

FIFTY-EIGHTH DAY

Thursday, April 30, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Eijo Ikenaga, Honolulu Myohoji Mission, after which the Roll was called showing all Senators present.

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

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 433 to 436) were read by the Clerk and were placed on file:

Hse. Com. No. 433, returning S.C.R. No. 47, which was adopted by the House of Representatives on April 28, 1998.

Hse. Com. No. 434, returning S.C.R. No. 157, S.D. 1, which was adopted by the House of Representatives on April 28, 1998.

Hse. Com. No. 435, informing the Senate that the House, on April 28, 1998, reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House bills and has on April 29, 1998, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 2437, H.D. 1, S.D. 1;
H.B. No. 2935, S.D. 1;
H.B. No. 2957, H.D. 2, S.D. 1;
H.B. No. 2967, H.D. 1, S.D. 1;
H.B. No. 3059, S.D. 1;
H.B. No. 3130, H.D. 1, S.D. 1;
H.B. No. 3252, S.D. 1; and
H.B. No. 3489, H.D. 2, S.D. 2.

Hse. Com. No. 436, returning S.B. No. 2775, S.D. 1, which passed Third Reading in the House of Representatives on April 29, 1998.

CONFERENCE COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2770, S.D. 2, presented a report (Conf. Com. Rep. No. 2) recommending that S.B. No. 2770, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2 and S.B. No. 2770, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," was deferred for a period of 48 hours.

Senator Aki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3367, H.D. 1, presented a report (Conf. Com. Rep. No. 52) recommending that H.B. No. 3367, 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. 52 and H.B. No. 3367, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH TOURISM," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by

the Senate to H.B. No. 2443, H.D. 2, presented a report (Conf. Com. Rep. No. 53) recommending that H.B. No. 2443, H.D. 2, 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. 53 and H.B. No. 2443, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY ENCROACHMENT," was deferred for a period of 48 hours.

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. 2778, presented a report (Conf. Com. Rep. No. 54) recommending that H.B. No. 2778, 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. 54 and H.B. No. 2778, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3534) recommending that the Senate advise and consent to the nominations of the following:

RANDOLPH B. AHLO and TED CANDIA to the State Boxing Commission of Hawai'i, in accordance with Gov. Msg. No. 194;

LESLIE ISEMOTO and ALVIN T. KOBAYASHI to the Contractors License Board, in accordance with Gov. Msg. No. 226; and

MILTON N. HIGA and DENNIS KUWABARA, O.D., to the Board of Examiners in Optometry, in accordance with Gov. Msg. No. 235.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3534 and Gov. Msg. Nos. 194, 226 and 235 was deferred until Friday, May 1, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3535) recommending that the Senate advise and consent to the nomination of DENNIS R. YAMADA to the Public Utilities Commission, in accordance with Gov. Msg. No. 211.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3535 and Gov. Msg. No. 211 was deferred until Friday, May 1, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3536) recommending that the Senate advise and consent to the nominations of the following:

NICHOLAS JOHN GLADDIS, RICHARD DE JOURNETT, M.D., and MARY E. C. OYADOMARI to the Radiologic Technology Board, in accordance with Gov. Msg. No. 212; and

GARY T. NISHIKAWA and BRIAN M. IWATA to the State Board of Public Accountancy, in accordance with Gov. Msg. No. 223.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3536 and Gov. Msg. Nos. 212 and 223 was deferred until Friday, May 1, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3537) recommending that the Senate advise and consent to the nominations of the following:

BARBARA M. KOKUBUN, MILTON Y. MIGITA, KENNETH R. JOYNER, LANCE M. MARUGAME, RICHARD Y. MITSUMORI, EDNA H. KANO and ELAINE K. KIMURA to the State Board of Barbering and Cosmetology, in accordance with Gov. Msg. No. 224;

LELAND M. GLASER and DAVID BOBACK to the Elevator Mechanics Licensing Board, in accordance with Gov. Msg. No. 230; and

ROY T. OZAKI and STUART C. LAU to the Motor Vehicle Repair Industry Board, in accordance with Gov. Msg. No. 234.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3537 and Gov. Msg. Nos. 224, 230 and 234 was deferred until Friday, May 1, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3538) recommending that the Senate advise and consent to the nominations of the following:

HERBERT K. ENDO to the Board of Osteopathic Examiners, in accordance with Gov. Msg. No. 236;

TIMOTHY F. OLDERR, M.D., to the Board of Physical Therapy, in accordance with Gov. Msg. No. 238; and

GEORGE FREITAS and GUY H. KAULUKUKUI, Ph.D., to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 239.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3538 and Gov. Msg. Nos. 236, 238 and 239 was deferred until Friday, May 1, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3539) recommending that the Senate advise and consent to the nominations of the following:

ANGELINA E. RAMOS and JOHN WILLIAM SZABO to the Board of Pharmacy, in accordance with Gov. Msg. No. 237;

GREGORY S. ENDO, SAM FAILLA and JUNE UYEHARA-ISONO to the Board of Electricians and Plumbers, in accordance with Gov. Msg. No. 277; and

VICKI VON STROHEIM-SEAY to the Board of Massage Therapy, in accordance with Gov. Msg. No. 281.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3539 and Gov. Msg. Nos. 237, 277 and 281 was deferred until Friday, May 1, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3540) recommending that the Senate advise and consent to the nominations of the following:

ROGER S. HAMADA, Ph.D., and LESTER K. M. LEU to the Board of Psychology, in accordance with Gov. Msg. No. 240;

AIMEE ANDERSON and HERBERT M. RICHARDS III to the Board of Veterinary Examiners, in accordance with Gov. Msg. No. 241; and

CHARLES H. AKI, MICHAEL G. CHING, ALFREDO G. EVANGELISTA and IRIS R. OKAWA to the Real Estate Commission, in accordance with Gov. Msg. No. 266.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3540 and Gov. Msg. Nos. 240, 241 and 266 was deferred until Friday, May 1, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3541) recommending that the Senate advise and consent to the nominations of the following:

RUSSELL Y. J. CHUNG, LAUREL MAU NAHME, MIKE Y. MIURA, GARY B. K. T. LEE and KEN K. HAYASHIDA to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, in accordance with Gov. Msg. No. 308;

CULLEN T. HAYASHIDA, Ph.D., GREGORY PARK, M.D., and JAMES S. TSUJI, M.D., to the Board of Medical Examiners, in accordance with Gov. Msg. No. 313; and

ROWENA TACHIBANA, L.P.N., JUNE M. HIRAKI, R.N., NAOMI MASUDA, JOANNE ITANO, Ph.D., and VALISA SAUNDERS, M.N., to the State Board of Nursing, in accordance with Gov. Msg. No. 315.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3541 and Gov. Msg. Nos. 308, 313 and 315 was deferred until Friday, May 1, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3542) recommending that the Senate advise and consent to the nominations of JAMES S. CORREA, RICHARD M. IGA, TRINETTE P. KAUI and DAVID M. JORGENSEN to the State Highway Safety Council, in accordance with Gov. Msg. No. 264.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3542 and Gov. Msg. No. 264 was deferred until Friday, May 1, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3543) recommending that the Senate advise and consent to the nominations of WALTER Y. ARAKAKI, NORMAN K. TSUJI, WILLIAM H. CROZIER III, and EDWARD Y. HIRATA to the Commission on Transportation, in accordance with Gov. Msg. No. 318.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3543 and Gov. Msg. No. 318 was deferred until Friday, May 1, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3544) recommending that the Senate advise and consent to the nomination of SAMI LEIALOHA BOTELHO to the Advisory Board on Veterans Services, in accordance with Gov. Msg. No. 320.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3544 and Gov. Msg. No. 320 was deferred until Friday, May 1, 1998.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3545) recommending that the Senate advise and consent to the nominations of M. CASEY JARMAN, MERLE A. K. KELAI, PRAVIN DESAI and AIA ASID to the Land Use Commission, in accordance with Gov. Msg. No. 298.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3545 and Gov. Msg. No. 298 was deferred until Friday, May 1, 1998.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3546) recommending that the Senate advise and consent to the nomination of DAVID M. LOUIE to the Board of Directors, Aloha Tower Development Corporation, in accordance with Gov. Msg. No. 306.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3546 and Gov. Msg. No. 306 was deferred until Friday, May 1, 1998.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3547) recommending that the Senate advise and consent to the nominations of the following:

ROGER HARRIS to the Island Burial Council, Island of Hawai'i, in accordance with Gov. Msg. No. 293;

GRACE H. KAMAI, B. KAIPO AKANA, TOM H. SHIGEMOTO and BARBARA J. SAY to the Island Burial Council, Islands of Kauai and Niihau, in accordance with Gov. Msg. No. 294;

WILLIAM WAIOHU JR., CHARLES K. MAXWELL SR., and CLIFFORD JAMES NAE'OLE to the Island Burial Council, Islands of Maui and Lanai, in accordance with Gov. Msg. No. 295;

PHILIP SOLATORIO and LOUELLA OPU'ULANI W. ALBINO to the Island Burial Council, Island of Molokai, in accordance with Gov. Msg. No. 296; and

GWENDOLYN Y. PIKAKE PELEKAI, CAROLYN K. ABAD, CY M. BRIDGES, KALEIKOA KAEO and EDWARD H. AYAU to the Island Burial Council, Island of Oahu, in accordance with Gov. Msg. No. 297.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3547 and Gov. Msg. Nos. 293, 294, 295, 296 and 297 was deferred until Friday, May 1, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3548) recommending that the Senate consent to the nomination of ARTEMIO C. BAXA to the office of 2nd Judge, Circuit Court of the Second Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 327.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3548 and Gov. Msg. No. 327 was deferred until Friday, May 1, 1998.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3549) recommending that the Senate advise and consent to the nominations of LESLIE Y. KURISAKI, CRAIG K. HIRAI, RICHARD C. LIM, BETTY LOU LARSON and STEPHEN K. KAWAHARA, to the Rental Housing Trust Fund Advisory Commission, in accordance with Gov. Msg. No. 267.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3549 and Gov. Msg. No. 267 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3550) recommending that the Senate advise and consent to the nominations of KENNETH L. TANO and VERONICA B. YAMANOHA to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, in accordance with Gov. Msg. No. 254.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3550 and Gov. Msg. No. 254 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3551) recommending that the Senate advise and consent to the nomination of GERI MARULLO to the Statewide Health Coordinating Council, in accordance with Gov. Msg. No. 257.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3551 and Gov. Msg. No. 257 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3552) recommending that the Senate advise and consent to the nominations of DANIEL A. BARRETTO, ROBERT Y. HEE, MARIAN G. MARSH, LANE K. UCHIMURA and STELLA M. Q. WONG to the Honolulu Subarea Health Planning Council, in accordance with Gov. Msg. No. 258.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3552 and Gov. Msg. No. 258 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3553) recommending that the Senate advise and consent to the nominations of ALAN ARAKAWA, LAURIE A. B. OISHI and JOHN V. SCHLEIF to the West Oahu Subarea Health Planning Council, in accordance with Gov. Msg. No. 259.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3553 and Gov. Msg. No. 259 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3554) recommending that the Senate advise and consent to the nominations of JOHN E. AOKI, M.D., CLIFTON C. CASSITY, GREGG OISHI and MELODY S. FANNING to the Windward Oahu Subarea Health Planning Council, in accordance with Gov. Msg. No. 260.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3554 and Gov. Msg. No. 260 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3555) recommending that the Senate advise and consent to the nominations of KENNETH VILLABRILLE, ABEL MEDEIROS, JOSEPHINE C. DUVAUCHELLE and KALEINANI M. LARSEN to the Kauai County Subarea Health Planning Council, in accordance with Gov. Msg. No. 262.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3555 and Gov. Msg. No. 262 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep.

No. 3556) recommending that the Senate advise and consent to the nominations of JOHN ORNELLAS, CATHERINE NOBRIGA KIM, THOMAS ALBETE, GLENN S. IZAWA, KATHLEEN L. STREET, GUY M. SUGINO, M.D., SARAJEAN A. TOKUNAGA, ANN K. TAKAKURA and CHERYL C. GARCIA to the Maui County Subarea Health Planning Council, in accordance with Gov. Msg. No. 263.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3556 and Gov. Msg. No. 263 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3557) recommending that the Senate advise and consent to the nominations of KENNETH T. ISHIZAKI and LEWIS CURTIS TINDALL to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, in accordance with Gov. Msg. No. 272.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3557 and Gov. Msg. No. 272 was deferred until Friday, May 1, 1998.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3558) recommending that the Senate advise and consent to the nominations of DON FUJIMOTO, NADINE K. NAKAMURA, KURT H. MITCHELL, DONALD K. W. LAU and WESLEY R. SEGAWA to the Board of Directors, Housing and Community Development Corporation of Hawai'i, in accordance with Gov. Msg. No. 265.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3558 and Gov. Msg. No. 265 was deferred until Friday, May 1, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3559) recommending that the Senate advise and consent to the nominations of LYN A. PASAK, LINDA WONG, RANDALL M. LICHTER, MICHAEL S. FLORES, ROY GLEN THOMAS and CARRICK WONG to the Statewide Independent Living Council, in accordance with Gov. Msg. No. 312.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3559 and Gov. Msg. No. 312 was deferred until Friday, May 1, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3560) recommending that the Senate advise and consent to the nominations of MARK Y. YABUI, LILLIAN Y. SHIBATA, STERLING KRYSLER, CHARLES E. CONANT, MARY ANN DEVORE, KIMBERLY BALANON, LOURDES P. MUGAS, SHARON SHORE, MARGUERITE SIVAK and ANNA MARIE SPRINGER to the State Advisory Council on Rehabilitation, in accordance with Gov. Msg. No. 316.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3560 and Gov. Msg. No. 316 was deferred until Friday, May 1, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3561) recommending that the Senate advise and consent to the nominations of MARY JO SWEENEY, EDEAN V. KAM and VALLI KANUHA to the State Commission on the Status of Women, in accordance with Gov. Msg. No. 321.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3561 and Gov. Msg. No. 321 was deferred until Friday, May 1, 1998.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM WEDNESDAY, APRIL 29, 1998

S.C.R. No. 9, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 9, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," was deferred until Friday, May 1, 1998.

S.C.R. No. 25 (H.D. 1):

By unanimous consent, action on S.C.R. No. 25, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF PROFESSIONAL MENTAL HEALTH COUNSELORS AND PROFESSIONAL REHABILITATION COUNSELORS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was deferred until Friday, May 1, 1998.

S.C.R. No. 34, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 34, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER," was deferred until Friday, May 1, 1998.

S.C.R. No. 48, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 48, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR EARLY INTERVENTION SERVICES," was deferred until Friday, May 1, 1998.

S.C.R. No. 59, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 59, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," was deferred until Friday, May 1, 1998.

S.C.R. No. 71, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 71, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPORT AN AIRCRAFT CARRIER AT PEARL HARBOR, HAWAII," was deferred until Friday, May 1, 1998.

S.C.R. No. 81, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 81, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENTS OF TRANSPORTATION, ACCOUNTING AND GENERAL SERVICES, AND LAND AND NATURAL RESOURCES TO REQUIRE PRIVATE CONTRACTORS TO HAUL AWAY GREEN WASTE TO COMPOSTING COMPANIES AND ENCOURAGING STATE AGENCIES AND DEPARTMENTS TO PURCHASE HAWAII-MANUFACTURED COMPOST AND SOIL AMENDMENT IN BULK," was deferred until Friday, May 1, 1998.

S.C.R. No. 90, S.D. 1 (H.D. 1):

FINAL READING

By unanimous consent, action on S.C.R. No. 90, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DIRECT THE ATTORNEY GENERAL TO REEVALUATE THE BASIS FOR THE FINAL JUDGMENT AND CONSENT DECREE REGARDING TEXACO INCORPORATED AND SHELL OIL COMPANY AND APPLY TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII TO MODIFY OR COMPLETELY WITHDRAW FROM THAT CONSENT DECREE," was deferred until Friday, May 1, 1998.

S.C.R. No. 121, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 121, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE NEGOTIATED SETTLEMENT TO BE FILED IN THE FEDERAL DISTRICT COURT OF PROVIDENCE, RHODE ISLAND FOR THE REPATRIATION OF THE SACRED KI'I LA'AU," was deferred until Friday, May 1, 1998.

S.C.R. No. 137, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 137, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONSIDER THE PROPOSALS OF THE ECONOMIC REVITALIZATION TASK FORCE THAT ALL PUPILS GRADUATING FROM HIGH SCHOOL BEGINNING WITH THE 2000 SCHOOL YEAR SHALL BE COMPETENT IN LANGUAGES OTHER THAN ENGLISH AND SHALL ALSO BE COMPUTER LITERATE," was deferred until Friday, May 1, 1998.

S.C.R. No. 153, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 153, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON EXISTING REGULATIONS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA," was deferred until Friday, May 1, 1998.

S.C.R. No. 154 (H.D. 1):

By unanimous consent, action on S.C.R. No. 154, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE REASONS WHY GASOLINE PRICES CONTINUE TO REMAIN SIGNIFICANTLY HIGHER THAN MAINLAND PRICES," was deferred until Friday, May 1, 1998.

S.C.R. No. 190, S.D. 1 (H.D. 2):

By unanimous consent, action on S.C.R. No. 190, S.D. 1, H.D. 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND THE CITY AND COUNTY OF HONOLULU TO ESTABLISH A BANNER WELCOME PROGRAM FOR THE STREET LAMPPOSTS FRONTING THE HAWAII CONVENTION CENTER MAIN ENTRANCE," was deferred until Friday, May 1, 1998.

S.C.R. No. 200, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 200, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO PROMPTLY REVIEW MATERIAL RELEVANT TO THE 'LAP DANCING' CASES AND EXERCISE APPROPRIATE REMEDIAL OPTIONS," was deferred until Friday, May 1, 1998.

S.B. No. 1310, S.D. 1, H.D. 2:

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. 1310, S.D. 1, and S.B. No. 1310, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2025, S.D. 2, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Tanaka and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2025, S.D. 2, and S.B. No. 2025, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2026, S.D. 1, H.D. 1:

On motion by Senator Taniguchi, seconded by Senator Tanaka and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2026, S.D. 1, and S.B. No. 2026, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS INNOVATION RESEARCH GRANTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3024, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 3024, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," was deferred until Tuesday, May 5, 1998.

S.B. No. 3025, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 3025, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL," was deferred until Tuesday, May 5, 1998.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3530 (Gov. Msg. Nos. 243 and 299):

Senator Aki moved that Stand. Com. Rep. No. 3530 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 Board of Regents, University of Hawai'i, of the following:

CHARLES NAINOA THOMPSON, term to expire June 30, 1999 (Gov. Msg. No. 243);

WAYNE KAHO'ONEI PANOKE, term to expire June 30, 1999 (Gov. Msg. No. 299); and

EVERETT R. DOWLING and WILLIAM C. BERGIN, D.V.M., MS, terms to expire June 30, 2002 (Gov. Msg. No. 299),

seconded by Senator Tam.

Senator Aki rose in support of Gov. Msg. Nos. 243 and 299 as follows:

"Mr. President and members of the Senate, I rise today to speak on behalf of Gov. Msg. Nos. 243 and 299.

"Your Committee on Education reviewed the qualifications of the four nominees and found all to be well qualified. Each will bring expertise, experience and vision to the University of Hawaii as it enters into the 21st century. Each is well aware of the challenges ahead, more so now because this Legislature is on the verge of giving our only public institution of higher learning greater autonomy and flexibility. I believe that with good leaders and greater autonomy we can see better things to come in the future.

"The first nominee is Mr. Charles Nainoa Thompson. Mr. Thompson is well known. He has navigated the Pacific Ocean in the voyaging canoe Hokule'a. Now we ask him to lead our university into the 21st century. Our second nominee is Mr. Wayne Kaho'one Panoke. Wayne will be the first student regent with full voting rights on the Board of Regents. Our third nominee is Dr. William Bergin. Dr. Bergin is a veterinarian on the Island of Hawaii. Our final nominee is Mr. Everett R. Dowling. Mr. Dowling is president of a Maui-based real estate company.

"In closing, I ask that all members of this body vote in favor. Thank you."

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

"Mr. President, I rise to speak in support of the two Governor's Messages.

"I would just like to say that Nainoa Thompson and Wayne Panoke are two very qualified individuals who I believe will add a lot of value and diversity to the University."

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

Senator Anderson rose in support of nominee Bergin as follows:

"Mr. President, since no one said anything about Mr. Bergin, I'd like to say something about the honoree. I've known Mr. Bergin for at least 20-some-odd years. He has a very good business in Waimea. He is a veterinarian, very well respected. And I believe that he will be a real asset as a regent to the University of Hawaii. He's a fine man and has a great family. I just thought I'd like to say a few words in support of Mr. Bergin."

Senator Solomon also rose in support of Dr. Bergin and said:

"Mr. President, I would like to echo the remarks of the previous speaker. I was going to stand and ask my colleagues to support Billy Bergin's nomination. The man is very well qualified. He has served the District of West Hawaii well in many capacities, not just being a veterinarian but also in many community activities. He would be a very good representative for us.

"Thank you."

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

Ayes, 25. Noes, none.

At this time Senator Aki introduced Mr. Wayne Panoke, who was seated in the gallery.

Senator Baker then introduced Mr. Everett Dowling, who was also in the gallery.

Stand. Com. Rep. No. 3531 (Gov. Msg. No. 307):

Senator Aki moved that Stand. Com. Rep. No. 3531 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 of JOHN M. HARA, PAULA ZOE HELFRICH and RONALD E. BRIGHT to the State Foundation on Culture and the Arts, terms to expire June 30, 2002, 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. 3532 (Gov. Msg. No. 317):

Senator Aki moved that Stand. Com. Rep. No. 3532 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 of SHIGEO IWAMOTO and BRIAN T. TAMAMOTO to the Board of Directors, Research Corporation of the University of Hawai'i, terms to expire June 30, 2002, 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. 3533 (Gov. Msg. No. 232):

By unanimous consent, action on Stand. Com. Rep. No. 3533 and Gov. Msg. No. 232 was deferred until Friday, May 1, 1998.

At 12:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:39 o'clock p.m.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2334, S.D. 1 (H.D. 1):

Senator D. Ige moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 2334, S.D. 1, seconded by Senator Metcalf and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2334, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, the House had made technical, nonsubstantive amendments to this bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2334, S.D. 1, and S.B. No. 2334, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," was placed on the calendar for Final Reading on Friday, May 1, 1998.

S.B. No. 2619, S.D. 1 (H.D. 1):

Senator D. Ige moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments

proposed by the House to S.B. No. 2619, S.D. 1, seconded by Senator Metcalf and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2619, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, the House had made technical, nonsubstantive amendments to this bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2619, S.D. 1, and S.B. No. 2619, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR TRADE REGULATIONS," was placed on the calendar for Final Reading on Friday, May 1, 1998.

S.B. No. 2805, S.D. 1 (H.D. 1):

Senator D. Ige moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 2805, S.D. 1, seconded by Senator Metcalf and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2805, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Again, the House amendments made were technical and nonsubstantive in nature."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2805, S.D. 1, and S.B. No. 2805, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS FROM THE PUBLIC UTILITIES COMMISSION," was placed on the calendar for Final Reading on Friday, May 1, 1998.

S.B. No. 2822, S.D. 1 (H.D. 1):

Senator D. Ige moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 2822, S.D. 1, seconded by Senator Metcalf and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2822, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, the House made technical, nonsubstantive amendments to this bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2822, S.D. 1, and S.B. No. 2822, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEMON LAW DISCLOSURE COMPLIANCE," was placed on the calendar for Final Reading on Friday, May 1, 1998.

S.B. No. 2829 (H.D. 1):

Senator D. Ige moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 2829, seconded by Senator Metcalf and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2829, seconded by Senator Metcalf.

Senator D. Ige noted:

"Again, the House amendments made were technical and nonsubstantive in nature."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2829 and S.B. No. 2829, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIRS," was placed on the calendar for Final Reading on Friday, May 1, 1998.

S.B. No. 2842 (H.D. 1):

Senator D. Ige moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 2842, seconded by Senator Metcalf and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2842, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, the House had made technical, nonsubstantive amendments to this bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2842 and S.B. No. 2842, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL MALPRACTICE UNDERWRITING PLAN," was placed on the calendar for Final Reading on Friday, May 1, 1998.

S.B. No. 3018 (H.D. 1):

Senator D. Ige moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 3018, seconded by Senator Metcalf and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 3018, seconded by Senator Metcalf.

Senator D. Ige noted:

"Again, all the House amendments made were technical and nonsubstantive in nature."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3018 and S.B. No. 3018, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," was placed on the calendar for Final Reading on Friday, May 1, 1998.

S.B. No. 3141, S.D. 1 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 6, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 3141, S.D. 1, seconded by Senator Fukunaga and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 3141, S.D. 1, seconded by Senator Fukunaga.

Senator Baker noted:

"Mr. President, the purpose of this bill is to relieve general contractors of their subcontractors' general excise tax liability. The House amendment simply restored this measure to the form in which it was introduced as S.B. No. 3141. We believe this measure is consistent with our effort to assist small businesses

and reduce government regulations. The industry has indicated a willingness to continue to work with the Department of Taxation to ensure that appropriate reporting information is made available.

"I urge my colleagues to support this measure."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3141, S.D. 1, and S.B. No. 3141, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TAXATION," was placed on the calendar for Final Reading on Friday, May 1, 1998.

RECALL OF HOUSE BILL 2973

Senator Aki rose and said:

"Mr. President, fellow Senators, I rise here today, with regret, to ask that we as a Senate body bring forth H.B. 2973, H.D. 2, and I take this time to make a motion to remove H.B. 2973 from the Committee on Health."

Senator Aki moved to recall H.B. No. 2973, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARTIAL-BIRTH ABORTIONS," from the Committee on Health and Environment, pursuant to Senate Rule 51, seconded by Senator Slom.

The President inquired:

"Mr. Clerk, have 20 days elapsed since H.B. No. 2973, H.D. 2, was referred to committee?"

The Clerk replied:

"Mr. President, H.B. No. 2973, H.D. 2, was referred to the Committee on Health and Environment on March 13, 1998. The required number of days have elapsed since referral."

The President then stated:

"The Chair will provide for limited debate to allow the movant to state the reason for the motion to recall."

Senator Aki then explained:

"Mr. President, sufficient time has passed. This bill came over from the House on March 13, 1998. This bill, for the members of the Senate, prohibits a partial-birth abortion procedure after the 19th week of pregnancy. This bill is supported by many concerned groups and individuals, including several religious organizations. Mr. President, this bill is necessary. Our society needs to be governed by laws of common decency and a respect for life.

"I urge all members to vote in favor of this motion."

The motion to recall H.B. No. 2973, H.D. 2, from the Committee on Health and Environment was then put by the Chair and carried by Roll Call vote on the following showing of Ayes and Noes:

Ayes, 9. Noes, 16 (Baker, Chumbley, Chun Oakland, Fernandes Salling, Fukunaga, Ige, D., Ihara, Kanno, Kawamoto, Levin, Matsunaga, McCartney, Metcalf, Mizuguchi, Tam, Taniguchi).

The Chair then made the following observation:

"House Bill 2973, H.D. 2, is recalled and is accordingly in possession of this body."

Senator McCartney then moved that H.B. No. 2973, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading, seconded by Senator Ihara.

Senator Levin rose in opposition to the motion and said:

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

"I'd like to start by expressing my admiration for those such as the Senator from Waianae, such as the Republican Floor Leader, who are here expressing their deep and heartfelt views in support of this motion. Although I cannot agree with their position, I believe they take their positions with dedication and sincere belief, and I respect that.

"On the merits, Mr. President, upon hearing a description of partial-birth abortion, I think that one cannot help but be moved. At the same time, I think that we cannot help but be moved by the plight of the woman who is faced with an enormously difficult, heart wrenching decision that will severely impact either her life or her health, or both. Partial-birth abortion is described by the various parties as a gruesome procedure. So, I expect, most people would find open heart surgery, or organ transplants -- they're all gruesome. The question is whether the bill before us is a good bill.

"It was my position, as co-chair of the Health Committee, not to have a hearing on the bill, and I take full responsibility for that.

"The bill as it came to us was defective, in my opinion, for many reasons. Let me focus on just one, and that is the fact that the bill as presented to us, and is now on the floor, would only protect the life of the mother. It specifically excludes, and is intended to exclude, any consideration of the health of the mother. The Senate explored the possibility of dealing with this issue by protecting both the life and health of the mother. The advocates of the bill were not interested in working on that as a possible solution.

"We have here on this floor lawyers, ranchers, university professors, business people, teachers, insurance men, people from many walks of life. We sit here in our sublime comfort and propose to decide for all women, for all time, that they should not have the benefit of the best advice from the physician of their choice, when faced with this enormously difficult decision. If you have the hubris to believe that sitting here we can make that decision for all people for all time, then you should vote for this measure. But if you do not believe that you can do that -- and I can't imagine that we can do that -- I urge you to vote 'no.'

"Thank you."

Senator Slom rose in support and said:

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

"Mr. President, I don't pretend to have all the answers or know all the answers. I think that's why we have a procedure called open debate and open hearings, and I think that's the purpose. And if we were to limit our discussions to only good bills or non-defective measures, then we could save ourselves about 3,995 bills per year here. The idea is to have hearings and let people come together in open and full debate, to let them argue the issues, to take an imperfect measure of whatever substance and to craft a good measure.

"I think that most people usually associate me with talking about bills and measures that have to do with taxation and business and economics. But there are other things in life besides business and taxation and economics. And at times, you're called upon to take a position and to stand up. And really, a lot of people said, well, it takes courage to take this position or that position. It's not a question of courage, Mr. President; it's a question of doing what's right. And what's right is to hold hearings on bills, to allow people to come forward and discuss those bills. And for one, two or three people to decide ahead of time that a particular bill is too controversial or that a particular bill is not perfect, or a

particular bill should not be heard, I think destroys the very substance and the foundation of our democracy and, certainly, this body the State Senate.

"I think it is very difficult to ask members to stand up and to call for a vote on a procedure that has not been done very frequently in this body before, and that is to take something out of a committee. But I think one of the things that we're debating in the community right now is just how powerful Legislators and committee chairs should be and, conversely, what kind of respect the public should expect from the people that they vote for and pay for and hire, and who are to represent them.

"There is no guarantee that this bill will come out in a final measure that will be acceptable to people. There is no guarantee that there is a panacea either from this body or from the body across the way. But again I think that the real issue is to allow people to be heard. And obviously, people are very passionate and have something to say about this issue. For years I have been very frustrated because bills that have dealt with important economic issues like privatization or workers' compensation have been bottled up by one or two members in a 76-member body. I wish that my colleagues would get as interested and passionate about those bills. I wish the public would do so too. But obviously this is the public's issue and they want to be heard.

"There has been discussion that this so-called procedure, and by the way I think it's . . . when we call this a procedure, something that's monstrous and horrific and a murder, I think we're letting people off easy. The idea is that we talk about this very cavalierly as being a procedure, and then people say that we didn't need a hearing because this procedure is not practiced in Hawaii. There were a lot of so-called procedures that at one point in time were not practiced in Hawaii, but now are a part of our law. Philosophically, I would not want the government to be involved in any shape or form in business, in medicine, the professions, or anything else. But unfortunately, we have thrust government into that role. Every single day we debate bills that will further regulate and tell people what they can and cannot do. And so once government is involved, then we must be able and free to discuss any issue without fear.

"We come in here everyday and we start out with a prayer. Reverend Ikenaga, this morning, told us to call upon divine guidance and wisdom, and I think that's what each of us has to do. It's too bad that once we leave this room that we're not allowed to talk about God or deity or many other things. But in this room we should have the freedom and the courage to talk about anything, and to allow members of the public to have their day and say this. And that's what this is all about, not specifically whether this particular version is a good measure or a bad measure. So I would urge my colleagues to vote 'yes' to allow full and open debate to occur on this issue.

"Thank you, Mr. President."

Senator Chumbley rose in opposition and said:

"Mr. President, as co-chairman of the Judiciary Committee, I feel compelled to rise to speak in opposition to this measure.

"Mr. President and colleagues, this bill as currently drafted is unconstitutional both under our federal and state constitutions. Each of us, when we undertook our responsibilities as members of the legislative branch, swore to support and defend the Constitution of the United States and the Constitution of the State of Hawaii. It follows that we should know what is required of us as legislators, under the federal and state constitutions, regardless of public opinion or our own personal beliefs.

"On abortion, *Roe v. Wade* remains the seminal decision of the United States Supreme Court, setting forth federal constitutional requirements and protections. These have been

refined and reiterated in subsequent decisions, most notably in *Planned Parenthood v. Casey* (1992), but the basis remains the same.

"Essentially, the law of our land is that a woman may choose to abort up to the point of fetal 'viability,' which is maintaining the ability to survive outside of the mother's womb. 'Viability' is a medical concept to be determined by the medical doctors. After viability, a woman's right to an abortion may be restricted by a state 'except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.'

"These federal constitutional requirements arise from basic due process, including the right of privacy which has been inferred from the U.S. Constitution. In contrast, our state constitution includes in Article I, Section 6, an express right of privacy, and the history of that provision reflects that it was proposed and ratified, in part, to assure a woman's right of choice. Thus, while the Supreme Court of Hawaii has not directly addressed the constitutionality of state abortion laws or regulations, there is every legal reason to expect that it would afford greater constitutional protection to women than already mandated under our federal constitution.

"Bills similar to this proposal have been enacted in other states and subsequently challenged on federal and state constitutional grounds. Of the 13 state statutes thus far challenged, 11 have been ruled unconstitutional. These include Alaska and Montana, whose constitutions include express rights of privacy similar to Hawaii's provided under Article I, Section 6.

"Mr. President, we do on occasion propose laws where there is a reasonable question of constitutionality. But when we support proposals which are clearly, clearly unconstitutional, we violate our legislative oath.

"Based on the foregoing, Mr. President, I urge my colleagues to uphold their oath to both our federal and state constitutions and vote 'no' on this measure. Any other position is simply a political position.

"Thank you."

Senator Anderson rose to support the motion and said:

"Mr. President, I speak in favor.

"I think that my colleagues forget that this institution is one that I've always been proud of and tried to maintain that we back up the institution and it's one of the rare times that we are trying to pull a bill. However, when I first got appointed to this body, we had a one chairman type body and everybody said that wasn't the way they wanted to go. So now we came up with dual chairmanships and it was going to be an open process, a process that was going to be open to the public whereby the input was going to be great. Well, since I've been here it hasn't changed. The power has changed. They go, one chairman can hold a bill. Three people can ask to hold a bill. I've put in measures that never had hearings because they told me it was too controversial. Young people have come here on this floor on mock legislation and they said what's wrong with the legislators is that they have no guts. They don't know that we have put in bills, but because they're controversial nobody will hear them. A chairman can hold them.

"This particular measure, I almost would say that I agree with the chairman. It's defective. But it's your fault because it was asked to be out, to be debated, to have the public input, which probably would have been doctors and others. The person that put the bill in . . . normally in the old days, if someone said, would you put this bill in for me, and the guy said, yeah, once it was processed and went to a chairman, the individual would run over and say, you know, a constituent asked me to do that but I don't want a hearing. So the chairman

had a hard time, and I understood that. That was hard to pull. But in this particular case, the individual who put it in wanted a hearing, asked for a hearing.

"This bill deserves to be debated. And that's why I voted to pull it. Normally, I would not do that. But it's a process that's allowable and that's the only process that we have that allows us to have a bill pulled to the floor, debate it like we are now, and even though some may think it's late, I think it's a process that's fair. So I would hope that all of my colleagues would vote in favor of it.

"Mahalo."

Senator Aki rose in support and said:

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

"Mr. President, first of all, I'd like to point out that the members of the House of Representatives held a hearing on this bill and passed out this bill by a large majority. I think that, in itself, indicates that this bill has tremendous support, and as far as public hearings, it went through the process. Unfortunately, we did not have that opportunity here in the Senate, and perhaps if we did, we would not be here today.

"Opponents say that banning partial-birth abortion is unconstitutional, but the United States Senate Judiciary Committee and our House Judiciary Committee have examined the issue at great length and found it passed constitutional muster. Further, I have here letters signed by many leading law professors, both pro-choice and pro-life, that say this bill is constitutional. No bill modeled on the national bill, as this one is, has been found unconstitutional in the Supreme Court and recent findings in the court indicate a predilection to the national bill's constitutionality.

"Opponents have also said that this bill is part of a religious conspiracy to ban all abortions. This is, very frankly, offensive to me -- offensive that a belief in protecting life is dismissed as some form of vast crackpot conspiracy; offensive that a terrible procedure is defended because some people may be motivated by faith in opposing it; offensive because it subverts and dishonors the principles of this country and the state we are founded upon.

"Mr. President, partial-birth abortion is, quite simply, wrong. It is a wrong that transcends politics, that transcends our hallowed internal procedures, that transcends party lines, that transcends even religion.

"We owe it to the people of Hawaii to lead them and to protect them. They put us here in sacred trust that we will do just that. I must in all good conscience ask that this bill be brought forward and voted on.

"For too long, in too many ways, we have done what is political or expedient. I ask that every one of you here look into your heart, as I have looked into mine, and do what is right. The people of Hawaii count on all of us. They are watching.

"Thank you."

Senator Tam rose in opposition and said:

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

"Mr. President and fellow colleagues, my vote against this bill is not on the basis and terms of whether I favor abortion or not. I vote against this bill because of the procedures that we are now going through on this bill. I believe in the public hearing process. Unfortunately, a mistake was made. And at this time, this bill before us will not have a public hearing process and that is my concern.

"I have made it known for the 16 years that I have been in the Legislature that I weigh my decisions on the public hearing process and the majority of my constituents within my district. I would be more inclined to vote on the measure if this bill goes through a public hearing process, but unfortunately at this time, time is toward the end of the legislative session. We adjourn on May 5. Now, if we were to extend the session, there may be a possibility of having public hearings, but it doesn't seem so at this time. Therefore, I'm voting against this measure.

"Thank you."

Senator Sakamoto rose in support and said:

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

"There are so many things that can be said, Mr. President, but first let me address this body that it was not unknown that this day would have come. At the beginning of the session when questions were asked about 'I never heard about this bill' or 'what is the problem,' I rose to speak and I said that I'm introducing a bill, in fact, I introduced two bills and that is on the record.

"Mr. President, when you first addressed this body, I believe it was your opening day speech where you addressed wanting issues to have hearings, and I agree with you -- not every single bill, many bills deal with the same subject matter. But this bill certainly deserved a hearing.

"But for the matter of the day, what could have, should have been done, many things could have, should have been done. But to address the concerns raised about the health of the mother, the bill does say that when performed in good faith belief, that it is necessary to save the life of the mother whose life is endangered by a physical disorder, illness or injury. It is my belief that health involves physical disorder, illness or injury, health is considered. And it's not up to us. We're not doctors. The doctor performing the procedure will go before his peers or whoever is selected and determine, if needed, to determine if health may be affected. So health is included in this measure, Mr. President.

"As far as the constitutionality arguments, the legal arguments, some of you here are lawyers. I'm not a lawyer. And as was previously spoken, our U.S. Congress, both bodies, House and Senate, have passed bills by bi-partisan majority to have this measure addressed at the federal level. And certainly, there are legal eagles across this nation who addressed the issue and I would be remiss to think that the 13 states -- the other states that are considering it -- all would defer to, well maybe there is a constitutional problem. And I believe that's why we have separation of powers here. Let our supreme court address the issue. We're not the judges. Let's put the issue forward and the courts can address the constitutional issue. They can respond back by saying which parts, if any, they feel need to be revised.

"Mr. President, we've spent a lot of this session looking at Reubyn Buentipo, Peter Boy. The HRE Committee and co-chairs have done an excellent job in addressing child care, child abuse, and what has happened to children who cannot defend themselves. I applaud them for that . . . shaken baby syndrome, helpless babies.

"Now this issue doesn't address abortion. I think a lot of the comments . . . well, let me take that back. The issue does not ban abortion, so the argument against pitting the life of the mother against the life of the baby should not be the issue. We're talking about a specific, horrific procedure. Nobody is saying that another procedure, another method cannot be done. Certainly, we need to protect the life of the mother. But this particular procedure, Mr. President, we cannot allow. And yes, it's been stated that some will vote no for various procedural reasons.

"But, Mr. President, I ask you to release, release people on a matter of conscience, on a matter of right and wrong, not voting on a matter of political power, not voting on a matter of keeping you in office, Mr. President. The session is almost over. We're not debating whether you stand there tomorrow on this vote. So I ask you to release the votes and let people vote on what they feel is right, and on this particular procedure, not *Roe v. Wade*, not abortion, not about mothers' health, but on this particular procedure, Mr. President."

Senator Chumbley then said:

"Mr. President, if I may, I have some additional supporting arguments with regard to the constitutionality and some of the questions that were raised earlier. I would like to have those inserted into the Journal. Thank you."

The Chair having so ordered, Senator Chumbley's supporting arguments are identified as ATTACHMENT "A" to the Journal of this day.

The motion was put by the Chair and H.B. No. 2973, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARTIAL-BIRTH ABORTIONS," failed to pass Second Reading, by Roll Call vote, on the following showing of Ayes and Noes:

Ayes, 10. Noes, 15 (Baker, Chumbley, Chun Oakland, Fernandes Salling, Fukunaga, Ige, D., Ihara, Kanno, Levin, Matsunaga, McCartney, Metcalf, Mizuguchi, Tam, Taniguchi).

Senator McCartney then moved that H.B. No. 2973, H.D. 2, be laid on the table, seconded by Senator Ihara.

At 2:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:17 o'clock p.m.

The motion to lay H.B. No. 2973, H.D. 2, on the table was then put by the Chair and carried.

CONFERENCE COMMITTEE REPORTS

On motion by Senator McCartney, seconded by Senator Slom and carried unanimously, the Senate authorized the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading. In consequence thereof, and subsequent to its recessing at 2:18 o'clock p.m., the Senate took the following actions:

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2135, S.D. 1, presented a report (Conf. Com. Rep. No. 3) recommending that S.B. No. 2135, S.D. 1, H.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. 3 and S.B. No. 2135, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE TRADE PRACTICES," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2575, S.D. 1, presented a report (Conf. Com. Rep. No. 4) recommending that S.B. No. 2575, S.D. 1, H.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. 4 and S.B. No. 2575, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by

the House to S.B. No. 2833, presented a report (Conf. Com. Rep. No. 5) recommending that S.B. No. 2833, H.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. 5 and S.B. No. 2833, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LEASE DISCLOSURE," was deferred for a period of 48 hours.

Senator M. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3114, S.D. 2, presented a report (Conf. Com. Rep. No. 6) recommending that S.B. No. 3114, S.D. 2, H.D. 2, 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. 6 and S.B. No. 3114, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND," was deferred for a period of 48 hours.

Senator Bunda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3035, S.D. 2, presented a report (Conf. Com. Rep. No. 7) recommending that S.B. No. 3035, S.D. 2, H.D. 2, 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. 7 and S.B. No. 3035, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1597, S.D. 1, presented a report (Conf. Com. Rep. No. 8) recommending that S.B. No. 1597, S.D. 1, H.D. 2, 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. 8 and S.B. No. 1597, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES PENALTIES," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2655, S.D. 1, presented a report (Conf. Com. Rep. No. 9) recommending that S.B. No. 2655, S.D. 1, H.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. 9 and S.B. No. 2655, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE AND MOPED REGISTRATION," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3137, S.D. 1, presented a report (Conf. Com. Rep. No. 10) recommending that S.B. No. 3137, S.D. 1, H.D. 2, 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. 10 and S.B. No. 3137, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2559, S.D. 2, presented a report (Conf. Com. Rep. No. 11) recommending that S.B. No. 2559, S.D. 2, H.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. 11 and S.B. No. 2559, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2136, S.D. 1, presented a report (Conf. Com. Rep. No. 12) recommending that S.B. No. 2136, S.D. 1, H.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. 12 and S.B. No. 2136, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR CONTROL ADJUDICATION BOARD," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1065, S.D. 1, presented a report (Conf. Com. Rep. No. 13) recommending that S.B. No. 1065, S.D. 1, H.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. 13 and S.B. No. 1065, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION OFFENSES," was deferred for a period of 48 hours.

Senator Bunda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3113, S.D. 1, presented a report (Conf. Com. Rep. No. 14) recommending that S.B. No. 3113, S.D. 1, H.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. 14 and S.B. No. 3113, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," was deferred for a period of 48 hours.

Senator M. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3159, S.D. 2, presented a report (Conf. Com. Rep. No. 15) recommending that S.B. No. 3159, S.D. 2, H.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. 15 and S.B. No. 3159, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TIME SHARE LAW," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2717, S.D. 1, presented a report (Conf. Com. Rep. No. 16) recommending that S.B. No. 2717, S.D. 1, H.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. 16 and S.B. No. 2717, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2786, presented a report (Conf. Com. Rep. No. 17) recommending that S.B. No. 2786, H.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. 17 and

S.B. No. 2786, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2414, S.D. 1, presented a report (Conf. Com. Rep. No. 18) recommending that S.B. No. 2414, S.D. 1, H.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. 18 and S.B. No. 2414, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2469, S.D. 1, presented a report (Conf. Com. Rep. No. 19) recommending that S.B. No. 2469, S.D. 1, H.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. 19 and S.B. No. 2469, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2588, S.D. 1, presented a report (Conf. Com. Rep. No. 20) recommending that S.B. No. 2588, S.D. 1, H.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. 20 and S.B. No. 2588, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2602, S.D. 1, presented a report (Conf. Com. Rep. No. 21) recommending that S.B. No. 2602, S.D. 1, H.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. 21 and S.B. No. 2602, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDSCAPE ARCHITECTS," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2823, S.D. 1, presented a report (Conf. Com. Rep. No. 22) recommending that S.B. No. 2823, S.D. 1, H.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. 22 and S.B. No. 2823, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE IDENTIFICATION BADGES," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2411, S.D. 2, presented a report (Conf. Com. Rep. No. 23) recommending that S.B. No. 2411, S.D. 2, H.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. 23 and S.B. No. 2411, S.D. 2, H.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 D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3043, S.D. 2, presented a report (Conf. Com. Rep. No. 24) recommending that S.B. No. 3043, S.D. 2, H.D. 2, 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. 24 and S.B. No. 3043, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT COMPUTER SYSTEMS WHICH ARE NOT YEAR 2000 COMPLIANT," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2078, S.D. 1, presented a report (Conf. Com. Rep. No. 25) recommending that S.B. No. 2078, S.D. 1, H.D. 3, 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. 25 and S.B. No. 2078, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2256, S.D. 1, presented a report (Conf. Com. Rep. No. 26) recommending that S.B. No. 2256, S.D. 1, H.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. 26 and S.B. No. 2256, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BARBERS POINT HARBOR," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2759, S.D. 2, presented a report (Conf. Com. Rep. No. 27) recommending that S.B. No. 2759, S.D. 2, H.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. 27 and S.B. No. 2759, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2957, S.D. 2, presented a report (Conf. Com. Rep. No. 28) recommending that S.B. No. 2957, S.D. 2, H.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. 28 and S.B. No. 2957, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2454, S.D. 1, presented a report (Conf. Com. Rep. No. 29) recommending that S.B. No. 2454, S.D. 1, H.D. 2, 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. 29 and S.B. No. 2454, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2768, S.D. 1, presented a report (Conf.

Com. Rep. No. 30) recommending that S.B. No. 2768, S.D. 1, H.D. 2, 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. 30 and S.B. No. 2768, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS TO HEALTH CARE PROVIDERS FOR WORKERS' COMPENSATION CLAIMS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2887, S.D. 1, presented a report (Conf. Com. Rep. No. 31) recommending that S.B. No. 2887, S.D. 1, H.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. 31 and S.B. No. 2887, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMUSEMENT RIDES, INCLUDING BUNGEE JUMPING," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3228, S.D. 1, presented a report (Conf. Com. Rep. No. 32) recommending that S.B. No. 3228, S.D. 1, H.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. 32 and S.B. No. 3228, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3248, S.D. 2, presented a report (Conf. Com. Rep. No. 33) recommending that S.B. No. 3248, S.D. 2, H.D. 2, 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. 33 and S.B. No. 3248, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2580, S.D. 1, presented a report (Conf. Com. Rep. No. 34) recommending that S.B. No. 2580, S.D. 1, H.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. 34 and S.B. No. 2580, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE STUDENT COUNCIL," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2297, S.D. 2, presented a report (Conf. Com. Rep. No. 35) recommending that S.B. No. 2297, S.D. 2, H.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. 35 and S.B. No. 2297, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2460, S.D. 2, presented a report (Conf. Com. Rep. No. 36) recommending that S.B. No. 2460, S.D. 2, H.D. 2, 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. 36 and S.B. No. 2460, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF HOSPITALS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3088, S.D. 1, presented a report (Conf. Com. Rep. No. 37) recommending that S.B. No. 3088, S.D. 1, H.D. 2, 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. 37 and S.B. No. 3088, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JOB REFERENCE LIABILITY," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2533, H.D. 1, presented a report (Conf. Com. Rep. No. 55) recommending that H.B. No. 2533, H.D. 1, S.D. 2, 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. 55 and H.B. No. 2533, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2701, H.D. 2, presented a report (Conf. Com. Rep. No. 56) recommending that H.B. No. 2701, H.D. 2, 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. 56 and H.B. No. 2701, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATION," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2985, H.D. 1, presented a report (Conf. Com. Rep. No. 57) recommending that H.B. No. 2985, 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. 57 and H.B. No. 2985, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION AND WATER UTILIZATION PROJECTS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3138, H.D. 1, presented a report (Conf. Com. Rep. No. 58) recommending that H.B. No. 3138, 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. 58 and H.B. No. 3138, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3457, H.D. 2, presented a report (Conf. Com. Rep. No. 59) recommending that H.B. No. 3457, H.D. 2, S.D. 2, 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. 59 and

H.B. No. 3457, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1815, H.D. 1, presented a report (Conf. Com. Rep. No. 60) recommending that H.B. No. 1815, H.D. 1, S.D. 2, 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. 60 and H.B. No. 1815, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator M. Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2567, H.D. 2, presented a report (Conf. Com. Rep. No. 61) recommending that H.B. No. 2567, H.D. 2, 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. 61 and H.B. No. 2567, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DUPLICATION OF GOVERNMENTAL SERVICES," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3257, H.D. 2, presented a report (Conf. Com. Rep. No. 62) recommending that H.B. No. 3257, H.D. 2, 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. 62 and H.B. No. 3257, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2358, H.D. 2, presented a report (Conf. Com. Rep. No. 63) recommending that H.B. No. 2358, H.D. 2, 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. 63 and H.B. No. 2358, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3022, H.D. 2, presented a report (Conf. Com. Rep. No. 64) recommending that H.B. No. 3022, H.D. 2, 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. 64 and H.B. No. 3022, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH FACILITY," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1830, H.D. 1, presented a report (Conf. Com. Rep. No. 65) recommending that H.B. No. 1830, 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. 65 and H.B. No. 1830, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2878, H.D. 1, presented a report (Conf. Com. Rep. No. 66) recommending that H.B. No. 2878, 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. 66 and H.B. No. 2878, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3289, H.D. 1, presented a report (Conf. Com. Rep. No. 67) recommending that H.B. No. 3289, 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. 67 and H.B. No. 3289, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3403, H.D. 2, presented a report (Conf. Com. Rep. No. 68) recommending that H.B. No. 3403, H.D. 2, 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. 68 and H.B. No. 3403, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2598, H.D. 2, presented a report (Conf. Com. Rep. No. 69) recommending that H.B. No. 2598, H.D. 2, S.D. 2, 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. 69 and H.B. No. 2598, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 92, H.D. 2, presented a report (Conf. Com. Rep. No. 70) recommending that H.B. No. 92, H.D. 2, 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. 70 and H.B. No. 92, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2332, H.D. 2, presented a report (Conf. Com. Rep. No. 71) recommending that H.B. No. 2332, H.D. 2, 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. 71 and H.B. No. 2332, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2361, H.D. 1, presented a report (Conf. Com. Rep. No. 72) recommending that H.B. No. 2361, H.D. 1, S.D. 2, 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. 72 and H.B. No. 2361, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING FEES," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2837, H.D. 1, presented a report (Conf. Com. Rep. No. 73) recommending that H.B. No. 2837, H.D. 1, S.D. 2, 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. 73 and H.B. No. 2837, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2847, H.D. 2, presented a report (Conf. Com. Rep. No. 74) recommending that H.B. No. 2847, H.D. 2, S.D. 2, 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. 74 and H.B. No. 2847, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," was deferred for a period of 48 hours.

Senator D. Ige, for the majority of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2506, H.D. 1, presented a report (Conf. Com. Rep. No. 75) recommending that H.B. No. 2506, 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. 75 and H.B. No. 2506, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1099, H.D. 2, presented a report (Conf. Com. Rep. No. 76) recommending that H.B. No. 1099, H.D. 2, 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. 76 and H.B. No. 1099, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2843, H.D. 1, presented a report (Conf. Com. Rep. No. 77) recommending that H.B. No. 2843, H.D. 1, S.D. 2, 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. 77 and H.B. No. 2843, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," was deferred for a period of 48 hours.

Senator Fernandes Salling, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2852, H.D. 2, presented a

report (Conf. Com. Rep. No. 78) recommending that H.B. No. 2852, H.D. 2, S.D. 2, 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. 78 and H.B. No. 2852, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEHEALTH," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3528, H.D. 1, presented a report (Conf. Com. Rep. No. 79) recommending that H.B. No. 3528, H.D. 1, S.D. 2, 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. 79 and H.B. No. 3528, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2666, H.D. 1, presented a report (Conf. Com. Rep. No. 80) recommending that H.B. No. 2666, 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. 80 and H.B. No. 2666, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2355, H.D. 1, presented a report (Conf. Com. Rep. No. 81) recommending that H.B. No. 2355, 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. 81 and H.B. No. 2355, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2357, H.D. 2, presented a report (Conf. Com. Rep. No. 82) recommending that H.B. No. 2357, H.D. 2, 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. 82 and H.B. No. 2357, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2381, H.D. 1, presented a report (Conf. Com. Rep. No. 83) recommending that H.B. No. 2381, 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. 83 and H.B. No. 2381, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2496, H.D. 2, presented a report (Conf. Com. Rep. No. 84) recommending that H.B. No. 2496, H.D. 2, 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. 84 and H.B. No. 2496, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2524, H.D. 1, presented a report (Conf. Com. Rep. No. 85) recommending that H.B. No. 2524, 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. 85 and H.B. No. 2524, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS FOR CAUSE," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2613, H.D. 1, presented a report (Conf. Com. Rep. No. 86) recommending that H.B. No. 2613, 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. 86 and H.B. No. 2613, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF SUPERVISORS," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2667, H.D. 1, presented a report (Conf. Com. Rep. No. 87) recommending that H.B. No. 2667, 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. 87 and H.B. No. 2667, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2734, presented a report (Conf. Com. Rep. No. 88) recommending that H.B. No. 2734, 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. 88 and H.B. No. 2734, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2776, H.D. 1, presented a report (Conf. Com. Rep. No. 89) recommending that H.B. No. 2776, H.D. 1, S.D. 2, 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. 89 and H.B. No. 2776, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2779, presented a report (Conf. Com. Rep. No. 90) recommending that H.B. No. 2779, 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. 90 and H.B. No. 2779, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE

FAMILY SUPPORT ACT," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2846, H.D. 1, presented a report (Conf. Com. Rep. No. 91) recommending that H.B. No. 2846, 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. 91 and H.B. No. 2846, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2872, H.D. 1, presented a report (Conf. Com. Rep. No. 92) recommending that H.B. No. 2872, 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. 92 and H.B. No. 2872, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION INSPECTIONS," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2932, presented a report (Conf. Com. Rep. No. 93) recommending that H.B. No. 2932, 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. 93 and H.B. No. 2932, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2992, H.D. 2, presented a report (Conf. Com. Rep. No. 94) recommending that H.B. No. 2992, H.D. 2, 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. 94 and H.B. No. 2992, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3010, presented a report (Conf. Com. Rep. No. 95) recommending that H.B. No. 3010, S.D. 2, 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. 95 and H.B. No. 3010, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3065, H.D. 2, presented a report (Conf. Com. Rep. No. 96) recommending that H.B. No. 3065, H.D. 2, S.D. 2, 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. 96 and H.B. No. 3065, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3192, H.D. 1, presented a report (Conf. Com. Rep. No. 97) recommending that H.B. No. 3192, 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. 97 and H.B. No. 3192, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUPPORT ENFORCEMENT," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3553, presented a report (Conf. Com. Rep. No. 98) recommending that H.B. No. 3553, 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. 98 and H.B. No. 3553, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," was deferred for a period of 48 hours.

ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 3:00 o'clock p.m., Friday, May 1, 1998.

ATTACHMENT "A"*Roe v. Wade "Partial Birth Abortion" Bans*

"Partial birth abortion" bans are the cornerstone of a carefully crafted strategy to eliminate women's legal right to abortion. Contrary to the early claims of their supporters, the bans are not written to apply to just "late" abortions; they apply throughout pregnancy. And they don't merely target one procedure; they potentially restrict most commonly used abortion methods. Even more disturbing is the fact that these laws boldly and intentionally ignore a quarter century of case law regarding abortion.

Constitutional Law Governing Abortion The Supreme Court's ruling in *Roe v. Wade* was based on three strands of privacy law extending back decades in United States constitutional jurisprudence--bodily integrity, decisional autonomy, and informational privacy--and established that a woman's constitutional right to privacy encompasses her right to make the decision between childbirth and abortion. The Court also identified two state interests--preserving maternal health and protecting potential life--that, at different points in pregnancy, may justify regulation of abortion. Nineteen years later, in *Planned Parenthood v. Casey*, the Court reaffirmed two of the basic tenets of *Roe*: (1) a woman's right to choose when and if to bear a child is constitutional protected and (2) a state can only ban abortions performed after fetal viability (and, even then, only so long as exceptions are made to protect the life and health of the woman). However, *Casey* seriously diminished the level of constitutional protection afforded women's decisional autonomy when making childbearing choices. The *Casey* Court held that states could promote their interest in potential life by trying to deter women from obtaining abortions--even pre-viability--by forcing them to sit through state-scripted, anti-choice lectures from their doctors and then wait 24 hours before their abortion. The Court held that such obstacles are constitutional so long as they do not impose an "undue burden" on a woman's right to privacy.

Emboldened by the Casey Court's lower standard for assessing abortion restrictions, state legislatures quickly enacted a variety of measures aimed at further weakening Roe--including "partial-birth abortion" bans. Fueled by a concerted anti-choice disinformation campaign, these bans have gained tremendous political momentum: Congress voted in 1996 and 1997 to pass a federal "partial-birth ban (President Clinton vetoed the law both times) and seventeen states have enacted similar bans.

"Partial-Birth Abortion" Laws Are Abortion Bans The phrase "partial birth-abortion" is not a medical term; it was invented by anti-choice strategists for political purposes. The definition is so broad that it is not clear which abortion procedures are banned. Statutes banning "partial-birth abortion" (PBA) define the procedure as an abortion in which the person performing the abortion "partially vaginally delivers a living fetus before killing the fetus and completing the delivery." This definition could be read to encompass a number of abortion procedures. In fact, physicians have testified in court challenges to these laws that the definition of PBA could include abortions performed at all stages of pregnancy.

Supporters of PBA laws portray them as bans on only one procedure: intact dilation and extraction (intact D&X), a variation of dilation and evacuation (D&E), the most common method used in the second trimester. However, the language of the statute, federal judges interpreting the language, medical experts, and even the sponsor of the federal bill refute this limited application. The chief Congressional sponsor of PBA legislation, Rep. Charles Canady (R-FL), has publicly stated that the ban restricts more procedures than just intact D&X.

"Partial-Birth Abortion" Laws Seek to Create Constitutional Rights for Fetuses *Roe* clearly stipulated that personhood, with all its attendant constitutional rights, begins at birth. In order to circumvent this decision, sponsors in Congress and some states currently defending PBA bans in federal court argue that these laws are not governed by *Roe* because they recognize a new category of personhood--the "partially born." However, establishing legal rights for the "partially born" leads directly to the same

result that the Court explicitly rejected in *Roe*, and is nothing more than a semantic ploy to overturn that decision.

"Partial-Birth Abortion" Laws Open the Door to New Regulation of Abortion by Putting Forth State Interests Not Recognized by *Roe* In *Roe*, the Court recognized two state interests that could be compelling enough, at different points in the pregnancy, to restrict a woman's right to have an abortion: protecting a woman's health and protecting the "potentiality of human life." The PBA bans attempt to assert a *new* state interest in regulating abortion: the prevention of cruelty to the fetus. Proponents argue that this new state interest justifies restrictions on the methods by which an abortion may be performed at any point in pregnancy, thus outweighing the woman's privacy right. This is yet another anti-choice strategy to extend legal rights to fetuses.

"Partial-Birth Abortion" Bans Do Not Permissibly Further Any State Interest Recognized in *Roe* Under *Casey*, the state may further its interest in potential life by promoting childbirth over abortion. But pre-viability bans on medically acceptable abortion methods are never constitutional on this ground because they are not designed to dissuade the woman, and fetal survival is impossible. The Court has ruled that when fetal survival *is* possible, restrictions on methods must not increase medical risks for the woman. PBA bans ignore this limitation. Any state interest in maternal health is undermined not furthered, by such a method ban since such statutes may prevent a woman from obtaining the safest and most appropriate medical care.

"Partial-Birth Abortion" Bans Ignore *Roe's* Command to Respect the Distinction Between Pre- and Post-Viability Abortions Contrary to assertions that PBA statutes are "late-term" abortion bans, these statutes apply throughout pregnancy. In *Roe*, as affirmed by *Casey*, the Court recognized that, at the point of viability, the state interest in potential life supports a ban on abortion, so long as exceptions are provided to preserve a woman's life or health. Prior to viability, this interest does not justify a ban on abortion. Some supporters assert that PBA bans are justified by the interest of restricting post-viability abortions; yet these bans fail to respect the legal and constitutional importance of the viability line by applying the bans throughout pregnancy.

"Partial-Birth Abortion" Laws Flout *Roe's* Protection of the Life and Health of Women A critical underpinning of *Roe* is that a pregnant woman has a constitutionally protected interest in preserving her own life and health, and that interest must prevail over any state interest in restricting abortion. PBA bans ignore this principal. In *Roe* and in subsequent cases, the Court has affirmed that state statutes prohibiting post-viability abortions must make exceptions for cases in which a woman's life or health is at stake. Thus, a woman who can legally obtain an abortion under this rule must be sick or dying. PBA bans put these distressed women at yet *additional* risk by not permitting their physicians to use the method of abortion that is safest for them. The statutes enacted to date contain no exceptions to preserve a woman's health, and contain only very limited exceptions, if any, to preserve a woman's life. These omissions fly in the face of Supreme Court precedent.

Conclusion PBA statutes directly attack virtually every important aspect of *Roe v. Wade*: the concept that pre-viability abortion bans are unconstitutional; the Court's recognition that personhood under the Constitution commences at birth; the acknowledgement of only two state interests that may be used to justify restricting a woman's right to privacy; the establishment of the viability line; and the central premise that a pregnant woman's life and health must always predominate over any state interest.

THE STATE "PARTIAL BIRTH ABORTION" BANS: ENJOINED IN THE COURTS

In the last year, medical providers have challenged fourteen state statutes that ban so-called "partial-birth abortion." In eleven of these lawsuits, the courts have addressed the merits of our challenges to these bans. All of these courts have enjoined the bans, in whole or in part. Underlying these rulings is the courts' recognition that the bans are unconstitutional--for their wide-reaching prohibitions on safe and

common methods of abortion; for the harm they impose on women's health by restricting physician discretion; and for their vagueness.

In all, twenty-one states have passed "partial-birth abortion" bans: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Louisiana, Michigan, Mississippi, Montana, Nebraska, New Jersey, Rhode Island, South Carolina, South Dakota, Tennessee, and Utah. These state laws typically define the banned procedure as any abortion in which the physician or other provider "partially vaginally delivers a living fetus before killing the fetus and completing the delivery." The bans generally apply to non-viable as well as viable fetuses, and contain dangerously narrow medical exceptions. At least four state statutes--Idaho's, Iowa's, Nebraska's, and New Jersey's--are substantially identical to the federal bill Congress passed in 1997. President Clinton vetoed that bill; an override attempt is expected this spring.

Regardless of their variations, the bans, when challenged in court, are being enjoined or limited in their scope. The twelve rulings issued to date that address "partial-birth abortion" bans are summarized below.

Michigan: *Evans v. Kelley*, 977 F. Supp. 1283 (E.D. Mich. 1997).

After a trial on the merits, a federal district court in Detroit declared Michigan's "partial-birth abortion" ban unconstitutional and *permanently enjoined* its enforcement. The court held the law unconstitutionally vague because--with its ambiguous and non-medical terminology--physicians "simply cannot know with any degree of confidence" what procedures it bans.

The court also struck the law as an "undue burden" on the right of a woman to choose to terminate her pregnancy. The court rejected the state's argument that the law prohibits a single procedure, finding it instead to constitute a virtual ban on second-trimester abortions. "Because of the sweeping breadth of the statute," the court held, "it would operate to eliminate one of the safest post-first-trimester abortion procedures [dilation and evacuation, or "D&E"], a procedure which currently is used in more than 85% of the post-first-trimester abortions performed in Michigan." The law, the court found, would therefore force women into riskier procedures.

Arizona: *Planned Parenthood v. Woods*, 982 F. Supp. 1369 (D. Ariz. 1997).

Similarly, after a trial on the merits, a federal district court *permanently enjoined* enforcement of Arizona's "partial-birth abortion" law. The court held the law to be unconstitutionally vague because it was "susceptible to different interpretations," and therefore failed to give physicians fair warning of what conduct it proscribed. The court also held that the ban constituted an "undue burden" on the right to have an abortion because, in prohibiting the safest, most common methods of abortion after the first trimester, the ban would force women from safer to riskier procedures.

Finally, the court struck the law as imposing unconstitutional third-party consent requirements on a woman's decision to terminate a pregnancy. The law created a private right of action, allowing the woman's husband--and parents, if the woman is a minor--to sue the physician unless he or they consented to the "partial-birth abortion." The court held that this provision had the effect of requiring those parties' consent to the woman's abortion, in violation of the Constitution. The state has appealed the decision to the United States Court of Appeals for the Ninth Circuit.

Illinois: *The Hope Clinic v. Ryan*, No. 97 C 8702, 1998 U.S. Dist. LEXIS 2245 (N.D. Ill. Feb. 12, 1998).

On February 12, 1998, one day before the law was scheduled to take effect, a federal district court issued a *permanent injunction* preventing enforcement of Illinois's "partial-birth abortion" ban. The court invalidated the law on three grounds. First, the court held the law to be unconstitutionally vague. Its terms, the court found, are "undefined and subject to more than one interpretation," leaving physicians uncertain "whether the legislature intended to ban a specific practice or entire abortion procedures." Second, the

court held that the ban imposes an undue burden by prohibiting the most common methods of abortion, including those used in both the first and second trimesters. Finally, the court held unconstitutional the statutory provision permitting parents to sue a physician who provides a minor a "partial-birth abortion" without their consent. Like the court in Arizona, the Illinois court reasoned that this provision effectively imposes a parental consent requirement, devoid of constitutional protections. The state has appealed the decision to the United States Court of Appeals for the Seventh Circuit.

Alaska: *Planned Parenthood v. State*, No. 3AN-97-6019 (Super. Ct. Alaska Mar. 13, 1998).

Holding Alaska's "partial-birth abortion" ban to violate the state constitution, a state trial court *permanently enjoined* the ban. The Alaska court declared the law void for vagueness, finding the term "partial-birth abortion" so "susceptible to different interpretations" that it could "apply not only to second-trimester abortions but to some first-trimester abortions as well." Because the law could thus function as a ban on "abortion in general," the court held it to violate the state constitutional right of privacy as well.

Nebraska: *Carhart v. Stenberg*, 972 F. Supp. 507 (D. Nev. 1997).

After an evidentiary hearing, a federal district court in Nebraska issued a *preliminary injunction* against enforcement of that state's "partial-birth abortion" ban against the plaintiff-physician. Even construed to reach only the physician-plaintiff's intact variant of D&E procedures, the ban was unconstitutional because it would subject his patients "to an appreciably greater risk of injury or death."

Montana: *Intermountain Planned Parenthood v. State*, No. BDV 97-477 (Dist. Ct. Mont. Oct. 1, 1997).

On the basis of written testimony, and after a hearing, a Montana state district court issued a *preliminary injunction* against enforcement of that state's "partial-birth abortion" ban. The Court found that the ban "has the effect of banning D&E abortion procedures," which are used for 88% of second-trimester abortions in the state. The ban would thus "lower a woman's accessibility to abortion services, and increase the amount of risk and pain that must be suffered." Although addressing the constitutionality of the ban under the privacy clause of the state constitution, the court also noted the law's infirmity under the federal standard.

Louisiana: *Causeway Medical Suite v. Foster*, No. 97-2211 (E.D. La. July 24, 1997).

Based on the plaintiffs' written testimony, a federal district court in Louisiana issued a *preliminary injunction* against enforcement of that state's "partial-birth abortion" ban. The plaintiffs challenged the statute as unconstitutionally vague and unduly burdensome, among other grounds.

Georgia: *Midtown Hospital v. Miller*, No. 1:97-CV-1786-JOF (N.D. Ga. July 24, 1997).

Although it has yet to hold an evidentiary hearing, a federal district court issued an *order* restricting enforcement of Georgia's statute to post-viability procedures. So enforced, the court stated, the statute would probably be constitutional.

Arkansas: *Little Rock Family Planning Services v. Jegley*, No. LR-C-97-581 (E.D. Ark. July 31, 1997); New Jersey: *Planned Parenthood v. Verniero*, No. 97-6170 (D.N.J. Dec. 24, 1997); Rhode Island: *Rhode Island Medical Society v. Pine*, No. 97-416L (D.R.I. July 11, 1997).

Federal trial courts in each of these three states have issued *temporary restraining orders* against enforcement of "partial-birth abortion" bans. The Arkansas court granted the plaintiffs temporary relief after concluding that it "defies logic" to say that the ban reaches only a single procedure, and finding that the ban would have the effect of denying women "appropriate medical care." In New Jersey and Rhode Island, the courts issued orders after concluding, without elaboration, that the plaintiffs were likely to succeed in showing that the bans are unconstitutional.

Alabama: *Summit Medical Associates v. James*, 984 F. Supp. 1404 (M.D. Ala. 1998).

On grounds unrelated to the merits of the plaintiffs' challenge, a federal district court in Alabama issued a preliminary ruling dismissing the claim of health care providers for injunctive relief. Still remaining before the court is the plaintiffs' request for a declaration that the ban is unconstitutional. In the interim, abortion providers in the state are not without protection: The state attorney general has issued a letter limiting the ban to post-viability procedures. The state has appealed a ruling unrelated to the merits to the United States Court of Appeals for the Eleventh Circuit.

Other States:

In Idaho, where the law took effect upon signing on March 16, 1998, and in Iowa whose law is scheduled to take effect on July 1, 1998, medical providers have filed challenges in federal court. In Idaho, the plaintiffs have moved for immediate injunctive relief, but the court has yet to issue a ruling. In Florida, where the ban has yet to take effect, the governor has initiated a lawsuit challenging the legislature's override of his veto on the basis that the procedure was irregular. No decision has yet been issued. In six states--Indiana, Mississippi, South Carolina, South Dakota, Tennessee, and Utah--the bans have not been challenged.