.

"The language of the amendment raises an arguable conflict with our Constitution's Equal Protection Clause, as interpreted by our Supreme Court. The resolution of any such conflict will be left to the courts. As the latest expression on the subject, we expect that the express language of this amendment will control. However, we acknowledge that the courts are also bound by rules for the interpretation of statutes in *pari materia* (on the same subject) and that there may be an arguable hierarchy among constitutional provisions when conflicts arise. We do not, and cannot, pretend to have spoken definitively on such interpretation. It is the role and duty of the courts to interpret the constitution. And it is the right of prospective plaintiffs to frame these issues.

"These avenues for interpretation do not diminish the import of what we do today. The people of Hawaii will have an opportunity to definitively express their will on the issuance of marriage licenses. As legislators we are bound to acknowledge their power and abide by their will. We think that this amendment does so -- but does no harm to our commitment to equal rights in the process."

Senator Sakamoto rose in support of the measure and said:

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

"Mr. President, I support this because it gives the voters what they wanted and what they have been asking for, and yes, for years, to decide for themselves what marriage means in Hawaii. I support this bill because it gives voters a clean, clear choice on whether or not the Hawaii Constitution should be amended and because the bill is easily understandable for the voters and will be fair to all.

"Passage of this measure will empower the Legislature, who are the elected representatives of the people, to take action, and not appointed judges to decide who can get married.

"Finally, Mr. President, I support this bill because it hopefully brings closure to the long-standing controversy that has taken up so much time, closure that this body can finally come to, and hopefully can now focus on strengthening the job creation and our economy so that we can have a better Hawaii, Mr. President.

"Thank you. I'll be voting in favor."

Senator Kanno rose and stated:

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

Senator Baker added:

"Likewise, Mr. President."

Senator Taniguchi then stated:

"Likewise for me, Mr. President."

Senator Chun Oakland spoke on the measure as follows:

"Mr. President, 'aye' with reservation, and I'd like to insert comments, as well."

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

"This measure will allow the people of this state to vote on a subject that has evoked strong emotions and raised many questions about human relationships. The bill authorizes the state to place on the ballot, in 1998, a constitutional question, that, if approved by the majority of voters who cast their votes, will allow the State Legislature to reserve marriage to two people of the opposite sex.

"If the constitutional question is approved, this change should in no way be viewed as prohibiting those churches from performing marriage ceremonies for same gender couples as they have done for many years. This is ensured in our nation's constitution respecting the separation of church and state.

"The issuance of marriage licenses which is within the purview of government is what in essence will be affected and the state's ability to perform civil marriage ceremonies. I, along with Representative Terrance Tom, attended every hearing and briefing held on the subject of same-sex marriage, three years ago, as members of the House Committee on Judiciary. We got to hear first hand, statewide, the supporters' and opponents' of same gender marriage views on the issue. I learned a lot from both sides and saw the extremes in people -- one of humanity, compassion and inner peace as well as the uglier side of mankind, full of conflict, hate and divisiveness. To those on both sides of the issue who spoke and demonstrated through acts of compassion and love, I thank you. To agree and disagree in a sensitive, civil and respectful manner helped the Legislature deliberate on this matter.

"I want to acknowledge and thank the co-chairs of the Committee on Judiciary and conference committee members for their time, sense of fairness, and compassion. I also want to thank their families for dealing with the immense pressure and often times insensitive and inhumane actions this issue has brought out in people. Your positive attitude and earnest efforts, I very much appreciate."

Senator Metcalf rose and said:

"Mr. President, I have written comments I ask to be inserted into the Journal in support of the measure."

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

"Mr. President, I rise to speak in favor of H.B. No. 117, H.D. 1, S.D. 1, C.D. 1.

"This measure, a proposed ballot question in the form of a constitutional amendment, along with H.B. No. 118, H.D. 1, S.D. 1, C.D. 1, that we earlier voted on, seeks to deal with issues flowing from the decision in *Baehr v. Lewin*. In this case the court has ruled that, absent a compelling state interest, same-sex couples cannot be denied the right to marry. Beyond the arguments and the passions expressed in the debate that has followed the court's decision, are fundamental questions regarding the effective parameters of the legislature and the courts to act.

"Most Hawaii citizens favor extending rights, benefits and burdens associated with marriage to same-sex couples. Yet it is clear they wish at this time to reserve to themselves the question of whether the legislature shall have the power to determine whether the rite of marriage shall be limited to opposite sex couples only.

"As Legislators, we have the responsibility to choose correctly irrespective of whether those choices flow with or contrary to the passions of the moment. This is an essential element of the public trust. At the same time, this responsibility cannot be translated into fiat to ignore that which manifestly reflects the public will. To act otherwise is to substitute autocracy for democracy. Far too much has been invested in our democracy to justify a lurch in that direction.

"The courts have a special and unique role in our system of government key among which is the principle that any citizen can be heard and have their case determined impartially independent of their popularity, wealth, power or status. The only criteria to be applied by the court, in determining cases and causes, are the law and principles which flow logically and equitably from the law.

"In drafting the proposed constitutional amendment, your Senate conferees have been mindful of the need to advance public discussion on this question. This approach has been taken in recognition of the constraints of what can be accomplished without weakening the legislature's position as that instrument of government designed specially to best reflect the public will. We also have been mindful that the courts not be foreclosed from exercising their special mandate to adjudicate the cases and causes of those who may otherwise not be counted among the popular majority.

"House Bill No. 117, H.D. 1, S.D. 1, C.D. 1, the proposed constitutional amendment, will allow for the discussion and expression of the public's voice with respect to whom a marriage license shall be issued. Former UN Secretary General Dag Hammarskjöld once observed that "everyone in his own eyes has a good case, and there must be some element in his case that must be regarded as right." It is in this spirit that I support this proposed constitutional amendment."

Senator Chumbley rose in support of the measure and stated:

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

"I support this proposed constitutional amendment, Mr. President, because I support and believe in the right of the citizens of Hawaii to define their own constitution. I also trust that, upon full and fair debate, our citizens, over time, will do the right thing.

"The preamble to the Hawaii State Constitution vests in 'the people' the power to 'control our destiny, to nurture the integrity of our people and culture, and to preserve the quality of life that we desire.' And it is in the name of the 'people of Hawaii' that our State Constitution was drafted and adopted. And because the current controversy is a product of language that is unique to the State Constitution, we have a duty to permit the people to effect its interpretation.

"In framing this amendment, we have been careful to respect the structure of our government and the rights of all our citizens. We do not believe that the people of Hawaii want their constitution infected by inferences of prejudice or bigotry, nor do we believe that our people favor jurisdiction stripping or discrimination on the basis of sex. Other versions of this measure would have manifested these prejudices. They were unacceptable and we accordingly rejected them.

"The amendment before us today is as finely tailored as we could accomplish. The people will decide on the simple issue of whether marriage should be limited to couples of the opposite sex -- the courts are not insulted, equal protection is not conditioned, and no religious or social dogma is adopted. Instead, an affirmative expression of our understanding of marriage is incorporated in the supreme law of our land.

"Some of us in this body may prefer to pass no constitutional amendment at all. Our inaction would permit non-traditional marriage to become law in Hawaii. It may be that our open and loving culture will someday evolve to accommodate the formal recognition of such unions. But if this is to happen, it should be as an affirmative expression of our commitment to equality; and not a result of legislative inaction.

"Through the passage of this measure, and the rights package of H.B. No. 118 (which, incidentally, colleagues, just passed the House a little while ago by 41 votes in the affirmative), we hope to make a positive statement to reaffirm the right of the people over their constitution; we express our trust in the judgment of the people; and we manifest our commitment to equal rights.

"This issue has simply divided our community and consumed the legislature for far too long. With or without a constitutional amendment, our community will continue to evolve, our understanding and manifestation of fairness and equality will continue to grow, and our role as a model for multicultural equality will be cemented in history.

"The way in which we at the legislature, and now the people of Hawaii handle this issue will serve as a message to the nation. I trust and believe that this message will be one of responsible openness. This amendment is a step in that direction.

"I have some additional remarks I would like to have inserted into the Journal. Thank you, Mr. President."

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

"Mr. President, as a Legislator, I took an oath to uphold the Constitution of the State of Hawaii, a document which I hold dear as a lawmaker and as a citizen. The preamble to our constitution states, 'We reaffirm our belief in a government of the people, by the people and for the people, and with an understanding and compassionate heart toward all the peoples

of the earth, do hereby ordain and establish this Constitution of the State of Hawaii.' Guided by these words, I feel reaffirmed in my belief that as legislators, we must represent all of the people.

"Apart from the constitution itself, I believe that America's commitment to fairness and equality is best captured in the words of Dr. Martin Luther King, 'I have a dream,' he said, 'that someday my children will be judged not by the color of their skin but rather by the content of their character.' And as legislators, it is a daily challenge that we make real this dream and to ensure that distinctions imposed by the law are based on genuine and substantial governmental interests and not based on fear, ignorance, or prejudice.

"Over the past five years that I have served as a member of the Hawaii Legislature, and most recently as co-chair of the Senate Judiciary Committee, I have spent countless hours of soul searching regarding the issue of same-sex marriage. On Wednesday, I agreed to support a constitutional amendment which would reserve marriage to opposite sex couples. I also agreed to support establishing reciprocal beneficiary relationships with certain governmental rights and benefits. I would like to take this opportunity to explain why I supported these measures.

"First, I believe that as a society, we can only gain by supporting committed relationships between people who love each other and want to provide mutual support for each other. Our governmental structure extends hundreds of benefits to married couples because we believe that our society and our state benefit from relationships based on mutual care and the pooling of resources. Therefore, I was encouraged by the Supreme Court's ruling that as a state we should extend government recognition of rights and benefits to all persons equally.

"A second key belief that I hold is tolerance for differences, something that is a part of our daily life in Hawaii. Because of our multi-cultural community, our people appreciate the fact that everyone in our state is a member of a minority group. We understand that we must respect our differences, because our strength is rooted in our diversity; it supports rather than divides us. I must admit that because I have been guided by a more tolerant personal philosophy, perhaps I underestimated the adverse response to our proposal to provide similar governmental rights and benefits to committed relationships between persons who are not lawfully allowed to marry.

"Most of the opposition to same-sex marriage and reciprocal benefits came from persons who stated that they were so motivated by strong religious beliefs. I understand that religious beliefs compel some people to oppose same-sex marriage because these relationships involve what some consider aberrant and deviant sexual behavior. I struggled in talking with these persons who were sometimes ill-informed and, unfortunately, responding from fear rather than from a place of tolerance and understanding. I was especially disturbed by the negative reaction from persons living outside of Hawaii who are obviously not very tolerant nor appreciative of differences between people. What upsets me the most, was their view of people who were different as less than human and less deserving than the 'majority'. I wonder if they realize that most of Hawaii's citizens are different from the mainland 'majority'?"

"In the end, I am willing to acknowledge that political pressure was brought and bought by persons both within and outside of Hawaii, which allowed for the 'majority' to be able to overrule the minority. However, I am also painfully aware that my Senate colleagues and I agreed to a compromise that will forever change the course of history in Hawaii. Ultimately, it is my hope that the opportunity to vote on this issue will allow the people of Hawaii to reaffirm their belief in our constitution and our government 'with an understanding and

compassionate heart' and recognize that all of Hawaii's people should be treated with dignity, respect, and fairness."

Senator McCartney supported the measure as follows:

"Mr. President, I rise to speak in favor and support of the amendment.

"First of all, Mr. President, I'd like to thank the conferees on both the House and Senate side. This has been a long journey, a long four years, and today I hope we can bring closure to it and move on to many of the important issues that the people of Hawaii face.

"While I believe that Hawaii's citizens are uncomfortable with changing the definition of marriage, I also believe that we are compassionate and tolerant of minorities. The solution lies in finding this balance.

"Both bodies have agreed to a balanced approach; a constitutional amendment which gives the Legislature the authority to acknowledge the preservation of traditional marriage and a reciprocal beneficiaries package, which grants similar rights to those who cannot get married under the law.

"So that the record is clear, granting similar rights and benefits does not mean granting same sex marriage as some have alluded to in an effort to confuse the public. Our compromise package simply gives us the legal and constitutional abilities to limit marriage to man and woman and ensures that those who cannot be married under the law are afforded certain rights and benefits. This will, in turn, resolve the issue before us.

"During this debate much was said, much was learned, and I believe much more needs to be done so that all people will be treated with fairness, dignity and respect under the law.

"As 1998 approaches and we vote on the constitutional amendment in November, I hope we remember that we are all minorities in Hawaii. Our state has a tradition of respecting and tolerating differences among all of its people. Somehow, we have always managed to find a way to live together as one community. I believe Hawaii has been a global leader in honoring and embracing diversity among its people without discrimination. All of us are entitled to choose personal values, principles, and morals by which to live our lives. We should not let hate, anger and intolerance be a driving force when we vote on the constitutional amendment. I believe Hawaii will vote on this amendment with dignity.

"Therefore, Mr. President, I support the constitutional amendment and putting it on the ballot. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 1 was adopted and H.B. No. 117, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO MARRIAGE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 5 (H.B. No. 214, S.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 5 be adopted and H.B. No. 214, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Anderson spoke on the measure and said:

"Mr. President, I have some reservations on this particular measure as I did in the very beginning and I'll be very brief.

"I believe that this bill should have gone to Finance. We did not hear from the Department of Economic Development, but any map or any piece of written stationery or anything that has Keahole Airport will have to be changed back to Kona Airport as it was when I was in the House. It is going to be a cost factor and I believe that if we ever do anything again with changing a name that has to do with the travel industry that it would go to Finance and we would find out the implications as far as the cost factor.

"Thank you very much."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 5 was adopted and H.B. No. 214, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KEAHOLE AIRPORT," 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. 1638, H.D. 2, S.D. 1, C.D. 1):

Senator Matsunaga moved that Conf. Com. Rep. No. 9 be adopted and H.B. No. 1638, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Slom spoke against the measure as follows:

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

"While I think the intent of the correctional programs activity is a laudable one, I think there are a number of very serious flaws with the program. First of all, the private sector is placed at a great disadvantage since the equipment, the rent, the utilities and other functions are provided by the state, and prison labor costs less than the wages private employers must pay. In addition to that, the bill allows for the hiring of an additional 45 employees in any fiscal year. And finally, Mr. President, the actual activities which continue to expand at the prison are given preferential treatment in terms of awarding of government contracts, again, at the expense of the local small businesses.

"So, for these and other reasons, I will vote 'no.' Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 9 was adopted and H.B. No. 1638, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Com. Rep. No. 10 (H.B. No. 1706, H.D. 2, S.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 10 be adopted and H.B. No. 1706, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Slom rose in opposition to the measure and stated:

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

"For nearly six years every business and every business organization testified at this Legislature in opposition to an employee payroll and training tax. There, in fact, was no training fund that was established. It was an additional tax on employers. When the bill finally was passed, there was a five-year sunset provision. The act was supposed to expire the additional tax last year. It did not. It was slipped in at the last minute. And now we're talking about a moratorium, an 18-

month moratorium, after which there will be a report made to the 1999 Legislature, but the tax will resume again in January 1, 1999, before the report is made to the Legislature.

"This tax should never have been enacted. It should have been sunsetted. It should be repealed now. I'm voting 'no,' Mr. President."

Senator Sakamoto supported the measure as follows:

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

"I agree with some of the previous speaker's remarks. However, this bill will slightly help small businesses in Hawaii by authorizing this 18-month moratorium on assessments to the Employment and Training Fund. However, this fund has amassed more than \$8 million that's now sitting un-utilized. So, relief could have been implemented sooner and possibly the fund monies used sooner to really help the jobs that we so much need.

"And this is, yes, one of the few surviving bills that will help small business and, yes, mentioned earlier the 7-year plan to alleviate problems with the pyramiding of the general excise tax on lease and sub-lease transactions. But these are only really band-aids, Mr. President. We have suffered through seven long years of decline. How many more jobs will be lost in the next seven years?

"This morning's Advertiser, 'Income growth for state last in U.S.' Should we be surprised? These are only tiny measures and they won't save most businesses or most jobs that are currently in jeopardy. They don't help cover the gaping wounds. Our economy is hemorrhaging, Mr. President, bleeding profusely for seven long years. So we need to do more to save small business, create jobs, Mr. President. But I'm in support of this measure.

"Thank you."

Senator Anderson spoke on the measure as follows:

"Mr. President, I have some reservations on this particular bill and I agree with the Minority Floor Leader.

"The thing that bothers me is the first time that we used the training fund, it happened to be for the Island of Lanai. It was not for small business, as far as I was concerned. It was for big business, for one individual, and that kind of bothered me at the time and I made a floor speech on that.

"Also, this year we were taking that money and putting it in a special fund that was going into the general fund. We've been playing with the unemployment training fund. I believe it should be used strictly for business. And if it's not going to be used for the small business people and the people who are really the ones that generating it, then we should discontinue.

"Thank you very much, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 10 was adopted and H.B. No. 1706, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT AND TRAINING FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Levin).

Conf. Com. Rep. No. 15 (H.B. No. 1899, H.D. 1, S.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 15 be adopted and H.B. No. 1899, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator D. Ige.

Senator Tam requested a ruling from the Chair as follows:

"Mr. President, I wish to declare a possible conflict of interest. I sell life insurance."

The Chair ruled that Senator Tam was not in conflict and said:

"No conflict. You may vote."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 15 was adopted and H.B. No. 1899, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 16 (H.B. No. 1006, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Aki, seconded by Senator Tam and carried, Conf. Com. Rep. No. 16 was adopted and H.B. No. 1006, H.D. 1, S.D. 2, 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, 24. Noes, none. Excused, 1 (Levin).

Conf. Com. Rep. No. 18 (H.B. No. 141, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 18 was adopted and H.B. No. 141, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER SERVICE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 21 (H.B. No. 582, H.D. 1, S.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 21 be adopted and H.B. No. 582, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator D. Ige.

Senator Slom rose to speak against the measure and stated:

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

"In order to be consistent, I was against the bill before and I'm still against the bill today. I haven't seen changes that have been made that require a ban and require this much activity and this much emphasis, particularly when we're allowing the business community to slowly die without any rules whatsoever. So I will be voting against this bill."

Senator Baker rose in support and said:

"Mr. President, I have some remarks in support of this measure I would like inserted into the Journal, please."

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

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

"Mr. President and colleagues, with passage of this bill, Hawai'i will join 45 other states throughout the country to enact legislation to ban or regulate the extreme or ultimate fighting contests that have gained recent notoriety. The Conference Committee on this bill recognized the inappropriate brutality

and violence of these activities and unanimously agreed that these contests have no place in our community.

"I am compelled to reiterate that this bill is not intended to ban legitimate sports such as boxing, wrestling or traditional martial arts that have structured rules and protective measures in their activities. Nor is it intended to set a precedent of banning other athletic activities because of their inherent risk of injury. It is important to note that while injuries occur in such sports as football, baseball and soccer, those injuries are incidental to the sport, and is not the sole objective as is often the case with extreme or ultimate fighting.

"I urge my colleagues to be consistent in our stand against violence in our community and vote 'aye' on this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 21 was adopted and H.B. No. 582, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMBAT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Levin).

Conf. Com. Rep. No. 24 (H.B. No. 1762, S.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. 24 be adopted and H.B. No. 1762, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Kanno rose in opposition to the measure and said:

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

"Mr. President, my concern about this measure is the provision that allows for the disposal of impounded vessels through a negotiated sale that could occur behind closed doors. We feel strongly that these kinds of arrangements should be done through a public auction in full view of the public with full access to all interested parties. Mr. President, this concern was addressed previously in the S.D. 1, however, in conference the word 'negotiation' was reinserted into the bill and we're very much opposed. We are very concerned that at the public hearing it was voiced by the public that there is a perception of impropriety that this bill allows through negotiating sales secretly.

"For those reasons, we are opposed to this measure. Thank you."

Senator Sakamoto rose to support the measure and said:

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

"This bill was requested by our Department of Transportation to deal with a process that's costing them too much money, taking too much time.

"This bill relates to impounded vessels that are moored in our commercial harbors as opposed to private harbors. This bill takes effect when someone doesn't pay their moorage fees or other fees for a vessel, then the Department of Transportation sends a notice of impoundment to the owner. After such notice, the owner has the opportunity to ask for a hearing, or they can pay what is owed -- what is owed our state government, what's owed the Department of Transportation, what's owed our harbor. They have an opportunity to pay up. A hearing is held. They have an opportunity to explain the circumstances. They have an opportunity to pay.

"Having not paid, and the vessel being impounded, if the vessel costs or is appraised at less than \$5,000, Mr. President -- so this is not for all boats, not for all vessels -- or, if the cost of the vessel is less than \$125 a foot for small vessels. For small boats, this measure doesn't affect everything.

"We heard a lot of opposition. We amended the bill to reduce it to commercial harbors. So we're talking about fishermen, people in business. We amended the measure to allow the boat owners to send in their own appraisal so that if there is any cause of impropriety about under-valuing a boat, an appraisal can be presented by the owner.

"The case at present is inefficiency, Mr. President. Our state has to expend money to advertise, expend money to store the vessel, to bring some of these vessels that are, in essence, abandoned by their owners, to auction after the time, after expense, after inefficiency. This bill proposes to help our government be more efficient. And I believe that we, here, as Legislators our job is to help our government be more efficient as well as understanding concerns of the citizens.

"The aggrieved party can pay what's due any time, any time. It does not prevent anybody from paying what's due. However, having not paid what's due, Mr. President, they do lose the ownership of their vessel. And what does the state do with it -- they can donate it to a non-profit entity; they can give it to another government body; they can dispose of it, or yes, they can negotiate for disposal, sale or whatever. That's the right of our government to do this after the parties have not made the payment and they've had their hearing. The process has gone forward, Mr. President.

"At this point, some people have reservations. We've tried to address those reservations. I feel this bill adequately addresses the reservations and wrongly addresses the DOT for some problems that are not theirs and I believe I'd like to support and ask the Senators to support efficiency in our government, and let's go forward with the process.

"Thank you, Mr. President."

Senator Kanno then added:

"Mr. President, may I make additional comments in opposition to the measure.

"Notwithstanding the comments made by the previous speaker, a public auction affords the right of anyone from the general public to participate in the bidding process. The auction is not being set up for the former owner of the vessel to buy back his boat after paying his fines. The public auction is a public proceeding where any individual, in all fairness and equity, can come forward and bid openly to purchase that impounded vessel. That is the issue that we are concerned about.

"The other issue that we're very concerned about is the precedent that this bill would set. Should this bill go forward, and the negotiation be allowed to sell these vessels behind closed doors, this could be used as a precedent for similar kinds of sales in other government agencies. And we want to assure the right of the public to a fair and open public auction process.

"Thank you."

Senator Kawamoto rose to support the measure and said:

"Mr. President, I'd like to speak for the bill.

"I'd like to have the remarks of the Senator from Moanalua to reflect those of my own.

"I'd also like to say that during the hearings we had some concerns and these concerns were based on bad experience of previous activities and primarily on the DLNR side of the house. We're asking for government efficiency for the Department of Transportation and they requested the bill and this provides them that efficiency.

"I ask all my colleagues to vote 'aye' on this bill. Thank you."

Senator Tam spoke against the measure as follows:

"Mr. President, I speak against this bill.

"I speak against this bill because I look for a better type of legislation. The area we're talking about is basically in my district which is the Downtown area, the Honolulu Harbor area. And having been a Senator for the area, now, for my second year, I've seen a lot of misuse of management within the area. And quite frankly, no offense to anyone, but I don't think this legislation will help.

"What we need is an overhaul of the management within administration, basically. I can see in terms of possible ways whereby things are being done behind doors and currently they are being done behind doors. I hope that we can come up with legislation to take care of these behind door cover-ups in terms of confiscating boats and in some of them behind doors.

"For that reason, I'm voting 'no' on this legislation, and no offense to anyone.

"Thank you."

Senator Sakamoto rose again and said:

"Mr. President, just in response about the 'behind closed doors.'

"I thought I heard the previous speaker say about confiscation behind closed doors. By no means does the impoundment happen behind closed doors. Notice is given and there's opportunity to respond in a public hearing -- opportunity to hear the issues.

"In regard to the disposal or negotiation, at this point, Mr. President, the owner has had all the opportunity to do what he needs to do. And the objections are from the previous owners that DLNR and other people have responded to. The objectives from the DOT for letting this process go on is, many times nobody comes to the auctions because these boats are abandoned and derelict. And really we need to be efficient and we need to support and work with our departments to be efficient, not work against them.

"Thank you."

The motion was put by the Chair and Conf. Com. Rep. No. 24 was received and placed on file and H.B. No. 1762, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSAL OF IMPOUNDED VESSELS," having been read throughout, and Roll Call vote having been requested, failed to pass Final Reading on the following showing of Ayes and Noes:

Ayes, 11. Noes, 14 (Baker, Chumbley, Chun Oakland, Fernandes Salling, Fukunaga, Ige, D., Kanno, Levin, Matsunaga, McCartney, Metcalf, Slom, Tam, Taniguchi).

Conf. Com. Rep. No. 28 (H.B. No. 111, H.D. 1, S.D. 1, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 28 be adopted and H.B. No. 111, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Slom rose in opposition to the bill and said:

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

"I'm confounded by the bill and perhaps some of the people who are directly involved can explain to me why not only does the bill seem to be a little liberal in many areas, but it specifically says that the class A felony will occur if a person living with or having recurring access to a minor under the age of 14 engages in three or more sex acts with the minor. What's wrong with one or two? Why do we have three? Can someone answer that question for me, Mr. President?"

Senator Matsunaga, rising in response to the previous speaker and in support of the measure, then stated:

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

"In response to the prior speaker's question, this simply provides for enhanced penalties and enhanced sentencing for those people who commit this continuous sexual abuse act against a minor. A sexual abuse act against a minor is already punishable under current law. This is for continuous sexual abuse. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 28 was adopted and H.B. No. 111, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," 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. 581, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 29 was adopted and H.B. No. 581, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," 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. 20, H.D. 1, S.D. 2, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 31 be adopted and H.B. No. 20, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Sakamoto.

Senator Kawamoto rose to support the measure and said:

"Mr. President, I speak for the bill.

"Mr. President, the purpose of this bill is to establish a 90-day holding period an individual must hold a learner's permit before that individual can be eligible to take the driver's examination for a driver's license. This bill also requires that individuals with a learner's permit must be accompanied by an individual over the age of 18 when operating a vehicle. This bill also calls for the Department of Transportation and the examiner of drivers to reevaluate the current drivers' licensing process to update our current antiquated driver's licensing process.

"This is nothing more than an issue of safety and to protect our young people. As you all know, statistics show that our teenagers are killed in motor vehicles more than double that of the older drivers.

"So, Mr. President, I ask all my colleagues to vote 'aye' on this bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 31 was adopted and H.B. No. 20, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," having been read

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

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

Conf. Com. Rep. No. 32 (H.B. No. 116, H.D. 2, S.D. 2, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 32 be adopted and H.B. No. 116, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Anderson spoke on the measure and said:

"Mr. President, I have some reservations on this particular measure.

"The bill states that for anyone under the age of 21, it's a zero tolerance. I had reservations when it went over originally and said that any young person under 21 who may have a beer and goes out and gets into an accident that may not be his or her fault is still going to be charged with a DUI. And it doesn't say anything about anybody 21 and over; it only goes 21 and under. So it's all right for you to go out and have a couple of beers and get into an accident and they can charge you just for an accident, but you would not be charged with a DUI because you're not under that zero tolerance. It's only for a young person, 21 and under. And that really bothers me that we're going to look at the younger people who have a beer and gets in an accident, and are not really the ones that are responsible for it.

"For those reasons I have reservations.

"Thank you, Mr. President."

Senator Sakamoto rose to speak in favor of the bill and stated:

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

"The purpose is to provide zero tolerance of drinking and driving for persons under the age of 21, and as the previous speaker remarked, yes, under the age of 21 because, Mr. President, alcohol, especially with driving, is an insidious drug.

"In a 1987 Weekly Reader poll, one-third of 4th graders felt a lot of peer pressure to use alcohol. The pressure to use alcohol remained the nearly the same for grades 4 to 6, then showed a steady increase through the grades, increasing to 76 percent for grades 7 to 12. Mr. President, these are alarming statistics.

"Unfortunately, alcohol today is the No. 1 drug of choice by teenagers and easily attainable and relatively cheap. Mr. President, even though the law says drinking alcohol before age 21 is illegal, alcohol substantially contributed to the deaths and injuries of many of our young people. Between 1986 and 1993, 67 drivers under the age of 21 died in our state. This zero tolerance bill is important because we have to enact a law by October 1, 1998 or risk losing federal funds, but, more importantly, the effects of the zero tolerance bill in 12 other states have shown approximately a 20 percent reduction in the proportion of fatal crashes among drivers under the age of 21.

"So it's from experience that the younger drivers are less experienced and apparently take greater risks, apparently use not as good judgment. So, Mr. President, I would have wished that this measure were in effect long ago. Now it's set for December 1, 1997. Mr. President, time and tide wait for no one and in a little over a month we'll be having graduation and graduation parties. Thousands of young people will be out there and our only prayer is that they heed this caution at this time and not just wait for a bill to be enacted.

"The bottom line message -- drinking and driving don't mix, Mr. President. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 32 was adopted and H.B. No. 116, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 38 (H.B. No. 1451, H.D. 1, S.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 38 be adopted and H.B. No. 1451, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator D. Ige.

Senator Slom spoke on the measure as follows:

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

"I think this version of the bill is better than our previous attempt, but I'm still very disturbed and very cautious about the provision that establishes lease rent caps within the bill and interferes with both the private contractual arrangements and the free market.

"Thank you, Mr. President."

Senator Baker then said:

"Mr. President, I have some remarks in support of this measure I'd like inserted into the Journal."

The Chair having so ordered, Senator Baker's remarks in support of the measure read as follows:

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

"The purpose of the bill before us is to bring closure to an issue that has persisted at the Legislature for quite some time. Specifically, this bill attempts to address concerns about the sale, distribution and pricing of petroleum products, and the tenuous relationship between gasoline dealers, jobbers and manufacturers.

"To say that this issue is 'complicated' is a gross understatement. Your Conference Committee was not tempted to seek a short term solution, but accepted the challenge of crafting a long term solution that brings a balanced play field and fosters competition.

"Under this measure, we have addressed the concerns of dealers who feared that they would be forced out of the market due to the potential predatory actions of manufacturers. We also provided provisions to allow jobbers and manufacturers to compete on the retail level. Specifically, this bill features the following provisions:

- No conversion of existing lessee dealers;
- Grandfathered in company-owned stations legally in existence prior to July 31, 1997;
- No new company-operated station may open up within 1/8 mile of a dealer-operated retail service station in an urban area, and within 1/4 mile in other areas;
- Provided for a three-year lease rent cap and a formula by which lease rents may be calculated;

- Required DBEDT to gather, analyze and interpret information about the petroleum industry and provide the Legislature with an annual report on its findings and recommendations; and

- Established a volunteer petroleum advisory council of dealers, jobbers, manufacturers, refiners and DBEDT representatives to advise DBEDT on the state of the industry and recommend any actions that may be necessary to ensure the highest level of competition and consumer benefit.

"This measure offers a long term solution to a difficult problem. I urge my colleagues to vote 'aye' on this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 38 was adopted and H.B. No. 1451, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 40 (H.B. No. 1686, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator M. Ige, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 40 was adopted and H.B. No. 1686, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 41 (H.B. No. 1675, H.D. 2, S.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 41 be adopted and H.B. No. 1675, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator D. Ige.

Senator Kawamoto rose in support and said:

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

"The purpose of this bill is to require the Department of Labor and Industrial Relations to work with the industry in developing a plan for the certification of hoisting machine operators.

"Currently there are no rules regulating the operation of cranes in the State of Hawaii. At this time any individual, no matter how incompetent, can operate a heavy crane if that individual passes a physical examination.

"We need to start taking a hard look at unsafe practices in the State of Hawaii because the operation of heavy machinery presents a dangerous hazard to employees and pedestrians alike.

"This again is an issue of safety, therefore I ask my colleagues to vote 'aye' on this measure. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 41 was adopted and H.B. No. 1675, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOISTING MACHINE OPERATORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 48 (H.B. No. 979, H.D. 2, S.D. 1, C.D. 1):

Senator Fernandes Salling moved that Conf. Com. Rep. No. 48 be adopted and H.B. No. 979, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom opposed the measure as follows:

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

"I think it's a laudable purpose for the bill, unfortunately, trying to require tax exempt cigarettes to be identified in prohibition of their sale is going to require an amazing effort on the part of the state that already says that it's already understaffed and under-paid. I think that we had testimony in support from the Tax Foundation and other organizations to show that while this may sound good and feel good, it's not going to be accomplished. So for those reasons I vote against the bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 48 was adopted and H.B. No. 979, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTES AND TOBACCO TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Aki, Anderson, Bunda, Kawamoto, Slom, Solomon, Tanaka). Excused, 1 (Metcalfe).

Conf. Com. Rep. No. 63 (S.B. No. 1160, S.D. 1, H.D. 3, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 63 be adopted and S.B. No. 1160, S.D. 1, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Slom spoke against the measure and stated:

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

"Well, I've spoken against the bill before. Again, I love electricity and I like electric vehicles. I pass our electric vehicle in the garage every day to make sure it's still pumping out electricity at taxpayers' expense. But I don't think that this particular vehicle or any specific industry should be given exemptions at the expense of other individuals and other industries. For those reasons, I oppose the bill.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 63 was adopted and S.B. No. 1160, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Metcalfe).

Conf. Com. Rep. No. 65 (S.B. No. 130, S.D. 1, H.D. 2, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 65 be adopted and S.B. No. 130, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Sakamoto.

Senator Kawamoto supported the measure and said:

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

"Mr. President, this bill allows people and the City and County of Honolulu the opportunity to re-live again vintage cars, antique cars and custom-made cars. This bill allows these special interest vehicles to be exempt from the reconstruction inspection process.

"These individuals who brought this bill before me to introduce want nothing more than to be able to enjoy their vehicles that they have to put a lot of money, time and effort into restoring them. Therefore, Mr. President, I urge my colleagues to vote 'aye' on this bill.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 65 was adopted and S.B. No. 130, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Fernandes Salling). Excused, 1 (Metcalfe).

Conf. Com. Rep. No. 66 (S.B. No. 382, S.D. 1, H.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 66 be adopted and S.B. No. 382, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Sakamoto.

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

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

"Mr. President, this bill provides DOT to waive the actual demonstration of ability to drive a motorcycle or motor scooter if the individual has passed an approved Motorcycle Safety Foundation course offered by the State of Hawaii. This bill requires the Director of Transportation to review all Motorcycle Safety Foundation courses offered in the State of Hawaii to determine its eligibility into the waiver status.

"This bill hopes to increase the number of motorcycle drivers in the state that will have enrolled and passed motorcycle/motor scooter safety courses.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 66 was adopted and S.B. No. 382, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," 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. 991, S.D. 2, H.D. 2, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 67 be adopted and S.B. No. 991, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Sakamoto.

Senator Kawamoto rose in support and said:

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

"This bill is ten years in the making. It provides illegal drugs into our already existing implied consent laws. Currently there is no mechanism for police officers to test drivers suspected of being under the influence of drugs if the driver refuses to submit to a test.

"This bill has been a long time coming, and this bill is a part of the Majority package of the Senate from the beginning of this session.

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 67 was adopted and S.B. No. 991, S.D. 2, H.D. 2, 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. 69 (S.B. No. 1621, H.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 69 be adopted and S.B. No. 1621, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Sakamoto.

Senator Slom rose to oppose the bill and stated:

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

"As I have said before and shared with my colleagues, I certainly think the Department of Transportation should have flexibility with HOV lanes and while I certainly share the concern of my friends in Central Oahu about the problems of stopping people that are violating HOV lanes, nonetheless I think that our civil liberties and freedom are important enough to require that the police actually stop individuals and cite them if, in fact, there are infractions. And so the repeal of Act 224, Session Laws of 1993, which is embodied in this bill, I think is inappropriate and I vote 'no.'"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 69 was adopted and S.B. No. 1621, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE LANES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Anderson, Fernandes Salling, Slom).

Conf. Com. Rep. No. 74 (S.B. No. 989, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 74 was adopted and S.B. No. 989, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kanno).

Conf. Com. Rep. No. 75 (S.B. No. 1069, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 75 was adopted and S.B. No. 1069, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CANDIDATE NOMINATION PAPERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 77 (S.B. No. 5, S.D. 2, H.D. 1, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 77 be adopted and S.B. No. 5, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Kanno then stated:

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

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 77 was adopted and S.B. No. 5, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORSPORTS INSURANCE," 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. 817, S.D. 1, H.D. 1, C.D. 1):

Senator Tam moved that Conf. Com. Rep. No. 87 be adopted and S.B. No. 817, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Aki.

Senator Chumbley rose to oppose the measure and stated:

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

"Mr. President, the two years prior to this year we spent a lot of time and effort working on the re-codification of the education statutes. One of our primary focuses was to create legislation that was enabling, not legislation that was mandatory. This bill sets up a process where the Board of Education shall establish guidelines to foster community volunteer relationships between the school and private service providers.

"Mr. President, if the schools want to adopt volunteer programs, let the schools and let the SCBM councils. Let's not have the Legislature get involved in telling the schools to volunteer.

"Thank you, Mr. President."

Senator Tam spoke in support of the bill and stated:

"I speak in favor of the bill.

"This bill, I might emphasize, only requests the Board of Education to make guidelines. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 87 was adopted and S.B. No. 817, 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, 20. Noes, 5 (Baker, Chumbley, Ige, D., Iwase, Solomon).

Conf. Com. Rep. No. 88 (S.B. No. 870, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 88 and S.B. No. 870, S.D. 2, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 96 (S.B. No. 375, H.D. 2, C.D. 1):

Senator Levin moved that Conf. Com. Rep. No. 96 be adopted and S.B. No. 375, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Metcalf.

Senator Slom spoke against the measure and said:

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

"The bill will increase fees in this area. I think in many ways that while the attempt is good, it is a shortsighted bill. And what we've seen before when we raised the fees we encourage people to dump on the side of the road or dump at additional places. And so for these and other reasons, I oppose the bill.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 96 was adopted and S.B. No. 375, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 97 (S.B. No. 257, S.D. 2, H.D. 2, C.D. 1):

Senator Fernandes Salling moved that Conf. Com. Rep. No. 97 be adopted and S.B. No. 257, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Anderson rose in opposition and stated:

"Mr. President, I'll be voting 'no' on this particular measure.

"I've stated before that the retirement system should not be touched and we should leave it alone. I've more or less told the different people that are members of the retirement system that we would have problems, so consequently I'm going 'no' and wish that my colleagues would consider also going 'no.'

"Thank you very much."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 97 was adopted and S.B. No. 257, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 99 (S.B. No. 208, S.D. 1, H.D. 2, C.D. 1):

Senator Fernandes Salling moved that Conf. Com. Rep. No. 99 be adopted and S.B. No. 208, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom then rose and said:

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

The Chair inquired:

"Whom do you wish to address your point of information to?"

Senator Slom answered:

"I can address it to you, Mr. President.

"I think that we received a corrected copy of this bill after the deadline for posting the bill the other night. And my question is as to whether or not this bill is legally situated and we can vote on it today."

At 3:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:27 o'clock p.m.

Senator Slom continued:

"Mr. President, I just want to respond. I want to thank you for your assistance and for the others' assistance in answering my question about whether or not the bills had been properly and legally decked before the deadline, and I am happy to hear that they had been. And I was also happy to learn that the committee reports are really not as important as we thought they were, that the intent must be in the bill and not in the

committee report. So I know that will probably save us a great deal of time in the future because we won't have to spend so much time on committee reports.

"So, Thank you very much, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 99 was adopted and S.B. No. 208, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige, M.).

Com. Rep. No. 100 (S.B. No. 927, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Com. Rep. No. 100 and S.B. No. 927, S.D. 1, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Com. Rep. No. 102 (H.B. No. 1796, H.D. 1, S.D. 1, C.D. 1):

Senator M. Ige moved that Conf. Com. Rep. No. 102 be adopted and H.B. No. 1796, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Bunda.

Senator Taniguchi stated:

"Mr. President, would you note my reservations to this bill. Thank you."

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 102 was adopted and H.B. No. 1796, 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, 24. Noes, none. Excused, 1 (Ige, M.).

Conf. Com. Rep. No. 107 (H.B. No. 1547, H.D. 2, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 107 be adopted and H.B. No. 1547, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tanaka.

Senator Slom spoke against the measure and said:

"Mr. President, I'm going to rise to speak against the bill.

"We talked about privatization. We've been talking about privatization in many different areas and particularly in small boat harbors and yet all that we wind up with is yet another task force and another study, rather than actually having a pilot program. I think that we have an abundance of studies and an abundance of task forces so I will be voting 'no.'

"Thank you."

Senator Baker rose in support of the measure and stated:

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

"Mr. President, I'd like to thank the conferees for their assistance in moving this bill forward. This measure presents the best possibility available to the residents of the Valley Island and the Friendly Island to ferry service re-established between Molokai and Lanai. This can be accomplished by virtue of this bill and without a cash subsidy from the state.

"A water link between the tri-islands of Maui County is vitally important to all of our citizens. The Maui-Lanai run is very popular and very economical. It's an important link both for our visitors and our residents. Unfortunately, the link between Molokai and Maui has been severed because it's much longer, more costly, but it's just as important, just as vital to the economy and to our citizens and our visitors.

"So I appreciate very much the hard work of the conferees and I ask I all my colleagues to vote 'aye.' Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 107 was adopted and H.B. No. 1547, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Ige, M.).

Com. Rep. No. 115 (H.B. No. 1857, H.D. 1, S.D. 1, C.D. 1):

Senator Iwase moved that Conf. Com. Rep. No. 115 be adopted and H.B. No. 1857, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Solomon.

Senator Solomon rose to support the measure as follows:

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

"Mr. President, I would like my colleagues to refer to page 3 of the bill, and I would like to read into the record why this bill was very important and why we were so enlightened that the House saw their way clear to adopt the Senate's position. And for the record, Mr. President, I read from the document that was submitted to your Committee on Water, Land, and Hawaiian Affairs dated March 31 from the Department of Hawaiian Home Lands in which the report states:

'The approach taken by the consultants is premised on the assumption that if trust lands had not been set aside by executive action for public uses; if CIP appropriations had been maintained at a higher level; if CIP appropriations had not been lapsed; if higher land rentals had been obtained; if interest earnings had been higher; if sugar lands had been leased at higher rentals;' and so forth, 'the trust would have received an additional \$196.6 million in 1988.'

"It's because of all these 'ifs', Mr. President, that your Committee on Water, Land, and Hawaiian Affairs was very compelled to address the whole purpose of this act, asking the Attorney General, the Director of Finance, the Chairperson of Hawaiian Homes Commission, and the Chairperson of the Hawaiian Home Lands Trust Individual Claims Panel to review the formula that was used in determining, in determining, how these claims were to be resolved.

"Mr. President, I also would like to refer to an article that appeared in this morning's Advertiser, 'Homestead payments appear doomed.' Mr. President, for the record, I would like to support my co-chairman's remarks:

'Sen. Randall Iwase, co-chairman of the Senate Water, Land & Hawaiian Affairs Committee, said he agreed to the bill only because it would extend the review process until 1999, allowing the remaining 3,516 claims to be heard.

"If the Senate did not compromise," Iwase said yesterday, "the 165 claims would vanish and the process for the 3,000 and some claims would also be gone."

Mr. President, that was the bottom line when we had negotiated these bills. This bill, in fact, was a compromise. It was a package with another of our bills that we will be considering later.

"Mr. President, for your information, I was very surprised to hear that after we had discussed with you, and I think it was Thursday evening, as to whether or not the state budget was still open for consideration, and you had informed both my co-chair and myself that, in fact, the budget was closed. It disturbed me greatly, Mr. President, when I heard from the press and others roaming the building that, in fact, our budget was not closed. Our budget did not close until Friday.

"Mr. President, on a point of information, could you verify as to what day our budget was finally closed here in the Senate."

The Chair responded:

"As far as I was concerned, when I talked to you, my agreement with the Speaker was that the budget was closed at that time."

Senator Solomon continued:

"Thank you. So with that information, Mr. President, it just reaffirms your co-chair's position in that we, in our original bill that we did send to the Ways and Means Committee we did ask for a \$2 million monetary cap. We did not receive that. We did try again to get the House to move. The House was reluctant until the very last hour. As of last Thursday, 2:00 p.m. they wouldn't move. We finally were able to get them to move because of a compromise in which we had to package both of the bills together.

"So with that, Mr. President, I'm hoping that this position will be reiterated to the Hawaiians, especially those people and those families that are greatly affected by this bill, so they, in fact, know that if it were not for the Senate they would be left with nothing.

"Thank you, Mr. President"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 115 was adopted and H.B. No. 1857, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige, M.).

Conf. Com. Rep. No. 119 (H.B. No. 1656, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Aki, seconded by Senator Tam and carried, Conf. Com. Rep. No. 119 was adopted and H.B. No. 1656, H.D. 1, 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, 24. Noes, none. Excused, 1 (Ige, M.).

Conf. Com. Rep. No. 122 (S.B. No. 1943, S.D. 1, H.D. 2, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 122 be adopted and S.B. No. 1943, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Sakamoto.

Senator Kawamoto rose to support the measure and stated:

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

"Mr. President, this is a 'feel good' bill, and its purpose is to allow special license plates for combat veterans, World War II veterans, Korean War veterans, and Vietnam veterans. This bill also calls for the initiation of the decals by the City and County,

and in conference both houses decided that the combination of both bills would satisfy all interested parties.

"Therefore, I urge all my colleagues to vote 'aye' on this bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 122 was adopted and S.B. No. 1943, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige, M.).

Conf. Com. Rep. No. 125 (S.B. No. 1421, S.D. 2, H.D. 1, C.D. 1):

Senator Fernandes Salling moved that Conf. Com. Rep. No. 125 be adopted and S.B. No. 1421, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Anderson spoke against the measure and said:

"Mr. President, I'll be voting against this. I voted against it before.

"I do not believe that this is the way we should have done it. If in fact you wanted to cut government, then you cut government. You don't say that you're going to take care of the situation. Hope the world is going to change and the economy is going to get better, if in fact you've done nothing for that economy. So I am opposed to that payroll lag. I don't believe that the state employees should be paying for their own raises anyway. So for that reason I will be going 'no.'

"Thank you very much."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 125 was adopted and S.B. No. 1421, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYROLL PERIODS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Anderson, Kanno, Slom).

Conf. Com. Rep. No. 128 (S.B. No. 1891, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 128 and S.B. No. 1891, S.D. 1, H.D. 2, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 149 (H.B. No. 1688, H.D. 1, S.D. 2, C.D. 1):

Senator Aki moved that Conf. Com. Rep. No. 149 be adopted and H.B. No. 1688, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tam.

Senator Anderson spoke on the measure as follows:

"Mr. President, I have some reservations on this particular measure.

"I am in favor of the King Kamehameha celebration. I know that we put some money in there for the administrative part of it, but the rest of it says that we are taking public donations and that some businesses are helping us.

"If in fact, the Kamehameha Day Celebration is not putting money into the general fund then I believe that we should start from Magic Island, end at the King Kamehameha Statue, honor our King, then we would get into Iolani Palace, walk across, pay homage to our Queen, and that's the end of our celebration. If in fact the people in Waikiki are not making money, the HVB

is not promoting it, that we're not putting tax dollars into it, then let's change the routing. Let's not go into Waikiki.

"I believe that we have been supporting the state for a good number of years now with a cultural parade, one that has been of benefit to this state. And if we're not going to pay for it, ladies and gentlemen, then we'll take the cultural part of it and I believe that as a Hawaiian that we honor those people here, we'll end here, and that's it. We don't honor them in the beginning and then end up in Waikiki, honoring all the tourists and others so that we can make a few dollars.

"Thank you very much. Those are my concerns."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 149 was adopted and H.B. No. 1688, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KING KAMEHAMEHA CELEBRATION COMMISSION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 150 (H.B. No. 143, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator M. Ige, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 150 was adopted and H.B. No. 143, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 164 (H.B. No. 1292, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 164 and H.B. No. 1292, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

At 3:40 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:49 o'clock p.m.

Conf. Com. Rep. No. 167 (H.B. No. 1798, S.D. 1, C.D. 1):

Senator Fernandes Salling moved that Conf. Com. Rep. No. 167 be adopted and H.B. No. 1798, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Iwase rose on a point of inquiry as follows:

"Mr. President, I rise on a point of inquiry, briefly, asking the Chair a few questions.

"On this bill, has the bill been recommitted in the House?"

The Chair answered:

"The bill, I believe, has been recommitted in the House."

Senator Iwase further inquired:

"And we are being asked to vote on this or are you recommitting the bill?"

The Chair responded:

"We are being asked to vote. As you know, our next actions after we complete the Order of the Day is to go into an extension. The House has that opportunity to reconsider it's

action on this bill, so I have asked the Senate to vote on this bill."

Senator Iwase continued to question:

"Mr. President, have you spoken with the Speaker to see if they will, in fact, be reconsidering action on the recommitment?"

The Chair replied:

"Certainly, we have 48 hours. In that process I will be speaking to him."

Senator Iwase then asked:

"And Mr. President, as a matter of history, has there ever been a time, in your recollection, that the House has recommitted a bill and the Senate has refused to do so, in recent memory or in distant memory?"

The President responded as follows:

"I think that the House has to act accordingly. We have no control over their body, and so to answer your question, there has been instances where one house has recommitted a bill and the other house has passed a specific bill."

Senator Iwase inquired:

"Can you give me just one example in the last two years?"

The Chair replied:

"I cannot give you an example."

Senator Iwase then stated:

"I don't recall any, Mr. President, and I don't believe there has been. And so, Mr. President, I find this to be rather curious to demand that this body now vote on a bill which has been recommitted by the House of Representatives."

"And for the record then, Mr. President, since you are asking us to vote on this bill, for the record I wanted to say that I would have voted 'aye with reservations' on this bill, but this bill and this action no longer relates to the merits or demerits of this bill but on the way in which leadership interprets and applies rules and procedures in a meandering and inconsistent manner."

"Mr. President, there was a movie 'And Justice For All' -- Al Pacino is before the judge and the jury and he says to the judge and the jury, 'Something is terribly wrong here!' And there is, Mr. President -- there certainly is. And I will vote 'no' to this kind of gamesmanship and to this unusual departure from how the Senate acts when the House recommit a bill. I'm casting a 'no' vote for that reason."

"Thank you."

The Chair then stated:

"If I may inform the previous speaker, I have conferred with the two co-chairs and the managers of the Conference Committee and they have agreed to move the bill forward for a vote."

Senator Iwase responded:

"Thank you, Mr. President. I have given my statement. I think this is inconsistent with history. It is inconsistent with precedence and I would ask the co-chairs if they could come up with one example where the House has recommitted a bill and the Senate has refused to recognize and honor that recommitment. And I don't believe the Speaker is going to play games unless over the past one week the Speaker has been so strategy-minded

that he has out-flanked us at every point. And I don't think that has happened."

"Thank you."

Senator Solomon rose to oppose the measure and said:

"Mr. President, I'd like to note for the record that I, too, will be voting 'no' for the various reasons that were brought up by the previous speaker, and if that may be so noted in the Journal. Thank you."

Senator Slom also rose in opposition and stated:

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

"Mr. President, I do note the presence of the 26th Senator up in the gallery. I saw him down earlier on the floor before. This was a bill that was crafted by the 26th Senator, not by this body."

"This bill does nothing to correct the problem that the Supreme Court decision rendered. In fact, all it says is to make sure that we implement that court decision even though it takes away all choices and fiscal options from the state government and from the counties. This is going to have a tremendously adverse effect already on a tremendously adversely affected economy."

"We keep talking about the economic crisis, Mr. President. It is not an economic crisis. It is a crisis of leadership. It is a crisis of the inability to solve our problems or to stand up to issues and to individuals that exert their political power within this state. Those areas that are not covered in this bill include the following: the landfill operations on the Big Island; the landfill operations on Kauai; the refuse collection on the Island of Maui; the operations that provide cover materials and transportation services on the Big Island; the pharmaceutical services at the Hawaii State Hospital; services for repair and maintenance of the ambulance fleet on the Island of Oahu, the City and County of Honolulu; repair and maintenance of water wells and related services on the Island of Maui; the ground maintenance and custodial services on the Island of Maui; services of audio-visual technicians and automated systems within the state library system; and the child and adolescent mental health services on the island of Hawaii by the state to various private contractors. And this, I might add, Mr. President, appears to be in conflict with the Felix/Waihee mandate since these services will come to a halt under this bill."

"What are we supposed to do without the services being provided and not covered by the moratorium? What we should have done a long time ago and that is to act. We are showing the community that we do not have the courage nor the leadership to be responsible for our own destiny. And this we must do."

"I cast a 'no' vote and urge my colleagues to do the same."

"Thank you, Mr. President."

Senator Sakamoto, rising in opposition, then said:

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

"The recent Konno decision by the State Supreme Court has thrown into question many services contracted out by the state and counties -- counties of Hawaii, Maui, Kauai. They are very concerned by the ramifications of that decision. They've sent their officials here to meet this body, asking us to clear this up. There are real concerns, Mr. President, and this bill as it's written still is very distressing."

"The Attorney General's office has issued a memorandum stating that virtually anyone could initiate a lawsuit against the

state, against the counties. This has a very chilling effect on government services in Hawaii.

"I'm sure everybody has seen the numbers showing potential costs if the state and counties no longer contract out services. In some instances three times as much, three times as much, for the same services. So we're talking about millions of dollars none of us can afford. And it will be the public who suffers if we're forced to cancel or cut back these services, Mr. President.

"Mr. President, I'm very disappointed that the language that stands before us -- this language that the Conference Committee has come up with -- does not address the underlying problem. In fact, it makes it worse. The Supreme Court made it clear in the Konno decision that privatization was an area where, quote: 'clear guidance from the Legislature is indispensable.' So where is the guidance from leadership in this measure? We provide no new guidelines to determine appropriate contracts. We maintain a cumbersome system of exemptions that has already failed court challenge. Current contracts were created with the understanding that they met legal requirements or were granted exemptions. The judiciary, for example, with the narrowest interpretation, 80 of their contracts are in jeopardy. Under a broader examination, maybe 800 contracts are in jeopardy.

"This measure, our bill, takes away some of the clouds, but it doesn't address really going forward. New contracts, there's a cloud over what happens on new contracts, Mr. President. This bill requests the governor, governor, to do something, the legislative auditor to do something with the attorney general's office, but the Legislature was requested to do something. So leadership does not even make that intent clear, so where is that leadership, Mr. President?

"I'm an engineer. When there is a problem you fix it immediately, especially a serious problem. You don't shove it off to someone else for someone else's responsibility. The answer lies here in the Legislature. We have the power to fix this mess. What is needed is leadership. Resolving this crisis will require leadership combined with the determination to make tough choices -- choices that will benefit the public. We're here to serve the public. We're here to serve the public, not the public servants. But let me say of the public servants, there are many good, dedicated workers. I'm not speaking against the public servants, but we're here to serve the public.

"We need to be fiscally responsible. We need to be able to protect what government does and be more efficient at the same time. Contracting out these services will meet the needs of our people and make our tax dollars go further, and it will keep jobs for civil servants with existing tax revenues. It will provide that we can fund current increases, future increases. It will not take away services we have if we correctly clear up this measure, Mr. President.

"Our Senate Majority package supported job creation, supported government efficiency. This bill threatens many existing jobs and makes government efficiency nearly impossible. Taxpayers do not deserve this bill, Mr. President. They deserve better.

"So, Mr. President and my fellow colleagues, a vote for this measure would make a bad situation even worse, so I urge you to vote 'no.'

"Thank you, Mr. President."

Senator Fukunaga rose in support of the measure and said:

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

"In response to the prior speaker's remarks, during the discussions that the Conference Committee had on this measure, there were many discussions on how best to preserve counties' and state agencies' existing operations, as well as to

allow for future privatization actions to be examined free of the cloud that the Konno decision supposedly places upon them. To deal with such concerns, the bill, as amended, creates a two-year blanket exemption from the civil service laws for all existing contracts and contracts executed subsequently by the state or counties prior to July 1, 1999. In this way, the state and the counties are free to enter into private contracts, fully exempt from any civil service law restrictions and free from the cloud created by the Konno decision.

"Moreover, the language in this bill includes a section to provide that the power of the courts to preserve health and safety of the public is not restricted. So, with respect to those instances in which there are already pending lawsuits, the bill does make clear that the courts are the appropriate area for resolution of issues dealing with public health and safety.

"To preserve the integrity of the merit principles under civil service law, the bill further prevents the state and counties from using the blanket exemption to enter into any new contracts that are intended to eliminate jobs or to discharge, lay off, or displace public employees.

"During the one-year period in which the task force is to examine the best means of going forward, all parties that are meaningfully included in this process -- public sector agencies, public sector employee representatives, state, counties, and the service providers commonly known as 'Chapter 42 providers' -- are to work together to craft a new process which will allow us to examine privatization in a meaningful going-forward manner. In this way, the bill seeks to achieve the balance which the Konno decision may have thrown into disarray.

"For these reasons, I urge all of my colleagues to vote in support of this bill. Thank you."

Senator Anderson rose to speak against the measure and stated:

"Mr. President, I'll be going 'no' on this measure.

"Originally, when the Minority Floor Leader asked for a recess, I had some problems with the bill as far as procedure. I did not believe that it went through the proper procedure so that we would be voting on it today. I had asked if we could go ahead and make sure that this, plus some other bills that we have problems with, would go through with the automobile insurance bill. And I was going with reservations.

"I thoroughly agree with all of the comments by the previous three speakers, but after listening to Senator Iwase saying not only is the bill dead on the other side, in all the years that I can remember here, never has a bill as controversial as this that is killed in one house or the other ever had been brought to the floor by the other body. Everybody says we will not expose our people to that. So consequently, I will be asking for a roll call vote. If in fact we're going to vote, then I want everybody here to make sure that you vote up or down because that's the procedure. If everybody wants to know where you are, even if it's dead on the other side, I want to make sure where you are just as well as anybody else.

"So, Mr. President, I will ask for a roll call vote. Thank you very much."

Senator Bunda rose in opposition to the bill and said:

"Mr. President, with your present ruling of voting when we have a recommittal in the other house I now believe that this negates the discussion of the merits or demerits of this particular bill. I have some remarks that I want inserted in the Journal against the measure.

"Mr. President, I really thought we were through with jungle rules here in the Senate when we first started reorganization. And Mr. President, I'm voting 'no' on this bill."

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

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

"Mr. President, earlier last week I stated that we needed to solve the issue of privatization this session. I said I could support a moratorium with certain parameters or simply a measure that would protect the status quo. I believe the co-chairs and all of the conferees gave it their best shot. However, I'm very disappointed in the outcome of our negotiations.

"Philosophically, I believe we were all trying to accomplish the same thing -- and that is to restore the state and county governments ability to contract out services without any loss of jobs for public workers.

"In spite of the best efforts of the conferees, I believe the compromise makes the situation worse, not better. We have not met our original intentions. The counties are still seeking relief ... relief they need, especially in these tough economic times.

"Specifically, Mr. President, of major concern to me are sections 5 and 6 of the bill. On the surface, it seems that all contracts would now be allowed to continue. However, section 6 specifically prohibits the displacement of any worker. This, in effect, negates the allowance.

"Mr. President, this bill would have a chilling effect on any manager or government official who attempts to foster efficiency and cost effectiveness in government. Such an official would be wary of entering into contracts for the fear of a law suit or fines for 'displacing' workers.

"Just what is 'displacement,' Mr. President? It is not defined anywhere in the bill and it could be interpreted to mean anything. This additional word expands the impact of the Konno ruling, not define it.

"Before Konno, an exemption was possible if one could prove there was no violation of any merit principles. However, section 6 of the bill could be interpreted to mean that even under the current Civil Service Laws, the contract would be void if it 'displaces' a public employee.

"Because of our lagging economy, I'm concerned for our construction industry. Advocates of the moratorium tried to assure me that there would be language in the bill to address my concerns regarding construction projects.

"However, Mr. President, after reviewing this bill numerous times, I find the language to be very vague regarding existing and new contracts for the construction industry.

"I would like to ask Co-chair Fukunaga a question. Will this bill negatively impact the construction industry? Yes or No?

"Thank you, Mr. President."

Senator Chumbley rose in support of the measure and said:

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

"Many people have said this bill will work; many people said it won't work. That's yet to be determined. I think there is some value in this bill. However, I do have some serious concerns about it. One of the concerns is that it lacks a committee report. Where can we show legislative intent if it's not clear in the law. It's the committee report, and I would hope that as this measure goes forward that both the House and the Senate will consider the attachment of the committee report, which I believe can be done through our rules.

"I also have concern about how this bill is going to affect many of the private contractors, the small guys on Maui, in the real rural areas, and how it will affect them. Ka Lima O Maui may be shut down. Now maybe our mayor doesn't need to make that decision under this bill. I think she's making that decision for fear of lawsuits."

Senator Anderson interjected:

"Point of information.

"Mr. President, when I asked about the bill that there was a flaw, I was told that the ..."

Senator Ihara interjected:

"Point of order, Mr. President."

Senator Anderson continued:

"One moment."

Senator Ihara again interjected:

"Point of order, Mr. President."

Senator Anderson continued:

"He's supposed to be speaking to the bill and not to the committee report as far as our attorney from the Majority ..."

Senator Chumbley asserted:

"Mr. President, I am speaking on the bill. If the Minority Leader could be seated and let me finish my statements, please."

The Chair recognized Senator Chumbley and the Senator continued as follows:

"I do have concerns about how this bill will affect some of the smaller organizations on Maui that are not truly a threat to civil service. And I do have some concerns about Section 6 of the bill. Mr. President, I understand that if the House has recommitted the bill, there still is a possibility for reconsideration in that body based on any action that we take. And I would hope that this measure can be amended so that everyone's concerns are addressed and that we do end up with a good bill.

"Thank you, Mr. President."

Senator Anderson rose on a point of information as follows:

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

"Was it not our understanding when we talked to the majority attorney that it's the bill that you speak on. The committee report, it doesn't make any difference if that's not on our desk. So to refer to the committee report with all the good things and the intent is not anything that we can go by. And that was one of the things that I brought forth. We received a bill with no committee report.

"And I have been taught over the years that if in fact you do not want a department to back-door us, what you normally do is put it down in the committee report so that when it goes to the courts, if need be, the committee's intent is what is there. And they're saying no, that it is the bill. So I told them from now on I will put everything in the damn bill, as far as the intent. I would vote against anything unless a chairman allows us to put it into the bill and not say we will put into the committee report because that will be substantially taken care of. When it goes to court we could use that.

"Thank you very much, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 167 was adopted and H.B. No. 1798, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," having been read throughout, and Roll Call vote having been requested, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Anderson, Bunda, Ige, M., Iwase, Sakamoto, Slom, Solomon, Tanaka).

FINAL READING

Conf. Com. Rep. No. 42 (H.B. No. 1771, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 42 was adopted and H.B. No. 1771, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 43 (H.B. No. 1774, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 43 was adopted and H.B. No. 1774, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 44 (H.B. No. 1776, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 44 was adopted and H.B. No. 1776, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 45 (H.B. No. 1777, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 45 was adopted and H.B. No. 1777, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 46 (H.B. No. 1778, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 46 was adopted and H.B. No. 1778, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 47 (H.B. No. 1792, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 47 was adopted and H.B. No. 1792, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 49 (H.B. No. 1664, H.D. 1, S.D. 2, C.D. 1):

Senator Aki moved that Conf. Com. Rep. No. 49 be adopted and H.B. No. 1664, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tam.

Senator Slom, rising to speak against the measure, then said:

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

"I notice that the bill is for the 'Virtual University' and appropriates \$100,000 of taxpayer money. While I have nothing against the Western Governor's University, this is for the 'Virtual University' so if we're going to use taxpayer funds I'd rather appropriate virtual funds for this, and I vote 'no.'

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 49 was adopted and H.B. No. 1664, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN GOVERNORS UNIVERSITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Ige, M., Slom).

Conf. Com. Rep. No. 50 (H.B. No. 417, H.D. 3, S.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 50 be adopted and H.B. No. 417, H.D. 3, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose in opposition to the measure as follows:

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

"Again, as I spoke earlier about this bill, very previously I should say, it takes money from the Hawaii fuel tax fund to provide for the trails, and I'm afraid that what's going to happen is what we've seen during this legislative session, we put money into one special fund and then later on take it and put it in the general fund. So I think that the two are unrelated here and I'm voting 'no.'

"Thank you."

Senator Sakamoto rose to support the measure as follows:

"Mr. President, I'd like to speak in support.

"The amount given to the trail and access program (Na Ala Hele program) is an estimate of the of the road fuel that's used or consumed off the road and this is a very good program and this amount goes to a very good cause, Mr. President."

Senator Anderson rose to speak against the measure and said:

"Mr. President, I'll be voting 'no' also. I have been. We've set a precedent before. We've allowed the recreational boats to use it. Now, we're saying for the trails. Later on we'll have another group. We've already set that precedent. We're using

the fuel tax and I don't believe that's what we really should be doing.

"Thank you very much."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 50 was adopted and H.B. No. 417, H.D. 3, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAIL AND ACCESS PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 106 (H.B. No. 1732, H.D. 2, S.D. 1, C.D. 1):

Senator Iwase moved that Conf. Com. Rep. No. 106 be adopted and H.B. No. 1732, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Solomon.

Senator Slom rose to speak against the bill and stated:

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

"The bill is for increasing fees, recording fees, in probably the department that is known as the slowest and hardest to work with, the Bureau of Conveyances, for equipment modernization. Correct me if I'm wrong, Mr. President, but just a couple of years ago fees were raised substantially for equipment modernization. I don't know how much more modern we can become at that department but I do know that the money the last time around was used for personnel costs and not for equipment. I don't want to see that again. I'd like to see the department audited. I'm voting 'no.'

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 106 was adopted and H.B. No. 1732, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 111 (H.B. No. 147, H.D. 1, S.D. 1, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 111 be adopted and H.B. No. 147, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Sakamoto supported the measure as follows:

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

"This bill establishes a joint legislative committee to develop a sound financial plan to address the long-term care needs of the people of Hawaii.

"Statistics have shown that we are currently unable to meet the existing long-term and elderly care needs of Hawaii's families. Those demands will continue to grow in overwhelming proportions. If we do not develop a comprehensive plan, we have a problem. We currently have a problem but hopefully this will help resolve some of the problems.

"With many of our young people forced to live on the mainland due to lack of job opportunities here in Hawaii, who will take care of the old folks? Who'll drive grandma to the market? Who will take Apo to the doctor? Who will live with 'oba-chan' and talk story, just be there? Who will feed 'tutu'

when she is no longer able to feed herself? This bill is the first step in developing a variety of programs and services that can be designed to enhance the quality of life for our elderly, while reducing the cost for their families in this state.

"So I am please to support this measure and hope to be part of the solution, Mr. President.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 111 was adopted and H.B. No. 147, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 114 (H.B. No. 1781, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator McCartney and carried, Conf. Com. Rep. No. 114 was adopted and H.B. No. 1781, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 116 (H.B. No. 2207, H.D. 2, S.D. 1, C.D. 1):

Senator Iwase moved that Conf. Com. Rep. No. 116 be adopted and H.B. No. 2207, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Solomon.

Senator Solomon rose in support of the measure and stated:

"Mr. President, I'm rising to speak in support of the bill.

"Mr. President, after numerous Conference Committee meetings and several drafts, the final version of this significant measure moves us forward in the quest for a fair and reasonable resolution of this issue that will affect Hawaiians for generations to come. This bill provides a comprehensive inventory of all lands currently subject to section 5(f) of the Admission Act. For the first time, Mr. President, we will all know where these lands are and how they are being used.

"This bill also provides an open process to study and make recommendations on issues relating to the public land trust, including whether land should be transferred to the Office of Hawaiian Affairs in partial or full satisfaction of obligations under Article 12, Section 6, of the Hawaii Constitution. This act helps to stabilize the Office of Hawaiian Affairs' revenues from its pro rata portion of the public land trust for the interim period, fiscal year 1997-1998, fiscal year 1998-1999, at \$15.1 million for each fiscal year. Also Mr. President, this bill preserves portions of Chapter 10, HRS, which were enacted in 1990 with Act 304.

"Although, of course, Mr. President, we all remain concerned about the unresolved issues of landing fees held in escrow by the state and the interlock filed by the state against Judge Daniel Heely's decision regarding the ceded lands revenues, I'm hoping that we all will support this bill.

"Mr. President, I also rise on a point of personal privilege to express concerns that I have. And this is, Mr. President, on how leadership handled this important piece of legislation during the period that we were negotiating these bills. Mr. President, in all my years serving in the State Senate -- in '98 I'll be up for reelection and I will have served in this body for 16 years -- I was so grieved when I felt that the leadership, Mr.

President, was back-dooring your committee chairmen who really were given the lead on this piece of legislation. I'm hoping, Mr. President, that these kinds of critical matters will be taken seriously by you and those who are in our Majority leadership to try to rectify the kinds of concerns that were expressed today on the floor not only in conjunction with this bill, Mr. President, but in other previous legislation that we had discussed.

"It grieves me so when I hear the Minority Leader reiterate several times, questioning you as our President, as to whether or not a committee report is valid, whether or not a committee report is necessary, when in fact, Mr. President, it's the committee report of this piece of legislation that expresses the legislative intent. It's the committee report that stated the compromise that was the focal point of our negotiations. And Mr. President, I've never ever heard once, I may be wrong here, where a committee report doesn't matter.

"These are the kinds of things, Mr. President, that I find very troubling. I feel that leadership should get their act together. I feel that both of our Majority Leaders should start communicating with each other and with the Minority, and they should have a clear understanding of their plan of action when it comes to these kinds of critical negotiations.

"And with that, Mr. President, I'm asking again for all of my colleagues to see their way clear to support this bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 116 was adopted and H.B. No. 2207, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fukunaga, Ige, D.).

Conf. Com. Rep. No. 121 (S.B. No. 1618, H.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 121 was adopted and S.B. No. 1618, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSPORTATION IMPROVEMENT SPECIAL FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 123 (S.B. No. 1919, S.D. 1, H.D. 2, C.D. 1):

Senator Fukunaga moved that Conf. Com. Rep. No. 123 be adopted and S.B. No. 1919, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fernandes Salling.

Senator Iwase rose in opposition and said:

"Mr. President, as I have been in the past on this bill I will be voting 'no' because it includes I do not object to the fact that, in fact I would encourage that the legislative body open ourselves up to public scrutiny with public access. But this is a \$1.5 million appropriation for the Legislature for its computers, and I don't think we need those. There are places elsewhere in this state that need money for computers or other kinds of equipment. This comes out of general funds. So I will be voting 'no,' again, Mr. President.

"In the Beatles' White album there is a song in there that is the anthem for this bill for the Legislature.

"Thank you."

Senator Slom also rose to speak against the measure as follows:

"Mr. President, I also will be voting 'no' for reasons just given by the gentleman from Mililani, but also because of this question of public access.

"Now, I know, Mr. President, that we are very ecumenical and very sensitive here in the Senate body, as have been demonstrated many times, but I understand that over in that body across the hallway there that they actually throw people off the floor and they deny them public access in the public access, publicly supported, taxpayer paid for legislative broadcast. So I'm scared, Mr. President. I don't want to see that money used if we're not going to be ecumenical on both sides of the aisle.

"So thank you very much."

Senator Anderson rose to speak against the bill as follows:

"Mr. President, I'll be voting 'no.'

"I can agree with the others but reports that we've got ... a lot of it is more on the dollars that we're spending -- appropriating \$75,000 in general funds, for instance, in 1997-98 for providing neighbor island community access stations, another \$175,000 general funds, 1997-98 for legislative broadcasting programs, and appropriating \$1,500,000 in general funds in 1997-98 for replacing the existing legislative information system. That's a lot of money that we're putting out for things that could go elsewhere since we're cutting back so much.

"But if in fact this is a public service or it's going to be something that is good for the legislators, I believe it's for a legislative wrap-up, it would be used more for the party with chairmen rather than any from the Minority. We don't have the ability to be chairmen. We do a hell of a lot of wrap-ups, but I don't think that we would be able to use the public access for that.

"So for those reasons, the cost, and for the reasons of utilizing the services, I will be voting 'no,' Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 123 was adopted and S.B. No. 1919, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Aki, Anderson, Ige, M., Iwase, Sakamoto, Slom, Solomon, Tanaka).

Conf. Com. Rep. No. 143 (H.B. No. 1829, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Levin and carried, Conf. Com. Rep. No. 143 was adopted and H.B. No. 1829, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES COLLECTED BY THE DEPARTMENT OF HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fernandes Salling, Levin)

Conf. Com. Rep. No. 147 (H.B. No. 1701, H.D. 2, S.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 147 be adopted and H.B. No. 1701, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tanaka.

Senator Kanno rose to support the measure as follows:

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

"I'd like to begin by expressing my sincere appreciation to the Senate chairs who have worked on this measure.

"Three years ago when the federal government identified the Barbers Point Naval Air Station for closure as part of the Base Realignment and Closure Act, there was considerable concern in the community. In the federal legislation, the BRAC law, the role of the community is key in the future redevelopment of these bases that are being closed across the country.

"Over the past three years there have been ongoing meetings of the Barbers Point Reuse Committee and later the Barbers Point Redevelopment Commission. At the last meeting of the Barbers Point Redevelopment Commission, there was a vote as to how the future discussions should proceed. This bill creates a local reuse authority to take over management of the base when it closes in 1999. The vote at the last Barbers Point Redevelopment Commission was a unanimous vote in support of a balanced approach, balancing the interest of the state, the City and County of Honolulu and the community.

"I express my appreciation to the chairs because they were especially sensitive to requests from community members who've asked for consideration of amendments and the chairs have included in this C.D. 1 a considerable role for the community in the upcoming discussions. I especially appreciate that the chairs have included here before us language that says that the appointing bodies, the governor, the mayor, the city council, shall take into account the experience and the resource represented by the individuals who have served over the past three years, many of them volunteering their time to learn about the issue to express the needs and concerns of the community as the discussions go forward.

"The chairs have also included in the C.D. 1 a requirement for an annual report to the Legislature and they specifically expressed the desire that this report shall include specific mention of the role to which the community has been involved in the discussions.

"There is one concern and this is the reason that I'm voting with reservations. There is language in here that may be inadvertent, but the language in the bill excludes from the commission's jurisdiction lands that shall be used for the airport complex and the Department of Hawaiian Home Lands. After some discussion with a number of the parties, there is a willingness expressed to look at this issue over the coming year and quite possibly next session revisit the issue. We will at that time have in our hands a report from this entity and will be able to take further action in the 1998 session.

"I'd like to once again express my appreciation to the chairs for their support and I will be voting with reservations.

"Thank you."

Senator Slom then sat:

"With reservations, please, Mr. President."

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 147 was adopted and H.B. No. 1701, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REDEVELOPMENT OF BARBERS POINT NAVAL AIR STATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 153 (H.B. No. 1582, H.D. 2, S.D. 1, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 153 be adopted and H.B. No. 1582, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak against the measure and said:

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

"While there are several legitimate claims that the state pays every year, I think that many times we are looked at as 'deep pockets' and a 'patsy,' and for those people who don't have the time to go to Las Vegas they find that this is an easy way of getting payment. We're spending \$6.2 million in claims and many of these claims are unjustified. I think that what we should do is remember that the money is not ours. The money is the taxpayers, and we should be much more vigilant with it.

Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 153 was adopted and H.B. No. 1582, 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, 21. Noes, 2 (Anderson, Slom). Excused, 2 (Ihara, Levin).

Conf. Com. Rep. No. 156 (H.B. No. 1393, H.D. 1, S.D. 2, C.D. 1):

Senator Fernandes Salling moved that Conf. Com. Rep. No. 156 be adopted and H.B. No. 1393, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom spoke against the measure and said:

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

"I do so with a heavy heart. Some of my best friends are attorneys and some of them grow up to be judges. And I made statements earlier at a previous session that I would be very happy to drive to the airport those justices that are not getting paid enough in our state. I note that they are going to get a 4 percent increase for three years; that's 12 percent. That's 12 percent more than most private employees have gotten. It's also more than a number of public employees have gotten.

"In addition to that I don't do this lightly, Mr. President, because I have been threatened. I hate to mention this, but I have been threatened that if I vote 'no' against this again I will not get any Democratic ice cream at the end of this session. (Laughter.) So it is really tough, but I'm still going to cast a 'no' vote. I think that the public deserves better and I think that if everybody is going to tighten their belts that means our justices too.

"Thank you, Mr. President."

Senator Tam rose in opposition to the measure and said:

"Mr. President, I wish to register a 'no' vote on this bill.

"As previously stated in previous votes I'm voting 'no' because it's an inappropriate time when we have a sluggish economy right now. We should take care of direct services funding, our first priority for the people of the State of Hawaii. No executives should be receiving raises at this time, whether it

be in terms of the Legislature, administration or judges, the third branch of government.

"Thank you."

Senator Iwase requested a conflict ruling as follows:

"Mr. President, the last time you had ruled 'no conflict.' Would that ruling continue?"

The Chair ruled that Senator Iwase was not in conflict.

Senator Anderson then said:

"Would you put me down with reservations on this particular measure."

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 156 was adopted and H.B. No. 1393, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES IN THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Tam). Excused, 1 (Levin).

Conf. Com. Rep. No. 157 (H.B. No. 1539, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 157 was adopted and H.B. No. 1539, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH CORRECTIONAL FACILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 158 (H.B. No. 1587, H.D. 1, S.D. 2, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 158 be adopted and H.B. No. 1587, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Anderson rose to speak against the measure and said:

"Very briefly, Mr. President, and I'll be going 'no' on this measure.

"As stated before, this particular program is self-sufficient. It's costing them \$150,000 a year. They're taking in over \$200,000. All of a sudden they are going to require every six years that we get a new state ID and also they might need some new cameras. Consequently, if a program is efficient, running well, I don't believe that we should go ahead and allow them to charge more so that they can go ahead and get a new state identification card.

"Thank you very much."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 158 was adopted and H.B. No. 1587, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Anderson). Excused, 1 (Levin).

At 4:35 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:31 o'clock p.m.

At this time, Senator Metcalf rose on a point of personal privilege as follows:

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

"I've learned that there are inherent risks in calling for a brief recess in the Senate (laughter), and for that I deeply apologize to the members. Thank you." (More laughter.)

Conf. Com. Rep. No. 165 (H.B. No. 1837, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 165 was adopted and H.B. No. 1837, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 166 (H.B. No. 1243, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 166 was adopted and H.B. No. 1243, H.D. 1, S.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, 23. Noes, 1 (Kanno). Excused, 1 (Bunda).

THIRD READING

Stand. Com. Rep. No. 1806 (H.B. No. 816, H.D. 2):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 1806 be adopted and H.B. No. 816, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Kawamoto, supporting the measure, then said:

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

"Mr. President, this bill is to 'grandfather' military veterans who entered the state retirement system in anticipation of being vested after 8 years could get military credit. Last year we made a mistake. We forgot about the military veterans and repealed this benefit. This bill attempts to rectify this make and putting to ease some of the concerns and fears our honored military veterans experienced over the last year.

"Therefore, Mr. President, I urge all to vote 'aye' on this bill."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 1806 was adopted and H.B. No. 816, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1807 (H.B. No. 1463, H.D. 2):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 1807 be adopted and H.B. No. 1463, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Kawamoto spoke in favor of the bill as follows:

"Mr. President, as a person from God's country who has over half of the care homes in the state, these people have not received an increase in payment since 1989. And I hope that they will still be there when I, maybe, have to go to one of these care homes. So I urge all my colleagues to vote 'aye' on this bill.

"Thank you very much." (Laughter.)

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 1807 was adopted and H.B. No. 1463, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

FINAL READING

Conf. Com. Rep. No. 88 (S.B. No. 870, S.D. 2, H.D. 2, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 88 be adopted and S.B. No. 870, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Kawamoto rose to support the measure and stated:

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

"Mr. President, this bill is 13 years in the making. They are now celebrating in the House. What this bill is ... and the issue is safety and saving young people's lives. This bill calls for the prohibition of people under the age of 13 from riding in the back of a pickup truck.

"The back of the pickup truck is meant for hauling cargo and not people. We are in the midst of a situation where some of our neighbor island colleagues feel as though they have to back up their residents, but let me remind them that we did not have any testimony against this bill during the process of this bill in full hearings. In fact, we had many testimonies from Kona and Lahaina and fax and petitions in support of this bill.

"So again, I'd like to thank the leadership for helping us come to the table and have a conference draft whereby we all can live with. Therefore, this is a good starting point. We hope that this bill will be an education to all the people that ride in pickup trucks that riding in the back of pickup trucks is unsafe. And we hope that by prohibiting children 12 and under from riding the pickup trucks that this process will proceed.

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

Senator Baker spoke against the bill as follows:

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

"Mr. President, in an ideal world I would agree that the back of a pickup truck is not the place for someone to ride. It is, in fact, for hauling cargo. But we don't live in an ideal world and there are a lot of folks on Molokai, Lanai and Maui that have only one vehicle and that vehicle is a pickup truck. They have families. They have no way to move their families from point A to point B without utilizing the only vehicle at their disposal. We don't have public busses on those islands. Our residents have no options. It is for those reasons that I am compelled to vote 'no' on this measure.

"Thank you."

Senator Chumbley opposed the measure and said:

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

"In rising in opposition to this measure, it is not in disregard to the issue of the safety of our children throughout the state. It is in the concerns of the thousands of families throughout the neighbor islands and the rural areas of Oahu who will be made criminals under this measure.

"Mr. President, where is the enforcement of the existing laws by the police departments throughout our state. No operator of any pickup truck shall operate the vehicle with the passenger seated in the bed or the load carrying area of the vehicle unless there is no seating available in the cab.

"Where is the obligation and where is the responsibility of the parents for their own child's safety? How will this measure be enforced? Will all minors be required to wear name badges that show their age, similar to the time share people now?

"I and many of the neighbor island legislators would have supported this measure, and I did as it passed out of the Judiciary Committee originally. But we would have supported this measure if it would have allowed the counties the opportunity to opt in. By opting in, the counties could have chosen stricter regulations than just 12 years old. I realize that the measure will pass both the Senate and the House, but these concerns must be brought forward.

"Although the bill may keep children under 12 somewhat safer, it will harm families who can least afford it. And as the distinguished Senator from Waipahu said earlier in the day, Mr. President, this is a 'feel good' bill that will not result in the actions that we want for the safety of our children.

"Thank you."

Senator Sakamoto rose to support the measure and stated:

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

"I understand some of the concerns from the Senators from Maui and some of the concerns are valid. In testimony, several testifiers did mention, though, that in inclement weather or rainy weather they didn't see anybody in the back of pickup trucks, so people do have alternate means.

"And it is not just a 'feel good' measure. This is a safety measure that makes a lot of sense. If you look at it, nobody could put a baby who's less than 1 year old in the back, and certainly you wouldn't put someone less than 2 years old in the back. And there's a point where it's safety for the individuals as well as planning ahead and let's hope that families with one vehicle can make accommodations in the meantime, and groups when they need to transport students or ball teams can plan ahead and get there safely.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 88 was adopted and S.B. No. 870, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PICKUP TRUCKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Baker, Chumbley, Fernandes Salling, Levin, Solomon, Tanaka).

Com. Rep. No. 100 (S.B. No. 927, S.D. 1, H.D. 2, C.D. 1):

Senator Fernandes Salling moved that Conf. Com. Rep. No. 100 be adopted and S.B. No. 927, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom, rising in opposition to the measure, then said:

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

"While I'm not a smoker and don't condone smoking, I also don't condone continuous tax increases. They will harm the general public and unfortunately it will harm some of our Senate members who will have to pay more for their cigarettes, so I'm voting 'no.'"

Senator Anderson also rose to oppose the bill as follows:

"I, too, will be voting 'no,' but I'd also like to just say another thing that everybody more or less states that this is going to help prevent children from smoking. We found nothing that prevents them to do so in the bill.

"When it came into conference they also spoke about getting more tax dollars and then they said that they were trying to make sure that they got people to quit smoking. So either we're trying to get tax dollars, trying to get children to stop smoking, or what are we really trying to do with this particular bill. And the only thing that I can think of is more taxes. So consequently, I will also be voting 'no.'"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 100 was adopted and S.B. No. 927, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Aki, Anderson, Bunda, Kawamoto, Slom, Solomon, Tam, Tanaka).

Conf. Com. Rep. No. 128 (S.B. No. 1891, S.D. 1, H.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 128 and S.B. No. 1891, S.D. 1, H.D. 2, C.D. 1, be recommitted to the Committee on Conference, seconded by Senator Tanaka.

Senator Taniguchi then noted:

"Mr. President, Senator Tanaka and I are requesting recommitment of this bill because concerns have been raised about the application of the language in section 2. If this bill is passed in its current form, there will be over-reliance on the rules of other jurisdictions to draft the rules for community use.

"Mention of drafting rules applicable to the specifics of our own convention center was also inadvertently left out of the bill. I believe a recommitment is appropriate because we can address this matter over the interim and come up with something better next year."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 128 and S.B. No. 1891, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 164 (H.B. No. 1292, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 164 and H.B. No. 1292, H.D. 1, S.D. 1, C.D. 1, was deferred to later in the calendar.

Conf. Com. Rep. No. 137 (H.B. No. 258, S.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tanaka and carried, Conf. Com. Rep. No. 137 was adopted and H.B. No. 258, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Anderson, Iwase, Solomon).

At 5:45 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:52 o'clock p.m.

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

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

"I want to apologize to my colleagues and incorporate the remarks of the Senator from Hilo as if they were my own. Thank you." (Laughter.)

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

FINAL READING

Conf. Com. Rep. No. 164 (H.B. No. 1292, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 164 was adopted and H.B. No. 1292, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Iwase, Solomon, Taniguchi). Excused, 3 (Bunda, Fernandes Salling, Ige, M.).

At this time, by order of the President, the following proclamation was read by the Clerk and was placed on file:

"PROCLAMATION

We, Norman Mizuguchi, President of the Senate, and Joseph M. Souki, Speaker of the House of Representatives, of the Nineteenth Legislature of the State of Hawaii pursuant to the power vested in us by Section 10, Article III of the Constitution of the State of Hawaii, and at the written request of two-thirds of the members to which each house is entitled, do hereby extend the Regular Session of 1997 of the Nineteenth Legislature of the State of Hawaii for a period of One Day beyond the Sixtieth day of the 1997 Regular Session, excluding Saturdays, Sundays, holidays and any days in recess pursuant to a concurrent resolution.

/s/ Norman Mizuguchi
Norman Mizuguchi
President of the Senate

/s/ Joseph M. Souki
Joseph M. Souki
Speaker of the House
of Representatives"

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 279) was read by the Clerk and was disposed of as follows:

Senate Concurrent Resolution

No. 279 "SENATE CONCURRENT RESOLUTION DECLARING APRIL 30, 1997, A RECESS DAY OF THE NINETEENTH LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 1997."

Offered by: Senators McCartney, Ihara.

On motion by Senator McCartney, seconded by Senator Slom and carried, S.C.R. No. 279 was adopted.

CONFERENCE COMMITTEE REPORT

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 100, H.D. 1, presented a report (Conf. Com. Rep. No. 171) recommending that H.B. No. 100, 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. 171 and H.B. No. 100, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred for a period of 48 hours.

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

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

"Mr. President, on the extension, I've been opposed to it. I think we could have done it within our own time, and we failed.

"I think, also, since this was going to be our last day, I'd like to point out that we did not pass 'Truth in Sentencing.' I believe that to be very important. When we ran for reelection, crime was No. 1, and yet when we went into conference we had to fight in 'Truth in Sentencing' which would have made it 85 percent of the time of their sentencing that they would have to stay in prison. I think this is very, very important.

"If in fact, you're married and had your wife pregnant and you lived in a one-bedroom cottage and you happen to have triplets, you couldn't say we weren't prepared for this so consequently we're going to send them back. You would have to provide. So to say that you do not have prison space does not make that right. You have to make the pressure on us. So 'Truth in Sentencing' should have never gone down just because we did not have enough prison space.

"I don't believe that committee voting in public has been advantageous to us. It's been a hindrance. And the reason it has been is because when you do not pass a piece of legislation because you do not have a quorum, the bills pile up because you need a quorum in order to pass anything. Consequently, we have lots of bills on a chairman's desk and we don't know what's in those amendments. And when I vote 'w/r' everybody laughs, but one piece of legislation everybody says, oh, I haven't had time to really look at this; I haven't had time to digest. So the public really is not being served when we say we have to go ahead and vote in public in committee.

"I'm from the old school. I like to read something, and I understand that's the problem, that they didn't trust the chairman before. They said they could twist arms. Well let me tell you, if you're that weak, then you should not be here because if you have a document and you disagree with it, then you vote 'no.' If you have some slight reservations with it, you vote your conscience and go 'with reservations.'

"And last but not least, Mr. President, the dual chairmanship -- I don't think has worked. It has been cumbersome for us, for the lobbyists. I don't think that it's something that we should continue with. I read in the paper where everybody said it's going to work, but since this was supposed to be our last day I thought I would throw those comments out to everybody. And there goes one of the dual chairmen.

"Thank you very much, Mr. President."

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

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

"I ask my colleagues to please bear with me. This is a very important subject. I think it will address some of the Minority Leader's remarks and also I think I'm the only Senator that hasn't asked for a short recess, yet.

"Mr. President, according to a recent Hawaii Poll, crime was the most frequently mentioned issue of concern to Hawaii voters. We are all aware that the alarmingly high property crime rate and steadily rising violent crime rate threaten the public safety and welfare of our Island State. And we are all aware that our first responsibility of government is law and order. Hawaii's citizens deserve a criminal justice system in which criminals are caught, the guilty are convicted, and the convicted serve their time. Obviously, the best way to fight crime is to prevent it. That is why this body has always supported drug education and gang prevention programs in our schools and other youth programs to provide young people with a safe and healthy alternative to hanging out on the streets.

"This year, the Senate Judiciary Committee has put much effort in crafting a comprehensive crime package which addresses the many issues identified by the Senate Majority at the beginning of this session as those which are critical to public safety. As co-chair of the Judiciary Committee, I would like to thank my colleagues and especially my Judiciary co-chair for supporting the package, which contained some thirty bills.

"In fact, I am pleased to report that 99 percent of the Senate's package was sent over to the House. Crucial issues such as Meagan's law, domestic violence and sexual assault, juvenile justice, drug manufacturing and abuse, driving under the influence, property crimes, crimes against tourists, and kidnapping were all addressed through measures which established sound policy regarding criminal sanctions.

"We are particularly proud of the measures relating to sex offender registration, the manufacture of ice, date rape drugs, implied consent and driving under the influence, all of which survived conference committee with much of the Senate language intact. We are also satisfied with the juvenile waiver and records measures which included all, and most of the Senate language, respectively. Nothing we do to fight crime is more important than fighting crime and violence that threatens our children. We have to protect them from criminals who prey on them -- and we have to teach them good values and give them something to say yes to. At the same time, when young people commit crimes, they should be prosecuted; when they commit serious violent crimes, they should be prosecuted and treated like adults.

"Mr. President, unfortunately, only a fraction of the Senate crime package survived conference committee. For example, while the Senate's comprehensive eight-measure package on domestic violence and sexual assault focused on holding perpetrators more accountable for their abusive acts by not allowing the expungement of records or informal adjustment, etc., only three of these bills were approved by the House. We hope that the House believes as we do ... that nothing is a more dangerous threat to the safety of our families than domestic violence, because it is a threat from within. Mr. President, we also hope that the House agrees that domestic violence is a crime to be punished, not a family secret to be concealed.

"Perhaps, our biggest disappointment, however, is the fact that our flagship bill on criminal sentencing reform was not agreed upon in conference. As many of you know, the Senate's 'Truth-in-Sentencing' bill, which would have required felons to serve at least 85 percent of their sentences before being considered for parole, was amended by the House in a manner that simply was not acceptable.

"While we would have loved to agree with the House version, we could not in good conscience support a draft which provides enhanced sentencing for only a very limited number of

offenses and that does so in a very, very arbitrary manner. The House version would have excluded violent crimes such as sexual assault in the second degree, an offense which includes statutory rape. It would have also excluded many other serious and potentially violent felonies such as arson, kidnapping, and incest. Further, statistics provided from the Paroling Authority revealed that offenders of these aforementioned crimes, served an average of less than 50 percent of their sentences.

"Mr. President, just to give you an example of how inconsistent the House version was on truth-in-sentencing -- if someone were to walk up to your car and reach inside your car and steal a purse or something from that car, they would have been subject to the House's truth-in-sentencing; at the same time, if somebody walked up to your car and kidnapped your daughter and raped her, they would not have been subject to truth-in-sentencing under the House's version. Mr. President, if somebody came up to your house and stole your car, they would have been subject to the House's truth-in-sentencing; if someone came up to your house and fire bombed your house, they would not have been subject to the truth-in-sentencing under the House's version.

"In addition, the House version provided for a 'phase-in' application of truth-in-sentencing to certain property crimes in the year 2000. While the House defended their position as a 'methodical' approach to sentencing reform, the Senate could not support a provision which did not include property crimes such as larceny-theft, an offense which comprises 75 percent of all property crimes in our state. This piecemeal attempt by the House failed to address the community's greatest concerns and thereby does nothing to garner public confidence in our criminal justice system.

"The Senate and the House did agree that the issue of prison space was a key factor in determining how sentencing reform could be accomplished. Yet even Keith Kaneshiro testified before the Senate Judiciary Committee that public safety policy should not be crafted based on available bed space. Further, it must be made clear that the Senate Judiciary Committee provided the House with a compromise position which would have utilized a majority of the House draft provisions, and which would have also addressed the House's concerns. The Senate based its proposed conference draft on the projections made by the Department of Public Safety which concluded that even the original Senate version -- even the original Senate version -- could be accommodated if the Department received its request for adequate prison bed space, which it did. The proposed C.D. 1 also contained language from H.B. No. 1087, regarding the sentencing of misdemeanants and petty misdemeanants, a bill for which the House advocated strongly.

"The Senate's position was to establish a policy which dealt with felons comprehensively, without making a statement to offenders that only certain types of crimes were serious enough to warrant 85 percent sentencing. The Senate had the support of the Department of Public Safety, the agency that is responsible for housing these convicts. Equally important, the entire law enforcement coalition, which includes the Department of the Attorney General, the four County Chiefs of Police and the four County Prosecutors, wholeheartedly supported the original Senate version of the measure (I would like to insert the coalition's testimony supporting our version of the measure into the Journal). Most importantly, the Senate had the support of the many community watch and neighborhood boards which testified vigorously for a comprehensive truth-in-sentencing measure.

"In conference, however, the House curiously seemed to withdraw from its original position. The House Judiciary's original conference position was that philosophically they agreed with the Senate that truth-in-sentencing was a necessary measure and that if the Senate could prove that DPS would receive the bed space money, they would support our version. Representatives from DPS provided the projections which the Senate accepted wholeheartedly, given that the Department has

been studying the potential correctional impact of truth-in-sentencing for the last six months, it made a lot of sense.

"Yet the House not only rejected these figures, but proposed their own conference draft which merely provided that DPS conduct a study on truth-in-sentencing and on the possibility of privatization of a prison on the Big Island. While the House continued to criticize the Senate for being financially irresponsible, ironically nowhere in these conference discussions did they explain how the study would be funded.

"Mr. President, we hope that the House will reconsider its position with respect to this and the many other crucial crime measures which can and should be passed next session. During the interim, we will continue to research and craft legislation which addresses the need for sound policy regarding: juvenile justice reform, the distribution and possession of dangerous drugs, crimes against tourists and other issues which remain a priority for the Senate Judiciary Committee.

"On behalf of the Senate Judiciary, I would like to thank my colleagues for your commitment to public safety, and I would especially like to thank the other Senate committees with which we collaborated regarding the crime package, in particular, the Ways and Means, Transportation and Intergovernmental Affairs, and Health and Environment Committees.

"Thank you, Mr. President."

The Chair having so ordered, the attachment of the law enforcement coalition's testimony is identified as ATTACHMENT "I".

Senator Chumbley also rose on a point of personal privilege as follows:

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

"Mr. President, I'd like to also commend my co-chair for all the effort and guidance that he gave me this year and all the committee members on the Judiciary and to all the members of the Senate. I think we can be very proud of the crime package that we passed. And Mr. President, if you could please order the Clerk to insert the words of the distinguished Senator from Palolo into the Journal as if they were my own. (The Chair so ordered.)

"And one last announcement, Mr. President. During the interim I've been studying my Black's Law Dictionary and I will be taking the bar exam.

"Thank you." (Laughter.)

Senator Anderson rose again and stated:

"Mr. President, just for a point of clarification. The reason that I brought up that particular bill is because, as you well heard, you did hear everybody in a very attorney-like fashion. The arguments that went back and forth with the House was strictly on details on how and why we cannot do certain things. I think common sense has got to come to the Legislature.

"To sit there and argue on fine points of law when crime is up and then to have the House committee turn around and say, well we have to study this because we don't have bed space. And then they're trying to argue on what's a felony, what's a misdemeanor. I don't really care as an individual. I believe that if a person goes to jail for rape or for whatever charges, they should serve 85 percent of their time. That was the reason for that bill. And to come out with all the technicalities on why we cannot pass it and then to say bed-space and another study, does not satisfy the people in the community. It's 'shibai' to sit here and say we tried everything.

"I don't know the reason why we cannot have an attorney that we hire to come in and say, hey, this is what we need. We

need more people fighting for what the community is looking for, not to sit down and say, well, the courts can take care of this; we're going to leave that for later on; we don't need this right now. I'm not an attorney and when I do need one, I don't mind going to get one because they do have the expertise. But if I want to get around a law, I'll ask them: 'This is what the book says; how do we get around that so we can accomplish what we need to do?'

"And that's what my two colleagues in the Senate ... and I really appreciate what you've done. But when I went to the Conference Committee to hear the arguments on the other side and we had to cave in, it really bothered me and disturbed me as well as the rest of the taxpayers, I'm sure.

"Thank you very much, Mr. President."

Senator Chun Oakland, rising on a point of personal privilege, then said:

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

"The 1997 Legislature made some significant efforts to improve the quality of life for children, seniors, and families in our state that are worth mentioning. I know there is much more to achieve, but I do want to highlight some of the good legislation and work accomplished this year.

"We have upgraded payments to adult residential care home operators who provide 24-hour care to our seniors and disabled in the community. This increase is long overdue. We expanded the number of home and community-based waivers which will allow more people in nursing care facilities to live in quality, more affordable community settings.

"We lifted the 24 month time limit on persons who are disabled and in need of general assistance and restored the funding level to the original executive budget request for this program.

"We have established special and trust funds to increase financial support from the federal government and private sector, in addition to our state funds, for early intervention services for children living in high-risk environments or born with disabilities. These funds will be used for programs, like the nationally recognized Healthy Start Program and Zero-to-Three Project. This will help reduce the increasing demand for more costly care by children in their later years who do not get early intervention services.

"We have provided greater immunity to schools that allow youth programs to take place on their campuses during non-school hours increasing the opportunities that provide wholesome and challenging alternatives for our youth before and after school.

"We have supported welfare-to-work opportunities through the creation of grant diversion programs, microenterprise initiatives and community work programs for families with dependent children.

"We have taken steps to strengthen child support enforcement efforts that will better insure financial support for our keikis.

"We have approved a public/private partnership, called the Good Beginnings Alliance, that will focus on creating a very comprehensive early childhood education and care system in our state.

"We have increased the repair and maintenance funds for schools and other state facilities from \$70 million to over \$100 million for the next two years, which will help address the large backlog of repair and maintenance requests by schools to improve their facilities. This infusion of funds will also

provide increased opportunities for our small businesses to competitively bid for these projects.

"We are able to fund the collective bargaining agreements reached this year to support our public employees and their diligent efforts to provide much needed services to the people of this state.

"We have also passed a measure that will allow the Employees' Retirement System fund to keep its excess earnings and responsibly begin to address the \$1.6 billion unfunded liability concern that we have had for many years. This measure will begin to address the increasing costs of government by allowing the ERS to become self-sufficient over time.

"We have put forth legislation to address the public's requests regarding legislators' high-three pension, motor vehicle insurance and same gender marriage.

"There is much more work to be done. During the legislative interim, effort will be put into issues including long-term care, workers' compensation, welfare reform, early childhood education and care, youth programs, Health Quest and other areas that affect thousands of people in our state.

"Thank you, Mr. President, my fellow colleagues in the Senate, my co-chair Senator Kanno and our Human Resources Committee, House members, staff and the community at large for working together on these very important issues."

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 538, S.D. 3, H.D. 1:

Senator Tam moved that the Senate reconsider its action taken on April 10 1997, in disagreeing to the amendments proposed by the House to S.B. No. 538, S.D. 3, seconded by Senator Aki and carried.

Senator Tam moved that the Senate agree to the amendments proposed by the House to S.B. No. 538, S.D. 3, seconded by Senator Aki.

Senator Tam noted:

"Mr. President, S.B. No. 538 is in reference to the unfavorable outsourcing in the selection of library books in the Hawaii's Public Libraries. The Senate and the House of Representatives mutually agree upon the intent of the Legislature which is to request the Board of Education to terminate the Baker & Taylor library book contract, and return the selection of library books back to the librarians upon termination of the existing outsourcing of its contract. This is the first step towards banning outsourcing on the selection of library books.

"Also, I have a note here. Representative Stegmaier, chairperson for the House Education Committee, personally called me this morning and promised me that next year's legislation will be strong on one to ban future outsourcing on the selection of library books and all selection of library books in future will be done by librarians.

"Thank you."

The motion was put by the Chair and carried.

Senator Tam then moved that S.B. No. 538, S.D. 3, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Aki.

Senator Tam rose to support the measure as follows:

"Mr. President, fellow colleagues, I rise to speak in favor of S.B. No. 538, Relating to Public Libraries.

"This bill specifically refers to the problem of providing quality, productive and efficient public service on the selection of library books contracted with Baker & Taylor through Bart Kane, the state librarian for the Hawaii Library System. The librarians, statewide, and the library users, also statewide, are dissatisfied with Baker & Taylor's services. The contract is not in the public interest as determined by the Education Committees in the Senate and the House of Representatives.

"In addressing the problem the Education Committees give due respect to the Board of Education for the first opportunity to resolve the problem by terminating the Baker & Taylor contract and whereby our legislation is to restore the rights and legal duties of the public librarians in the selection of library books, the Board of Education wants the first opportunity to resolve the problem. Thus far, we are giving them that opportunity.

"For the record, Mr. Bart Kane and Mr. John Penebacker, assistant to the state librarian, have walked the Capitol halls to kill the legislation. One can only question why are they protecting an anti-public interest outsourcing library book contract and how one would benefit at the expense of the public.

"I sincerely hope that the Board of Education responds to the public's desire to terminate the Baker & Taylor contract in the public's interest. If the Board of Education does not terminate the contract, I will personally request Governor Cayetano to restrict the budgeted funds to pay for the book contract in accordance to the governor's constitutional prowess.

"Fellow Senators, for your information, in H.B. No. 350, the state budget we passed earlier this afternoon, there is appropriated \$250,000 per year of the biennium budget to purchase library books selected through librarians if the Board of Education terminates the Baker & Taylor contract.

"This legislation is a strong message to the Board of Education to address their in-house problems. Otherwise the Legislature or the governor would do it for them as their 'big daddy.'

"The Legislature, next year, will introduce legislation to ban future outsourcing on the selection of library books and all selection of library books in the future to be done by librarians.

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 538, S.D. 3, and S.B. No. 538, S.D. 3, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LIBRARIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, none. Excused, 7 (Bunda, Fernandes Salling, Ige, M., Iwase, Metcalf, Solomon, Tanaka).

S.B. No. 1628, S.D. 2, H.D. 2:

Senator Tam moved that the Senate reconsider its action taken on April 10 1997, in disagreeing to the amendments proposed by the House to S.B. No. 1628, S.D. 2, seconded by Senator Aki and carried.

Senator Tam moved that the Senate agree to the amendments proposed by the House to S.B. No. 1628, S.D. 2, seconded by Senator Aki.

Senator Baker rose on a point of information and stated:

"Mr. President, point of information.

"Will the chairman please tell us what S.B. No. 1628 is about."

Senator Tam then said:

"I'm sorry, my apologies. It's been a long day for all of us.

"Senate Bill No. 1628 is in reference to rehiring retired teachers in the Department of Education and specifically what it does is permits the Department of Education to rehire retired teachers on a temporary full-time basis to teach in declared shortage areas. It also specifically specifies that the rehired retired teachers shall not earn retired service credit and contribute to the Retirement System or gain additional retirement System benefits if the rehired teacher continues to receive entitled normal retirement benefits without penalty."

The motion was put by the Chair and carried.

Senator Tam then moved that S.B. No. 1628, S.D. 2, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Aki.

Senator Anderson rose to speak against the measure and said:

"Mr. President, I'll be against the particular bill.

"If I remember correctly, when we allowed the teachers to go out with 25 years of service we didn't say that they had to be of a particular age. I thought it was wrong at that time, then we found out that we had made a mistake and that we were going to have a shortage of teachers. Now, they're coming back and yes they may not get into the Retirement System for any more than they have. And they will not be able to do certain things, but they will be taking up those jobs and they will be receiving their retirement. I think this is wrong.

"We've been trying to get out there to make sure that we provide jobs for people. That was one of the reasons that when they went out I had stated that they were too young. They may have had 25 years in service but they could have been 45 or 50. And I just don't think that it's right that they come back, draw a salary and draw their retirement. This is not what we intended in the first place.

"Thank you very much, Mr. President"

Senator Kanno then said:

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

The Chair so ordered.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1628, S.D. 2, and S.B. No. 1628, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 5 (Anderson, Chumbley, Fukunaga, Ige, D., Slom). Excused, 7 (Bunda, Fernandes Salling, Ige, M., Iwase, Metcalf, Solomon, Tanaka).

S.B. No. 147, S.D. 1, H.D. 1:

Senator Fukunaga moved that the Senate reconsider its action taken on April 10 1997, in disagreeing to the amendments proposed by the House to S.B. No. 147, S.D. 1, seconded by Senator Ihara and carried.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 147, S.D. 1, seconded by Senator Ihara.

Senator Fukunaga then explained:

"Mr. President, S.B. No. 147, S.D. 1, H.D. 1, is the bill that I referred to previously in which the House phases in the GET exemption for lease and sub-lease transactions at one-half percent a year for seven years. And that was one of the areas of highest priority in our tax package."

The motion was put by the Chair and carried.

On motion by Senator Fukunaga, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 147, S.D. 1, and S.B. No. 147, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Bunda, Fernandes Salling, Ige, M., Iwase, Solomon, Tanaka).

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

Senator Fukunaga moved that the Senate reconsider its action taken on April 10 1997, in disagreeing to the amendments proposed by the House to S.B. No. 623, S.D. 2, seconded by Senator Ihara and carried.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 623, S.D. 2, seconded by Senator Ihara.

Senator Fukunaga then noted:

"Mr. President, S.B. No. 623, S.D. 2, H.D. 1, is a bill which allows for the transfer of excess funds from the state highway fund to the general fund -- \$22,559,000 for fiscal '97; \$23.4 million for fiscal year '98; and \$24.2 million for fiscal '99."

The motion was put by the Chair and carried.

On motion by Senator Fukunaga, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 623, S.D. 2, and S.B. No. 623, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 2 (Anderson, Slom). Excused, 6 (Bunda, Fernandes Salling, Ige, M., Iwase, Solomon, Tanaka).

S.B. No. 843, S.D. 1, H.D. 2:

Senator Fukunaga moved that the Senate reconsider its action taken on April 10 1997, in disagreeing to the amendments proposed by the House to S.B. No. 843, S.D. 1, seconded by Senator Ihara and carried.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 843, S.D. 1, seconded by Senator Ihara.

Senator Fukunaga explained:

"Mr. President, S.B. No. 843, S.D. 1, H.D. 2, relates to small business taxation, and this was the small business loan guaranty measure. The House amendments specified the businesses qualifying for the credit, as well as clarifying that the credit is allowed in lieu of an income tax deduction, and revised the effective date."

The motion was put by the Chair and carried.

On motion by Senator Fukunaga, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 843, S.D. 1, and S.B. No. 843, S.D. 1,

H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Bunda, Fernandes Salling, Ige, M., Iwase, Solomon, Tanaka).

S.B. No. 938, S.D. 1, H.D. 1:

Senator Fukunaga moved that the Senate reconsider its action taken on April 10 1997, in disagreeing to the amendments proposed by the House to S.B. No. 938, S.D. 1, seconded by Senator Ihara and carried.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 938, S.D. 1, seconded by Senator Ihara.

Senator Fukunaga noted:

"Mr. President, S.B. No. 938, S.D. 1, H.D. 1, Relating to Non-resident Income Tax' was a relatively minor technical change. The House replaced 'part-time' to 'part-year' in the section heading to make it consistent with the rest of the paragraph."

The motion was put by the Chair and carried.

On motion by Senator Fukunaga, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 938, S.D. 1, and S.B. No. 938, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONRESIDENT INCOME TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Bunda, Fernandes Salling, Ige, M., Iwase, Solomon, Tanaka).

S.B. No. 1018, S.D. 1, H.D. 2:

Senator Fukunaga moved that the Senate reconsider its action taken on April 10 1997, in disagreeing to the amendments proposed by the House to S.B. No. 1018, S.D. 1, seconded by Senator Ihara and carried.

Senator Fukunaga then moved that the Senate agree to the amendments proposed by the House to S.B. No. 1018, S.D. 1, seconded by Senator Ihara.

Senator Fukunaga then noted:

"Mr. President, S.B. No. 1018, S.D. 1, H.D. 2, was our energy conservation tax credit. The House deleted the Senate provision for an increase in the energy conservation tax credit for solar energy systems from 35 percent to 50 percent. The ten-year provision retains the same amount of 35 percent."

The motion was put by the Chair and carried.

On motion by Senator Fukunaga, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1018, S.D. 1, and S.B. No. 1018, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Bunda, Fernandes Salling, Ige, M., Iwase, Solomon, Tanaka).

S.B. No. 1316, S.D. 2, H.D. 1:

Senator Fukunaga moved that the Senate reconsider its action taken on April 10 1997, in disagreeing to the amendments

proposed by the House to S.B. No. 1316, S.D. 2, seconded by Senator Ihara and carried.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 1316, S.D. 2, seconded by Senator Ihara.

Senator Fukunaga then explained:

"Mr. President, the final measure, S.B. No. 1316, S.D.2, H.D. 1, is the internal revenue code conformity bill. The House added two sections that would expand the timely filing and paying rule to allow delivery of a tax return by a private delivery service. The second change was to allow an individual to elect to file a joint income tax return after a separate return was previously filed without full payment of the amount shown as tax on the joint return."

The motion was put by the Chair and carried.

On motion by Senator Fukunaga, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1316, S.D. 2, and S.B. No. 1316, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Bunda, Fernandes Salling, Ige, M., Iwase, Solomon, Tanaka).

S.B. No. 1264, S.D. 1, H.D. 1:

Senator Chumbley moved that the Senate reconsider its action taken on April 10 1997, in disagreeing to the amendments proposed by the House to S.B. No. 1264, S.D. 1, seconded by Senator Matsunaga and carried.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 1264, S.D. 1, seconded by Senator Matsunaga.

Senator Chumbley noted:

"Mr. President, this measure allows the inclusion of fingerprints of juveniles taken into custody for all law violations rather than just status offenses. The House primarily made technical nonsubstantive changes and we consent to those."

The motion was put by the Chair and carried.

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1264, S.D. 1, and S.B. No. 1264, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Bunda, Fernandes Salling, Ige, M., Iwase, Solomon, Tanaka).

H.B. 1585, H.D. 2:

Senator Fukunaga, for the Committee on Ways and Means, requested that the referral to the Committee on Ways and Means be waived on H.B. 1585, H.D. 2, and the Chair granted the waiver.

Senator Chumbley moved that the Senate reconsider its action taken in adopting Stand. Com. Rep. No. 971, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that Stand. Com. Rep. No. 971 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley moved that H.B. No. 1585, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Chumbley noted:

"Mr. President, H.B. No. 1585, H.D. 2, simply clarifies which state and county agencies and programs are exempt from paying fees for services related to criminal history record information that is maintained by the Hawaii Criminal Justice Data Center."

The motion was put by the Chair and carried, H.B. No. 1585, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Bunda, Fernandes Salling, Ige, M., Iwase, Solomon, Tanaka).

RECONSIDERATION OF ACTIONS TAKEN AND ADOPTION OF RESOLUTIONS

Senator Fukunaga, for the Committee on Ways and Means, requested that the referral to the Committee on Ways and Means be waived on the following House concurrent resolutions:

H.C.R. No. 210;
H.C.R. No. 251, H.D. 1; and
H.C.R. No. 286, H.D. 1,

and the Chair granted the waiver.

H.C.R. No. 210:

Senator Ihara moved that the Senate reconsider its action taken on Stand. Com. Rep. No. 1738, seconded by Senator Slom and carried.

Senator Ihara then moved that Stand. Com. Rep. No. 1738 be received and placed on file, seconded by Senator Slom and carried.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.C.R. No. 210, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING AND URGING IMPLEMENTATION OF THE HAZARD MITIGATION PLAN DEVELOPED IN RESPONSE TO THE WAIANAE DISTRICT FLOODING," was adopted.

H.C.R. No. 251, H.D. 1:

Senator Ihara moved that the Senate reconsider its action taken on Stand. Com. Rep. No. 1753, seconded by Senator Slom and carried.

Senator Ihara moved that Stand. Com. Rep. No. 1753 be received and placed on file, seconded by Senator Slom and carried.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.C.R. No. 251, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN OUTRIGGER CANOE PADDLING PILOT PROJECT FOR HAWAII'S SECONDARY SCHOOLS," was adopted.

H.C.R. No. 286, H.D. 1:

Senator Ihara moved that the Senate reconsider its action taken on Stand. Com. Rep. No. 1734, seconded by Senator Slom and carried.

Senator Ihara moved that Stand. Com. Rep. No. 1734 be received and placed on file, seconded by Senator Slom and carried.

On motion by Senator Ihara, seconded by Senator Ihara and carried, H.C.R. No. 286, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO GIVE PRIORITY TO THE MAUKA HIGHWAY AS AN ALTERNATIVE HIGHWAY TO FARRINGTON HIGHWAY ON THE LEEWARD COAST," was adopted.

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

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

"This session we had a bill in regards to the library system whereby Mr. Bart Kane and Mr. John Penebacker introduced legislation for the Legislature to allocate money or allow them to collect fines. And basically, we kept the bill in house. The bill has died at this time. There's a rumor John Penebacker is going out and saying that the bill is still alive. I just want to make the announcement that the bill is dead. The bill is S.B. No. 1625, H.D. 2, Relating to the State Library System.

"What happened is this. The state librarian has made a contract with a collection agency in terms of a certain fee amount. He in turn after signing the contract came to us with legislation asking that we allow him the permission to collect library fines in addition to the collection fee contract. We found it was undue justice in terms of the public who are paying for their past-due books and also to, if I may, we don't want to re-incur another Baker & Taylor contract whereby after the fact we come out with legislation. We find that Mr. Bart Kane should deal with everything on the table, upright, rather than behind the scenes, and then try to create problems for us in the Legislature.

"So in essence, this bill is dead. I'm glad it's dead. So, Mr. Bart Kane and Mr. John Penebacker, your attempt to fool us is dead.

"Thank you."

ADJOURNMENT

At 6:39 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 10:00 o'clock a.m., Thursday, May 1, 1997.

ATTACHMENT "I"

TESTIMONY OF THE STATE ATTORNEY GENERAL AND
PROSECUTORS AND POLICE CHIEFS
OF THE CITY AND COUNTY OF HONOLULU,
AND THE COUNTIES OF HAWAII, KAUAI, AND MAUI

H.B. NO. 1604, H.D. 1

RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS

The Honorable Chairpersons and Members:

The Law Enforcement Coalition, which consists of the Attorney General, and the four county police chiefs and prosecutors, strongly supports the Senate version of this bill (S.B. No. 286, S.D. 2). Although we support certain portions of this bill, we recommend the bill be changed back to the original language proposed by the Law Enforcement Coalition.

The purpose of this bill as originally drafted was to provide for all prisoners to serve at least 85% of their felony prison sentences before becoming eligible for parole. The original bill would also have allowed judges more discretion in setting maximum sentences. However, as revised, the bill's purpose appears to be to enhance penalties for only a very small number of enumerated crimes.

We respectfully disagree with the changes made by the House to the Law Enforcement Coalition's version of the bill (H.B. No. 1604). Unlike the Senate version, the House version (H.B. No. 1604, H.D. 1) would make "truth in sentencing" applicable only to murder, manslaughter, assault, robbery and Sexual Assault in the First Degree (not Sexual Assault II or III). Therefore we urge this committee to replace the contents of this bill with the contents of S.B. No. 286, S.D. 2, because the Law Enforcement Coalition unanimously supports the Senate version which applies to all crimes. The Law Enforcement Coalition unanimously opposes the changes made to H.B. No. 1604.

While we appreciate the work done by the House to address sentencing issues in H.B. No. 1604, H.D. 1, some of the changes made to the enhanced sentencing provisions of the original bill appear to have been done in haste. For example, under the House version, if a judge sentences a rapist to 20 years, the rapist would have to serve at least 17 years. But if the victim was disabled, the rapist would have to be released after 11 years, one month instead of 17 years!

The Senate version deals with crime more comprehensively and leaves it to the judge to give appropriately harsh sentences in the case of violent criminals. Under current law, the sentencing judge decides only whether the defendant will be granted probation or sent to prison. If the decision is to send the defendant to prison, the sentencing judge must sentence the defendant to 20 years in prison for class A felonies, 10 years in prison for class B felonies, or 5 years in prison for class C felonies. What is generally not known by the public is that these figures bear very little relation to the time the prisoner will actually spend in prison.

For instance, from 1991 until 1995, the average amount of time actually spent in prison by those who were sentenced to a 20 year prison sentence was approximately 5 and one-half years. The huge disparity between the number of years to which a defendant is sentenced and the number of years the defendant actually serves outrages victims and causes a general lack of respect for the criminal justice system. The Senate version of this bill would require all those sentenced to prison in Hawaii to serve at least 85% of their sentence before becoming eligible for parole. The House version, as previously stated would be limited to a very narrow category of crimes, leaving the vast majority of crimes to be sentenced in the same inadequate way as they are currently sentenced.

The original version of this bill was to make sure that those defendants who deserve prison sentences are not released before they should be, and to provide the public with more accurate information on how long a prisoner will actually be incarcerated. As amended by the House, however, this bill would only accomplish that goal for a fraction of the felonies committed in Hawaii. It would actually reduce penalties for the vast majority of felons in Hawaii. It would also give property criminals and drug criminals the benefit of reduced sentences without giving the victim (and society) the benefit of knowing that those criminals

sentenced for crimes serious enough to justify prison sentences will serve 85% of the sentence given. Hawaii has one of the highest property crime rates in the country. Taking it easy on property criminals, drug criminals, and rapists convicted of class B and class C felony sexual assaults fails to address the greatest problems that we face.

We respectfully request your support for the original version of H.B. 1604, a joint proposal by the Law Enforcement Coalition and the Department of the Attorney General. Every chief of police in Hawaii, every prosecutor in Hawaii, and the Attorney General request that you amend this bill to its original form. Thank you for the opportunity to testify in support of this bill.