

SIXTIETH DAY

Tuesday, May 5, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 10:20 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Sam Webb, Grace Bible Church, after which the Roll was called showing all Senators present.

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

At this time, Senator Iwase rose and said:

"Mr. President, it is with a great deal of privilege and a sense of sadness in representing this honorable body today to wish a fond and warm Aloha to one of our members who has announced his retirement.

"Mr. President, the Senate of the State of Hawaii consists of 25 members, and every session these 25 collectively add to the history of our state. It is not an easy job, particularly in these trying and demanding times. There is so much cynicism and anger out there beyond these walls. Whether we as Senators and as colleagues agree or disagree on the issues, and we've disagreed, I know that we are all advocating what we believe is the best path to follow.

"The Senator from Kahaluu has been a vigorous advocate for the causes he believes in. He cares deeply about doing what is right and being the gentleman that he is, he has always sought to find the win-win solution. I also know that because he cares about people and because he has always sought to find the win-win solution, it has taken a toll on him. Being a sensitive human being and a politician in these angry times has also taken a toll on him, as well as his family. Yet, like Don Quixote de La Mancha he continued to fight for his causes with passion and, most importantly, with civility.

"He now takes his considerable talents to pursue other endeavors, and we all wish him well. Like the fabled Ulysses from Tennyson's poem, the good Senator now moves on to continue his life's journey. Tennyson wrote in Ulysses, 'Yet all experience is an arch, where through gleams that untraveled world, whose margins fade forever and forever when I move. How dull it is to pause, to make end, to rust unburnished, not to shine in use, as though to breathe where life itself.' And Tennyson continues, 'Come, my friends, 'tis not too late to seek a newer world.'

"Mike, as you leave us to seek newer worlds and to experience more of life, good luck!

"I think we all know, Mr. President, that a Senator's staff knows the character, knows best the character of the individual they serve. It is the staff who sees the Senator up close, day in and day out, warts and all. And it says a whole lot about you as a person, Mike, that after all these years in the Senate, it was your staff who felt most strongly that you deserved to be recognized on this the final day of the Legislature. And we agree.

"We have all been enriched by your presence here, Mike. Our state and its people owe you and your wife and your sons a debt of gratitude for your commitment to public service, for your time in this Senate, and for your service to the people of the State of Hawaii. So, Aloha, Mike.

"Mr. President, the son of Ulysses was named, I believe, Telemachus, and I guess we can call Mike the second son, Telephone. (Laughter. Yes, it sounds Samoan.)

"And at the appropriate time, Mr. President, if we could have a short recess to present a certificate and pay honor to 'Telephone' McCartney.

"Thank you."

The Chair then said:

"Thank you for those kind remarks."

Senator Chun Oakland rose and said:

"Mr. President, I also would like to extend my personal heartfelt thanks to Mike.

"One evening, after a very late education hearing on Molokai we kind of sat down and talked about a quiet revolution, a revolution that would make our Legislature, the institution that we serve and the public, much more welcomed here at the Legislature, and an institution that could be trusted by the people. And I think Mike has done so much to make this a reality and I know whatever he does as he leaves this institution, he will still be committed to that openness, to empowering people, and I thank you, Mike."

Senator Slom also added his remarks as follows:

"Mr. President, I, too, would like to add a few words about Mike McCartney, my colleague. I remember when I first met Mike, because he called to make an appointment with me. It was right after his election and I was with a group of people that had supported his opponent. And nevertheless, he came and he said he wanted to talk about business. He wanted to learn more about issues that he had not been directly involved with. And in all this time that I've known him, he has expressed that openness, that willingness, not only to talk to all kinds of people and to sit down with them, help people come together, but also to listen and, more importantly, to learn.

"As Senator Iwase said, Senator, you'll be going on to new and other worlds now. You'll find those worlds inhabited by Republicans and conservatives, so it will be a good world. (Laughter.) And I know that now that you're involved in some honest work as a business owner as well, you'll get to see some of the things that maybe some of us in this body don't see on a daily basis but are important for seeing.

"My only problem is I still have a desk full of stones and I don't know what to do with them, Mike, except that if anybody in this body has stones, it is you, the Senator from Kahaluu.

"It has been a pleasure serving with you in this body. I never thought that would happen -- not you, me, I thought I'd never be here. I look forward to working with you and to assisting you in any of your endeavors in the future. And I think you have brought an integrity into the community, and as I said, worked with all kinds of people who recognize you as a very strong and valiant competitor in the field of politics, education, the working men and women, and now in business. I think also that you are recognized as a devoted father, husband, and someone who, again, is not afraid to look at something different.

"So, for these reasons I know we won't miss you because we'll get an opportunity to see you in different venues and we wish you all the best, and it's been a privilege serving with you. Aloha."

At this time, Senator Levin requested that Senator McCartney rise to be recognized. The Senator was then extended a round of applause.

At 10:31 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:40 o'clock a.m.

Senator McCartney rose to respond to the previous remarks as follows:

"Mr. President, on a short announcement I just want to say thank you to all of you. I want to say thank you to the governor for extending the session so I can be here for a couple of more days. But most of all, I want to thank my staff because if it weren't for them I would never have made it through these last ten years and I want to express my appreciation to them.

"And, Mr. President, I wanted to just tell all of you that I'm deeply honored to have been a member of this body, to have served with all of you, and that no matter whether we agreed on issues or disagreed, we always did what we thought was right for the people. And as I look back on my years, I can honestly say that I was proud to have been a member of the State Senate, and that we did a lot of good things together, and it's a time in my life that I'll always remember as one of the best times, and I have you to thank for that. So I just want to say thank you from the bottom of my heart and I really appreciate your recognition of me today. I'll always remember all of you and the work we did together. So, thank you very much for making this part of my life one of the most memorable. Mahalo."

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 340, dated May 5, 1998, transmitting the Executive Order providing for an extension of the Regular Session of 1998 of the Nineteenth State Legislature, as follows:

"EXECUTIVE ORDER

WHEREAS, Section 10 of Article III of the Constitution of the State of Hawaii provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor'; and

WHEREAS, the Governor has been requested to grant an extension and it appears that such an extension is necessary;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of Hawaii, pursuant to the power vested in me by Section 10 of Article III of the Constitution of the State of Hawaii, do hereby extend the Regular Session of 1998 of the Nineteenth Legislature of the State of Hawaii for a period of 24 hours following 12:00 o'clock midnight, May 5, 1998.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 5th day
of May, 1998

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

APPROVED AS TO FORM:

/s/ Margery S. Bronster
MARGERIE S. BRONSTER
Attorney General"

was read by the Clerk and was placed on file.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 31, from the Department of Labor and Industrial Relations, Office of Community Services, dated May 4, 1998, transmitting its 1998 Annual Report, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 441 and 442) were read by the Clerk and were placed on file:

Hse. Com. No. 441, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House concurrent resolutions:

H.C.R. No. 67, H.D. 1 (S.D. 1); and
H.C.R. No. 235, H.D. 1 (S.D. 1).

Hse. Com. No. 442, informing the Senate that pursuant to the disagreement of the House to the amendments proposed by the Senate to the following House concurrent resolutions and the request for a conference on the subject matter of said amendments, the Speaker on May 1, 1998, appointed managers, respectively, on the part of the House for the consideration of said amendments:

H.C.R. No. 67, H.D. 1 (S.D. 1):

Representatives Yoshinaga, Kanoho, co-chairmen, Tarnas, Meyer.

H.C.R. No. 235, H.D. 1 (S.D. 1):

Representatives Yoshinaga, chairman, Tarnas, Meyer.

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.C.R. No. 191, S.D. 2, presented a report (Conf. Com. Rep. No. 132) recommending that S.C.R. No. 191, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Adoption.

On motion by Senator Ihara, seconded by Senator Slom and carried, Conf. Com. Rep. No. 132 was adopted and S.C.R. No. 191, S.D. 2, H.D. 1, C.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND CITY AND COUNTY OF HONOLULU TO WORK COOPERATIVELY TOGETHER TO ESTABLISH A JOINT WAIKIKI TASK FORCE TO EXPLORE THE REVITALIZATION AND RENOVATION OF WAIKIKI AND SURROUNDING AREAS INCLUDING THE HAWAII CONVENTION CENTER," was Finally Adopted.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.C.R. No. 88, H.D. 1, presented a report (Conf. Com. Rep. No. 133) recommending that H.C.R. No. 88, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Adoption.

On motion by Senator Ihara, seconded by Senator Slom and carried, Conf. Com. Rep. No. 133 was adopted and H.C.R. No. 88, H.D. 1, S.D. 1, C.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN ACTUARIAL STUDY AND A PROGRAMMATIC AUDIT OF THE PUBLIC EMPLOYEES HEALTH FUND OPERATIONS, AND REQUESTING A MANAGEMENT AUDIT OF THE SCHOOL-TO-WORK OPPORTUNITIES SYSTEM," was Finally Adopted

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.C.R. No. 28, S.D. 1, presented a report (Conf.

Com. Rep. No. 134) recommending that S.C.R. No. 28, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Adoption.

On motion by Senator Ihara, seconded by Senator Slom and carried, Conf. Com. Rep. No. 134 was adopted and S.C.R. No. 28, S.D. 1, H.D. 1, C.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF STUDENT-CENTERED MENTAL HEALTH INTERVENTION SERVICES," was Finally Adopted.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.C.R. No. 146, S.D. 2, presented a report (Conf. Com. Rep. No. 135) recommending that S.C.R. No. 146, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Adoption.

On motion by Senator Ihara, seconded by Senator Slom and carried, Conf. Com. Rep. No. 135 was adopted and S.C.R. No. 146, S.D. 2, H.D. 1, C.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A PROGRAM AUDIT FOCUSING ON DECISION-MAKING PROCESSES ACROSS THE VARIOUS AGENCIES INVOLVED IN THE CHILD PROTECTIVE SERVICES SYSTEM," was Finally Adopted.

STANDING COMMITTEE REPORTS

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3563) recommending that S.R. No. 23, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 23, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE WITH THE HAWAII VISITORS AND CONVENTION BUREAU, THE NATIONAL QUARTERBACK CLUB, THE NFL PRO BOWL COMMITTEE, THE HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION, THE DEPARTMENT OF EDUCATION, THE UNIVERSITY OF HAWAII ATHLETIC STAFF AND BOOSTER CLUBS, THE HAWAII WINTER LEAGUE BASEBALL ASSOCIATION, AND THE QUARTERBACK CLUB OF HAWAII, TO WORK OUT ARRANGEMENTS TO HOST THE NEXT NATIONAL QUARTERBACK AWARDS DINNER IN HAWAII DURING THE PRO BOWL WEEK," was adopted.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3564) recommending that the Senate advise and consent to the nominations of THOMAS T. MITSUNAGA, MICHAEL H. LYONS II and RICHARD E. MEIERS to the Board of Directors of the Hawai'i Health Systems Corporation, in accordance with Gov. Msg. No. 309.

By unanimous consent, the one day requirement of Rule 36(6) of the Rules of the Senate was suspended.

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3564 be received and placed on file, seconded by Senator Levin and carried.

Senator Fernandes Salling then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Health Systems Corporation of the following:

THOMAS T. MITSUNAGA and MICHAEL H. LYONS II, terms to expire June 30, 2001; and

RICHARD E. MEIERS, term to expire June 30, 2002,

seconded by Senator Levin.

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

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

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3565) recommending that the Senate advise and consent to the nomination of BEVERLY SORESENSEN to the Hawai'i County Subarea Health Planning Council, in accordance with Gov. Msg. No. 310.

By unanimous consent, the one day requirement of Rule 36(6) of the Rules of the Senate was suspended.

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3565 be received and placed on file, seconded by Senator Levin and carried.

Senator Fernandes Salling then moved that the Senate advise and consent to the nomination of BEVERLY SORESENSEN to the Hawai'i County Subarea Health Planning Council, term to expire June 30, 2000, seconded by Senator Levin.

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

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

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3566) recommending that the Senate advise and consent to the nomination of NANCY WRIGHT SLAIN to the State Council on Mental Health, in accordance with Gov. Msg. No. 314.

By unanimous consent, the one day requirement of Rule 36(6) of the Rules of the Senate was suspended.

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3566 be received and placed on file, seconded by Senator Levin and carried.

Senator Fernandes Salling then moved that the Senate advise and consent to the nomination of NANCY WRIGHT SLAIN to the State Council on Mental Health, term to expire June 30, 2001, seconded by Senator Levin.

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

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

ORDER OF THE DAY

AGREE/DISAGREE FINAL ADOPTION

MATTERS DEFERRED FROM FRIDAY, MAY 1, 1998

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

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 9, S.D. 1, and S.C.R. No. 9, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," was Finally Adopted.

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 Wednesday, May 6, 1998.

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

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 34, S.D. 1, and 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 Finally Adopted.

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

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 48, S.D. 1, and 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 Finally Adopted.

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

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 59, S.D. 1, and 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 Finally Adopted.

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

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 71, S.D. 1, and S.C.R. No. 71, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPART AN AIRCRAFT CARRIER AT PEARL HARBOR, HAWAII," was Finally Adopted.

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

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 81, S.D. 1, and 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 Finally Adopted.

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

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 Wednesday, May 6, 1998.

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

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 121, S.D. 1, and 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 Finally Adopted.

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

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 137, S.D. 1, and 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 Finally Adopted.

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

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 153, S.D. 1, and 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 Finally Adopted.

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 Wednesday, May 6, 1998.

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

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 190, S.D. 1, and 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 Finally Adopted.

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

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 200, S.D. 1, and 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 Finally Adopted.

ADVISE AND CONSENT

Stand. Com. Rep. No. 3562 (Gov. Msg. No. 256):

Senator Aki moved that Stand. Com. Rep. No. 3562 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 ROY K. ALAMEIDA, JOYCE N. CHINEN, Ph.D., ROBERT J. HOMMON, Ph.D., RICHARD K. PAGLINAWAN and NANCY LYMAN PEACOCK to the Hawai'i Historic Places Review Board, 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, 24. Noes, none. Excused, 1 (Ige, D.).

RECOMMITTAL OF BILLS

Conf. Com. Rep. No. 113 (H.B. No. 1433, H.D. 2, S.D. 3, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 113 and H.B. No. 1433, H.D. 2, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 118 (H.B. No. 2680, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 118 and H.B. No. 2680, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 123 (S.B. No. 2966, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 123 and S.B. No. 2966, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 127 (S.B. No. 2204, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 127 and S.B. No. 2204, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY PROCESSES," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 128 (S.B. No. 379, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 128 and S.B. No. 379, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 129 (S.B. No. 760, H.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 129 and S.B. No. 760, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS-WITHIN-SCHOOLS," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 130 (S.B. No. 2350, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 130 and S.B. No. 2350, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," were recommitted to the Committee on Conference.

FINAL READING

S.B. No. 1362, H.D. 1:

On motion by Senator Metcalf, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1362, and S.B. No. 1362, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1946, S.D. 1, H.D. 2:

On motion by Senator Metcalf, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1946, S.D. 1, and S.B. No. 1946, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF MEDICINE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2581, H.D. 1:

Senator Metcalf moved that the Senate agree to the amendments proposed by the House to S.B. No. 2581 and S.B. No. 2581, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ihara.

Senator Metcalf then rose and said:

"Mr. President, I have some words to be inserted into the Journal."

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

"Mr. President, I rise to speak in favor of S.B. No. 2581, H.D. 1, Relating to Cemetery and Funeral Trusts.

"Among other things, this bill provides additional fees and charges for perpetual care subsequent to the execution of the contract are prohibited for any purpose and on any occasion, except for reasonable fees related to the administrative costs of transferring ownership rights, including the cost of research, document and file preparation, photocopying, notary fees, records transfer and storage, and any other costs directly related to the transfer of ownership rights.

"As a matter of law, the reasonableness of fees regarding these matters can be challenged by any party to the contract or any obligor. In reviewing the reasonableness of fees charged, a court would determine whether or not the fees charged bear reasonable relationship to the work performed and therefore they are in line with the fees and charges for comparable services provided by other providers of perpetual care services. In the event the court finds that fees charged for the aforementioned services are excessive, the provider of perpetual care services would be required to remit the excessive charges to the complainant along with such attorney fees costs as may be ordered by the court.

"For these reasons I urge my colleagues to vote in favor of this measure."

Senator Tam made the following request:

"Mr. President, I would like to have the words of Senator Metcalf's insert included in the Journal as though they were my own."

The Chair so ordered.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2581, and S.B. No. 2581, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2586, S.D. 1, H.D. 1:

On motion by Senator Metcalf, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2586, S.D. 1, and S.B. No. 2586, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2610, S.D. 1, H.D. 1:

On motion by Senator Metcalf, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2610, S.D. 1, and S.B. No. 2610, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL LAND SURVEYORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2644, S.D. 1, H.D. 1:

On motion by Senator Metcalf, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2644, S.D. 1, and S.B. No. 2644, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2820, H.D. 1:

On motion by Senator Metcalf, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2820 and S.B. No. 2820, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2821, H.D. 1:

On motion by Senator Metcalf, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2821 and S.B. No. 2821, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2832, S.D. 2, H.D. 1:

On motion by Senator Metcalf, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2832, S.D. 2, and S.B. No. 2832, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIVE SUBPOENAS," having been read

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

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

S.B. No. 2835, S.D. 1, H.D. 2:

On motion by Senator Metcalf, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2835, S.D. 1, and S.B. No. 2835, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2836, S.D. 1, H.D. 1:

On motion by Senator Metcalf, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2836, S.D. 1, and S.B. No. 2836, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2838, S.D. 1, H.D. 1:

On motion by Senator Metcalf, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2838, S.D. 1, and S.B. No. 2838, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2981, S.D. 1, H.D. 1:

On motion by Senator Metcalf, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2981, S.D. 1, and S.B. No. 2981, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 3143, S.D. 1, H.D. 2:

On motion by Senator Metcalf, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3143, S.D. 1, and S.B. No. 3143, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UTILITY TRANSMISSION LINES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 2 (S.B. No. 2770, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 2 was adopted and S.B. No. 2770, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 3 (S.B. No. 2135, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Slom and carried, Conf. Com. Rep. No. 3 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 4 (S.B. No. 2575, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Slom and carried, Conf. Com. Rep. No. 4 was adopted and S.B. No. 2575, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 5 (S.B. No. 2833, H.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Slom and carried, Conf. Com. Rep. No. 5 was adopted and S.B. No. 2833, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LEASE DISCLOSURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 6 (S.B. No. 3114, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator M. Ige, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 6 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 7 (S.B. No. 3035, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Bunda, seconded by Senator M. Ige and carried, Conf. Com. Rep. No. 7 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 8 (S.B. No. 1597, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 8 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 10 (S.B. No. 3137, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Slom and carried, Conf. Com. Rep. No. 10 was adopted and S.B. No. 3137, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 11 (S.B. No. 2559, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 11 was adopted and S.B. No. 2559, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 12 (S.B. No. 2136, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 12 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 13 (S.B. No. 1065, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 13 was adopted and S.B. No. 1065, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION OFFENSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 14 (S.B. No. 3113, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Bunda, seconded by Senator M. Ige and carried, Conf. Com. Rep. No. 14 was adopted and S.B. No. 3113, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 15 (S.B. No. 3159, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator M. Ige, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 15 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 16 (S.B. No. 2717, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 16 was adopted and S.B. No. 2717, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 18 (S.B. No. 2414, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Slom and carried, Conf. Com. Rep. No. 18 was adopted and S.B. No. 2414, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 19 (S.B. No. 2469, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Slom and carried, Conf. Com. Rep. No. 19 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 20 (S.B. No. 2588, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Slom and carried, Conf. Com. Rep. No. 20 was adopted and S.B. No. 2588, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 22 (S.B. No. 2823, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Slom and carried, Conf. Com. Rep. No. 22 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 23 (S.B. No. 2411, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 23 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 26 (S.B. No. 2256, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 26 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 27 (S.B. No. 2759, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 27 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 28 (S.B. No. 2957, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 28 was adopted and S.B. No. 2957, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 29 (S.B. No. 2454, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 29 was adopted and S.B. No. 2454, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 30 (S.B. No. 2768, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 30 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 32 (S.B. No. 3228, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 32 was adopted and S.B. No. 3228, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 34 (S.B. No. 2580, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, Conf. Com. Rep. No. 34 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 36 (S.B. No. 2460, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 36 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 37 (S.B. No. 3088, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 37 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 40 (S.B. No. 2866, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 40 was adopted and S.B. No. 2866, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONNEL FOR MENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 41 (S.B. No. 2346, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Baker and carried, Conf. Com. Rep. No. 41 was adopted and S.B. No. 2346, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 42 (S.B. No. 1273, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 42 was adopted and S.B. No. 1273, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF SEXUAL ASSAULT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 43 (S.B. No. 1309, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 43 was adopted and S.B. No. 1309, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 46 (S.B. No. 720, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 46 was adopted and S.B. No. 720, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEES AND COSTS FOR THE ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Levin). Excused, 1 (Ige, D.).

Conf. Com. Rep. No. 48 (S.B. No. 2326, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 48 was adopted and S.B. No. 2326, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER'S MUTUAL INSURANCE COMPANY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 49 (S.B. No. 2624, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Bunda, seconded by Senator M. Ige and carried, Conf. Com. Rep. No. 49 was adopted and S.B. No. 2624, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 50 (S.B. No. 2803, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 50 and S.B. No. 2803, S.D. 2, H.D. 2, C.D. 1, was deferred until later on the calendar.

Conf. Com. Rep. No. 52 (H.B. No. 3367, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Aki, seconded by Senator Tam and carried, Conf. Com. Rep. No. 52 was adopted and H.B. No. 3367, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH TOURISM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 54 (H.B. No. 2778, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 54 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 55 (H.B. No. 2533, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 55 was adopted and H.B. No. 2533, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 57 (H.B. No. 2985, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 57 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 58 (H.B. No. 3138, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 58 was adopted and H.B. No. 3138, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 59 (H.B. No. 3457, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Conf. Com. Rep. No. 59 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 60 (H.B. No. 1815, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 60 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 65 (H.B. No. 1830, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Levin, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 65 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 66 (H.B. No. 2878, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Levin and carried, Conf. Com. Rep. No. 66 was adopted and H.B. No. 2878, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 67 (H.B. No. 3289, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 67 was adopted and H.B. No. 3289, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," having been read

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

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

Conf. Com. Rep. No. 68 (H.B. No. 3403, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 68 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 69 (H.B. No. 2598, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 69 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 70 (H.B. No. 92, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 70 was adopted and H.B. No. 92, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 71 (H.B. No. 2332, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 71 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 76 (H.B. No. 1099, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Slom and carried, Conf. Com. Rep. No. 76 was adopted and H.B. No. 1099, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 77 (H.B. No. 2843, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 77 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 78 (H.B. No. 2852, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Levin and carried, Conf. Com. Rep. No. 78 was adopted and H.B. No. 2852, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEHEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 80 (H.B. No. 2666, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 80 was adopted and H.B. No. 2666, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 81 (H.B. No. 2355, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 81 was adopted and H.B. No. 2355, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 82 (H.B. No. 2357, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 82 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 84 (H.B. No. 2496, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 84 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 85 (H.B. No. 2524, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 85 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 86 (H.B. No. 2613, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 86 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 89 (H.B. No. 2776, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 89 was adopted and H.B. No. 2776, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 90 (H.B. No. 2779, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 90 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 92 (H.B. No. 2872, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 92 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 94 (H.B. No. 2992, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 94 was adopted and H.B. No. 2992, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 97 (H.B. No. 3192, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 97 was adopted and H.B. No. 3192, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUPPORT ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 102 (H.B. No. 3468, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Levin and carried, Conf. Com. Rep. No. 102 was adopted and H.B. No. 3468, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH

SYSTEMS CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 104 (H.B. No. 3024, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 104 was adopted and H.B. No. 3024, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 106 (H.B. No. 1332, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Iwase and carried, Conf. Com. Rep. No. 106 was adopted and H.B. No. 1332, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 107 (H.B. No. 2842, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Levin and carried, Conf. Com. Rep. No. 107 was adopted and H.B. No. 2842, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 108 (H.B. No. 2862, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 108 was adopted and H.B. No. 2862, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR DEVELOPMENTAL DISABILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 109 (H.B. No. 2714, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 109 was adopted and H.B. No. 2714, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCOLLECTIBLE ACCOUNTS IN THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 111 (H.B. No. 503, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator M. Ige, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 111 was adopted and H.B. No. 503, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 115 (H.B. No. 2870, S.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 115 was adopted and H.B. No. 2870, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 121 (S.B. No. 2983, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Baker and carried, Conf. Com. Rep. No. 121 was adopted and S.B. No. 2983, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFICE OF INFORMATION PRACTICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 124 (S.B. No. 2852, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Levin, seconded by Senator Fernandes Salling and carried, Conf. Com. Rep. No. 124 was adopted and S.B. No. 2852, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE VOLUNTARY RESPONSE PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 126 (S.B. No. 2037, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Metcalf, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 126 was adopted and S.B. No. 2037, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

FINAL READING

Conf. Com. Rep. No. 50 (S.B. No. 2803, S.D. 2, H.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 50 be adopted and S.B. No. 2803, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Metcalf.

Senator Sakamoto rose in support of the measure and said:

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

"This measure has been a long time in the making and reflects hundreds of hours of volunteer work by the Small Business Blue Ribbon Task Force, many other people and many people in this body. And while the bill does not include all of the task force's recommendations, it does provide for input of the business community into the creation of rules and their effect on operations. It's also my sincere hope, Mr. President, that it will help to change the attitude of government, those in government, and it needs to be made clear that while

government is here to protect the health and safety of citizens, that business people are citizens too, and that healthy businesses are necessary, are necessary, to the health of this state and to each individual in it.

"So, we need to pass this measure. Measures that have passed -- job reference liability -- also other measures -- criminal history check, workers' comp stress, tort reform. We need to help businesses to succeed. Only then, can we provide the tax base to support schools, to support health programs, ecology programs, and most importantly, to help provide jobs -- jobs that give people control over their own destiny.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 50 was having been read throughout S.B. No. 2803, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SMALL BUSINESS REGULATORY FLEXIBILITY ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

MATTERS DEFERRED FROM THURSDAY, MAY 30, 1998

FINAL READING

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 Wednesday, May 6, 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 Wednesday, May 6, 1998.

FINAL READING

Conf. Com. Rep. No. 9 (S.B. No. 2655, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 9 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 17 (S.B. No. 2786, H.D. 1, C.D. 1):

Senator Matsunaga moved that Conf. Com. Rep. No. 17 be adopted and S.B. No. 2786, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Slom rose in support of the measure and said:

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

"I think it's basically a good bill, but I think it needs to be a little bit stronger, so reservations, please."

Senator Anderson rose and said:

"Mr. President, reservations please."

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 17 was having been read throughout S.B. No. 2786, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 21 (S.B. No. 2602, S.D. 1, H.D. 1, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 21 be adopted and S.B. No. 2602, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Metcalf.

Senator Sakamoto rose in support of the measure and said:

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

"I've spoken against previous drafts where it was shifting or requiring landscape architects to take national exams and I would like to thank the committees and the conferees for taking into account the concerns expressed and recognizing that, in fact, Hawaii is very unique, especially in this particular area. By adding the knowledge for the state's climatic conditions, land use ordinance, special management area requirements, native plants and native ecosystems, we can keep Hawaii the best in this particular arena.

"So, I'm pleased to support this measure. And it'll be in the best interest of that industry and of our state, Mr. President."

Senator Metcalf rose and said:

"Mr. President, on behalf of the Consumer Protection and Information Technology Committee, I'd just like to let the good Senator know that we aim to please."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 21 was having been read throughout S.B. No. 2602, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDSCAPE ARCHITECTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 24 (S.B. No. 3043, S.D. 2, H.D. 2, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 24 be adopted and S.B. No. 3043, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Metcalf.

Senator Slom rose in opposition to the measure and stated:

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

"I realize that this is an important subject and that there's a lot of discussion locally and nationally about computer compliancy. The problem I have with this bill, however, is it immunizes, basically, government and only those businesses that deal with government. And really it does not state causes for the non-compliance. So it is a very blanket immunization for government. There'll be an awful lot of small businesses and others who do not have this immunity.

"In addition to that, again we have failed to deal with the overall question of tort liability. So, for these and other reasons, I'll be voting 'no.'

"Thank you."

At 10:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:00 o'clock a.m.

Senator Anderson rose to speak against the measure and said:

"Mr. President, I did talk to the chairman and he explained what the bill said, so I went to look at the bill and I do want to say a few words before you do that.

"Mr. President, I'm opposed to the bill. On page 5, Section 3, the good Senator did say that there is a clause in there that says that in the regular session of '99, we're supposed to get a report on this, so it'll even be before the year 2000. But the legal check that we did says that the immunity applies regardless of reason for non-compliance and it ruins government accountability.

"After reading the bill, it still doesn't say that if we do not comply or if there are problems that we're going to say, okay, we're going to make you accountable anyway. We'll probably still have the immunity in there for those companies and the state. And I don't think that it's fair that government has immunity and nobody else does, and a couple of businesses. The rest of us are going to be held accountable. The bill doesn't give any assurance that the accountability won't be there.

"Thank you very much, Mr. President."

Senator D. Ige rose to support the measure as follows:

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

"We would like to note that in the course of this session both government and the private sector have been focussed on dealing with the year 2000 problem. There was a commitment to work with the private sector to find a solution that will help and benefit everyone. However, the narrowness of the title limited action only to dealing with government systems. Therefore, I would like to note that the bill sunsets in one year, on June 30, 1999, and there is a work group of government and private sector individuals and professionals in this area that will be working in the interim to find a solution for everyone, government and private sector measures involved.

"For those reasons, I urge everyone to support this measure. Thank you."

Senator M. Ige then rose to speak against the measure as follows:

"Mr. President, I rise to speak against this measure as I've done so in the past.

"Mr. President, in the auditor's report, the auditor said that the HAWI System manager has determined that the HAWI System is not compliant with the year 2000 requirements. That's the first point. The second point is that the department was notified by the Department of Budget and Finance, Information and Communication Services Division, that the operating system for the main frame that runs the HAWI system is also not year 2000 compliant.

"Mr. President, the House passed over a concurrent resolution, No. 56, and if I may read line 26, asking the auditor, 'the auditor is requested to assess the State's year 2000 compliance efforts.' This resolution never had a hearing.

"Mr. President, I'm deeply concerned over what appears to be a huge problem, a time bomb, if you will, ticking down. This issue will cost the state millions of dollars, not just in hard money, but in the confidence of our taxpayers to deliver an issue that we knew about a long time ago. This issue should

not be before us. We should have the courage to be accountable, to be held accountable, to go to the taxpayers and deliver this challenge.

"Mr. President, I urge the members not to support this measure. We owe it to our taxpayers to be held accountable.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 24 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Aki, Anderson, Ige, M., Slom).

Conf. Com. Rep. No. 25 (S.B. No. 2078, S.D. 1, H.D. 3, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 25 be adopted and S.B. No. 2078, S.D. 1, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tanaka.

Senators Anderson and Slom then requested their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 25 was adopted and S.B. No. 2078, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 31 (S.B. No. 2887, S.D. 1, H.D. 1, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 31 be adopted and S.B. No. 2887, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Slom rose to speak against the measure and stated:

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

"Well, we spent a lot of time on bungee jumping this session, it looks like, but the problems with the bill still remain. The problems are that private businesses who already have to pay to have inspections will still now have to pay the Department Labor and Industrial Relations or to be assessed by them to have someone from here go to the mainland to train on inspecting bungee jumping and then come back. I think it's too much to ask and I don't think it's a safety issue. It's seems more like a personnel issue. So I'll be voting 'no,' Mr. President.

"Thank you."

Senator Kanno rose in support of the measure and stated:

"Mr. President, I'd like to address the comments made by the previous speaker in support of the bill.

"I'm not sure if the previous speaker is aware that the Department of Labor, through discussions during conference, indicated that they are no longer planning to send anyone to the mainland to be trained. And the bill includes a provision that these carnival operations may use outside inspectors until the time that our Hawaii State inspectors may receive training. And in conversation with the department, all training will be

done locally in a cooperative manner that works with carnival operations.

"It also indicates that not only the bungee inspections, but all amusement rides that are under our current laws that are inspected can be inspected by other private inspectors for the time being. So the conferees, through extensive discussions, went quite a way in addressing the concerns brought up previously.

"Thank you."

Senator Anderson requested a conflict ruling as follows:

"Mr. President, I have a potential conflict. The owner is a relative."

The Chair then said:

"No conflict, you may vote."

Senator Anderson then rose in opposition to the measure and said:

"I'll be voting in the negative. Primarily, again, when we had this digested, we still have the fee imposed to train the inspectors and the people from E.K. Fernandez shows have to pay for qualified experts to inspect all rides if they're going to get their insurance. They have to make sure that those people are qualified and they're going to be liable and then to have to take on an added burden of training our own people, I don't think it's fair.

"If we want them to be experts in their field, then the department should have their own people trained at our expense or our taxpayers', I guess you would say.

"Thank you very much, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 31 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Anderson, Sakamoto, Slom).

Conf. Com. Rep. No. 33 (S.B. No. 3248, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, 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 until Wednesday, May 6, 1998.

Conf. Com. Rep. No. 35 (S.B. No. 2297, S.D. 2, H.D. 1, C.D. 1):

Senator Levin moved that Conf. Com. Rep. No. 35 be adopted and S.B. No. 2297, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fernandes Salling.

Senator Slom rose to speak on the measure with reservations and said:

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

"I notice that in the makeup of the task force that there are no business organizations included. The business organizations are the ones that are responsible for paying the premiums and for all of the additional mandates in health care."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 35 was adopted and S.B. No. 2297, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Conf. Com. Rep. No. 38 (S.B. No. 2987, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 38 was adopted and S.B. No. 2987, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 39 (S.B. No. 632, S.D. 2, H.D. 3, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 39 be adopted and S.B. No. 632, S.D. 2, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Sakamoto.

Senator Slom rose in opposition to the measure and said:

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

"As I did last year, I spoke against bills that really give the government and police powers greater powers at the expense of individual rights and liberties. And I'm not sure whether this bill is designed to help safety or to create more revenues. It will be far more efficient in terms of taking pictures of people allegedly committing traffic violations. But on the other hand, if someone is in an unsafe condition at that moment, since there is no real live officer present, there's no one that can intervene and do anything for the safety of the community. So I look at this basically as something that is high tech in terms of generating more government revenues.

"In addition to that, I'd like the personal approach of having an officer come up to you and talk to you about an alleged violation, and also passing along friendly information about traffic conditions. So I'll be voting 'no.'

"Thank you."

Senator Kawamoto rose in support of the measure and said:

"Mr. President, I'm speaking in favor of this bill.

"Mr. President, this bill is so good that all the counties are fighting us to get a part of this. So this year we have provided that all counties will have the opportunity to have this system. It's a three-year photo red light project for all counties, and the counties will have the opportunity to contract for these services with the contractor.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 39 was adopted and S.B. No. 632, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 44 (S.B. No. 2249, S.D. 1, H.D. 2, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 44 be adopted and S.B. No. 2249, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Anderson rose to speak on the measure with reservations and said:

"Mr. President, I have some reservations on this particular bill. I'm trying to see if it's the right one."

At 11:12 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:15 o'clock a.m.

Senator Anderson then said:

"Would you just put me down as W/R, please."

Senator Slom rose on a point of information and said:

"Point of information, Mr. President. Could I ask one of the co-chairs if they could tell me what happens if the inmate doesn't pay the co-payment for his or her medical expenses? Will we send them to jail? Oh no, they're already in jail."

Senator Chumbley replied:

"Mr. President, we hope to turn them over to the AG's office for collection purposes." (Laughter.)

Senator Slom then said:

"A W/R please, Mr. President."

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 44 was having been read throughout S.B. No. 2249, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 45 (S.B. No. 2399, S.D. 2, H.D. 2, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 45 be adopted and S.B. No. 2399, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak against the measure and said:

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

"I realize it's just a study but there were bills and there will be bills that believe in the idea of total taxpayer financing of all elections. And while I certainly stand foursquare for a campaign reform and spending reform and I know there's a lot of things that we should be doing and could be doing, I don't think that making a further burden on the taxpayers in the future to support politicians is the right way to go. So I'm opposing this bill.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 45 was adopted and S.B. No. 2399, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 47 (S.B. No. 721, S.D. 1, H.D. 2, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 47 be adopted and S.B. No. 721, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak against the measure and said:

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

"Again, Mr. President, a number of the fee increases that are proposed in the bill are not really justified. I think many of them are extremely large and represent increases not related to the cost of providing judiciary services. I'm afraid that some of the fees, in fact, may be a bar to easy judicial entry for many of our citizens."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 47 was adopted and S.B. No. 721, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Anderson, Fernandes Salling, Slom, Solomon).

Conf. Com. Rep. No. 53 (H.B. No. 2443, H.D. 2, S.D. 1, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 53 be adopted and H.B. No. 2443, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I rise to speak against this bill, but before I do, I'm kind of curious. Maybe the Clerk or someone can enlighten me. I've looked for two days now to find Conference Committee Report No. 51 and I can't find 51 anywhere, and I am reminded that area 51 is that area in New Mexico where all the aliens are and I'm just wondering if 51 has disappeared somewhere. Is there a Conference Committee Report 51?"

At 11:19 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:21 o'clock a.m.

Senator Slom continued:

"Thank you, Mr. President. I thank all my colleagues for that very quick and compliant information about H.B. No. 1488 which was signed by the governor as Act 5. I don't know whether he signed it in Nevada or here, but I'm very happy to know that. I won't worry about it any longer.

"Getting back to the subject bill, however, H.B. No. 2443, encroachment, I feel it's too broad in terms of something that may have happened with a previous owner on property, holding the current owner liable without that person's knowledge. And the bill is very specific. It says that it doesn't matter if you are unable to locate the previous owner, so in other words, if there were a fence that was built a couple inches over the property line, or there was misinformation that the current owner is not familiar with and did not legally have to be, that current owner still can be held liable.

"Thank you, Mr. President."

Senator Taniguchi rose to speak in support of the measure with reservations and said:

"Mr. President, I rise to support the bill with reservations.

"I have some comments that I'd like to have inserted into the Journal on this matter."

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

"Mr. President, I will be voting with reservations on H.B. No. 2443, C.D. 1, due to a concern that has come to my attention by a resident property owner who lives in my district.

"The inclusion of the effective date retroactive to June 16, 1997 without regard to when the facts or actions giving rise to the discrepancies occurred, in H.B. No. 2443, Conference Draft 1 presents a potential area of confusion in the interpretation of the amended Act 131 as proposed by the Legislature.

"Mr. President, it is my understanding that neither Act 131 nor the proposed amendments are intended to allow a property owner to encroach upon another's property by any amount. My concern is that this could be used as justification to permit an owner to newly construct an improvement over the surveyed property line into a neighbor's property, claiming the right to remain under the protection of Act 131.

"For this reason, Mr. President, I will be voting with reservations on H.B. No. 2443, C.D. 1."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 53 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Anderson, Fernandes Salling, Ige, M., Iwase, Slom, Solomon).

Conf. Com. Rep. No. 56 (H.B. No. 2701, H.D. 2, S.D. 1, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 56 be adopted and H.B. No. 2701, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Metcalf.

Senator Slom, rising in support with reservations, then stated:

"Mr. President, I support the bill with reservations.

"The bill is a good bill. It doesn't allow telecommunication carriers to switch subscribers to long distance companies without their consent and without their initiating it. But I do notice that wireless companies have been exempted from this bill, and while wireless business predominantly is local in nature, many of the companies are now expanding into broader service areas, so I would wonder why we have the exemption just for wireless.

"Thank you."

Senator Anderson rose and said:

"Reservations, please."

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 56 was having been read throughout H.B. No. 2701, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 61 (H.B. No. 2567, H.D. 2, S.D. 1, C.D. 1):

Senator M. Ige moved that Conf. Com. Rep. No. 61 be adopted and H.B. No. 2567, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Bunda.

Senator Sakamoto rose in support of the measure and stated:

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

"Elimination of duplication of government services is a necessary first step to streamlining government. And highway maintenance and park services obviously are the first place to start.

"We have a fiduciary duty to our constituents, people who live here, people who pay their taxes. Our duty is to maximize their tax dollars and provide public services efficiently. This measure, along with managed competition, privatization and prudent reorganization will go a long way to help revitalize Hawaii's economy and create a government that will meet the expectations and needs of Hawaii's people."

Senator M. Ige also rose in support of the measure and said:

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

"Mr. President, I just want to give credit to where it's due. It's unfortunate that this is a House bill that's being passed today, but it was really a Senate idea coming from our own previous speaker, Senator Sakamoto. Had it not been for his perseverance and his pushing this effort forward, it would probably not be before us. But then again, it did come from the Senate. The Senate embraced the idea and, hopefully, come next year, we'll be able to move on to bigger and brighter issues, not just parks and roads.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 61 was having been read throughout 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 62 (H.B. No. 3257, H.D. 2, S.D. 1, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 62 be adopted and H.B. No. 3257, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Slom rose to support the measure with reservations and said:

"Mr. President, I rise to speak in favor of the bill with reservations. My only reservation is that, again, it's a good bill that allows the counties to have criminal checks but not for those who were hired previous to June 1, 1998. If we're going to do this thing, then we should make it a lot broader.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 62 was having been read throughout H.B. No. 3257, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS," having

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 63 (H.B. No. 2358, H.D. 2, S.D. 1, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 63 be adopted and H.B. No. 2358, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kawamoto.

Senator Sakamoto rose in support of the measure and said:

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

"This measure would require first-time violators of the child passenger restraint law to attend a safety class, as well as paying \$50 for driver's education and other fines for repeated convictions.

"Mr. President, I'm rising because many times we battle between individual liberty and as one of the previous speakers here talked about liberty v. safety on the photo red light issue, this is not a question of 'give me liberty or give me death,' Mr. President. I think in this issue for our keiki, liberty is not the issue. We've passed this bill which will help enforce child safety and this is supported by Keiki Injuries Prevention, Honolulu Police Department, Department of Health, and others. Along with this, what we didn't pass but the people should be aware of, all of you should be aware of when you talk to your constituents, and if they ask particularly about car seats, is that it's recommended that children up to age 4, although the law states age 3, be restrained in car seats. And especially because now little children can't be in the front, people really need to be aware that car safety seats are very important.

"I don't want to belabor the point but there are statistics that you should know. The national average of car seat use is 65 percent, but on Oahu it was 31 percent; and on Kauai, 42 percent; the statistics didn't say what it is on the Big Island. And with concerns for the Big Island, the measure we passed does include a provision for video conferencing to help to allow for the distance to travel for classes. But my hope is not complaining about classes but doing what needs to be done.

"In a study that was done, very few people, a small percentage had their car seats installed properly. So safety is very important, Mr. President.

"Thank you for your patience."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 63 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Fernandes Salling, Solomon).

Conf. Com. Rep. No. 64 (H.B. No. 3022, H.D. 2, S.D. 1, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 64 be adopted and H.B. No. 3022, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Anderson rose in opposition to the measure and said:

"Mr. President, I signed the original conference committee report with reservations, but I'll be going 'no,' primarily because I did represent that area for many years. It's now in

Senator Ige's district, but we do represent all of the people of this state.

"And when you take and waive all planning, land and construction requirements that the city puts out and call it fast-tracking, and you involve your neighbors who are going to be impacted by this and they give you reasons why you should not go ahead and have the facility built and by checking you find that there's other buildings that are going to be available for them to put the new over-crowding suit that's coming up by the ACLU, you wonder why people get distrusted with government. They can go ahead and do what they want to do with other buildings that come due. They're empty. There's other ways to do what we're doing rather than to just circumvent every law there is that the city puts out and city requirements.

"For those reasons, I'll be going 'no.'"

Senator M. Ige also rose in opposition to the measure and said:

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

"Mr. President, I need to echo the comments of Senator Anderson, the Senator from Kailua, regarding this very special area. I like his words, fast-track, because that's exactly what this bill does, and I believe it is irresponsible. I believe we need to get thorough discussion of this entire area.

"As you know, driving from Kailua to Waimanalo and passing the Mt. Olomana area, it's a very special area. You see rolling hills; you see cattle. It's a very lush, green area that reflects the community. And I think by fast-tracking and not bringing the community together, I think we're acting irresponsibly. I think that we should hold the feet to the fire of the department to go through the entire process all over again and looking at the expansion of this facility. I think this facility has merit. I think it should be there, but I believe that in its expansion or renovation, we do need community input. That is absolutely important. Mt. Olomana is very important to the people of the Windward District.

"It may not be a popular issue to go against this measure, statewide, but I believe for the community and in terms of its scenic beauty and what it does to the feeling just being on the windward side, I think it's crucial, crucial, that the planning requirements be adhered to and not fast-tracked.

"Thank you."

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

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

"The Committee on Human Resources, along with the House counterpart committee, has worked with the community organizations in this area and actually helped the Senate in crafting language that you see before you. The organizations that we consulted with are Maunawili Community Association, Olomana Community Association, Pohakapuu, Kukanono Community Association, Uluhaku Place, Save Mt. Olomana Association, and Kailua Neighborhood Board. As the existing statute requires, the Office of Youth Services must work with the community in all that they do.

"Thank you."

Senator Anderson rose and said:

"A very fast rebuttal. First, whenever the community comes in, it's because they know we're going to have a bill and we're going to push it, no matter what. And I keep telling you, when you bring in the department that is concerned, they'll make all kinds of promises. But when it gets down to basics, they're not

going to do anything unless they want to. Once we're out of here, they don't care. That's why it took me years to find out if I wanted something done at the Youth Correctional Facility, I had to have a proviso put in the budget. I had to make sure those dollars were going to be provided for the item that I wanted.

"And that's what's wrong with us. We get the community down here and they know that something is going to be pushed regardless of whatever they feel and they're willing to try to work out something, and they're promised everything and then we never fulfill those promises because we don't follow up with the departments.

"Thank you very much, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 64 was adopted and H.B. No. 3022, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH FACILITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Anderson, Ige, M., Slom).

Conf. Com. Rep. No. 72 (H.B. No. 2361, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 72 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kanno).

Conf. Com. Rep. No. 73 (H.B. No. 2837, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Tam, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 73 was adopted and H.B. No. 2837, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 74 (H.B. No. 2847, H.D. 2, S.D. 2, C.D. 1):

Senator Levin moved that Conf. Com. Rep. No. 74 be adopted and H.B. No. 2847, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fernandes Salling.

Senator Slom rose to support the measure with reservations and said:

"Mr. President, I'll be supporting the bill with reservations.

"I noticed that this bill originally singled out contractors after any disciplinary action, and then was amended for fairness to include any professional licensee of the State of Hawaii, but in the final version that was taken out again and the bill just singles out contractors.

"If we're concerned about the environment and we're concerned about dumping, then I think we should be concerned about the potential dumping or abuse by any licensee, so I'll be voting with reservations."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 74 was having been read throughout H.B. No. 2847, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," having

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 75 (H.B. No. 2506, H.D. 1, S.D. 1, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 75 be adopted and H.B. No. 2506, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Metcalf.

Senator Levin requested a conflict ruling as follows:

"Mr. President, I have a potential conflict. Part of my income comes from working in this area of the law."

The Chair ruled that Senator Levin was not in conflict.

Senator Metcalf also rose on a conflict ruling and said:

"Notwithstanding the fact that this bill seeks to do away with judicial foreclosures, I also have handled commissionerships in judicial foreclosure matters."

The Chair ruled that Senator Metcalf was not in conflict.

Senator Taniguchi then rose and said:

"Mr. President, would the Clerk note my reservations with this bill."

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 75 was adopted and H.B. No. 2506, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Levin).

Conf. Com. Rep. No. 79 (H.B. No. 3528, H.D. 1, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 79 be adopted and H.B. No. 3528, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Kanno rose in support of the measure and said:

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

"Mr. President, agreement on this measure was reached approximately one hour before the deadline. Because of the lateness of the hour, the language in the measure is, inadvertently, inconsistent. We wanted to state for the record that the intent of the Legislature is to allow employers to have access to conviction records where there is a rational relationship between the duties and the conviction. What we had agreed to, which is not explicit in the bill, is that this is specifically for prospective employees. The conferees did not support a provision that would allow employers to take their existing workforce and employees and carry out different kinds of questioning and criminal history checks to enable them to fire any existing employees. The conferees had agreed that this would be allowed on a prospective basis only, to look at prospective employees who are applying for positions.

"I also wanted to clarify that we have had discussions with both the Senate Judiciary chairs and with the Senate leadership and there is a commitment to go back and fix this measure next session, in the 1999 session. And it was also indicated that the House Judiciary chair also agrees with us on this provision, and

the intent is not to allow for existing employees to be fired under this measure, and it is to be done so on a prospective basis only.

"Thank you."

At 11:38 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:43 o'clock a.m.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 79 was adopted and H.B. No. 3528, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 83 (H.B. No. 2381, H.D. 1, S.D. 1, C.D. 1):

Senator Matsunaga moved that Conf. Com. Rep. No. 83 be adopted and H.B. No. 2381, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Matsunaga rose in support of the measure and said:

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

"Mr. President, during the interim preceding this legislative session, your Judiciary Committee sought to address the issue of prostitution and, specifically, street solicitations. Your Judiciary Committee, in consultation with the community and in collaboration with the community, came up with, basically, a four-prong approach to address this very complex issue.

1. To enhance penalties for street solicitation and to give counties the necessary tools to enforce them.
2. Prostitution intervention services to try and give those trapped in a life of prostitution a ray of hope.
3. To allow civil liability suits against pimps, to hit the pimps where it hurts them the most -- in their pocketbooks.
4. To allow the nuisance abatement laws to be applicable to prostitutes.

"Mr. President, I want to thank my Senate colleagues for assisting us in passing these four measures. Unfortunately, the House was only willing to go along with three of the measures. They did not want the pimps to be civilly liable. They also insisted upon language in this particular measure that was Waikiki specific. We told them that this was the cause for two prior vetoes by two different governors and we told them of the potential constitutional problems inherent, but the House insisted. We did insist upon a severability clause, just in case this bill is found unconstitutional. But on balance, Mr. President, I think this bill will go at least some way in helping combat street prostitution.

"Thank you."

Senator Slom rose in opposition to the measure and stated:

"Mr. President, unfortunately I have to rise to speak against the bill for some of the same arguments that the good Senator just brought up.

"First of all, the bill is unconstitutional and will be found so. Secondly, of the points that were enumerated involving pimps and also Johns, those were left out of the bill. Thirdly, the bill

makes a reference on page 4, line 3, which says, 'This section shall apply to all counties.' This section cannot apply to all counties because there is only one county that has a Waikiki in it that I am aware of.

"In addition to that, the boundaries of Waikiki are described very specifically, which means that if you're going to someone's fund raiser at the Queen Kapiolani Hotel, that escort may be subject to prosecution, but if that escort goes across the street to the zoo, then that person is okay. And God forbid if the escort goes even farther into Kaimuki or up to Hawaii Kai where we're building our new prison.

"So I think that we have problems with constitutionality. I think we have problems here of equal protection under the laws. We're talking about times and places, and while we all want to do something about this problem, this bill is not going to do it. We talked in here just a couple of days ago about flawed and defective bills and, unfortunately, this is one.

"Thank you, Mr. President."

Senator Anderson also rose in opposition and said:

"Mr. President, I, too, will be going 'no' for some of the same reasons as the Minority Floor Leader, but also the last reference in the committee report says, 'Your Committee on Conference further finds that providing for a civil action against pimps might not fit under' this title. After going over all of the different bundling that we've been doing, this one I think is pretty close to the same subject matter. Be it pimps, be it Johns, be it prostitution, they're all in the same subject matter and I didn't see where that was going to get us in any problem, so for all of those reasons, I'll be going 'no.'

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 83 was adopted and H.B. No. 2381, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Anderson, Slom). Excused, 1 (Metcalf).

Conf. Com. Rep. No. 87 (H.B. No. 2667, H.D. 1, S.D. 1, C.D. 1):

Senator Chumbley moved that Conf. Com. Rep. No. 87 be adopted and H.B. No. 2667, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak on the measure with reservations and said:

"Mr. President, after consultation with Smokey the cat, we're going to support the bill but with strong reservations.

"Again, I had raised the point before, that the bill talks about the quality and the quantity of food that must be provided to pets. It talks about the kind of housing that must be constructed for pets, not worrying about the housing of the owners of these pets. I'm wondering who's going to enforce such a bill. While we're all against cruelty to animals, I think that this bill is much too broad in prospect and I think it was aimed at just one individual. So, reservations."

Senator Matsunaga rose in support of the measure and said:

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

"Mr. President, I think it's a doggone shame that in light of all the pressing issues facing our state that we are here today debating the proper shelter for dogs and cats. But, Mr. President, when I heard about the historical significance of

figures such as Babe 'Roof' and 'Fido' Castro and 'Meow' Tseung, I realized that this was an issue we could not bury and the Legislature had to bone up on.

"Mr. President, I confess, though, that negotiations with the House became very ruff. The House insisted upon the word 'shelter' in the measure. We told them they were barking up the wrong tree and we convinced them that it would be a catastrophe to have that word in the bill. Mr. President, they finally agreed to the word 'protection.' And when we agreed to the word protection, the only organization against this compromise was the OABD, the Organization Against Birth Control for Dogs. But, Mr. President, we assured them that we meant protection from wind, sun, and rain, and Mr. President, they rolled over and accepted the language.

"I'm sorry, I'm all out of puns. (Laughter.)

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 87 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 88 (H.B. No. 2734, S.D. 1, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 88 be adopted and H.B. No. 2734, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Sakamoto.

Senator Levin rose on a point of inquiry as follows:

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

"I'd like to ask the good Senator from God's country if he would yield to a question."

Senator Kawamoto answered: "Yes."

Senator Levin continued:

"Senator, you co-chair the committee that handled this bill. My concern is that the first amendment in the bill amends the language about when school buses are stopped on a highway, and the law now will refer to when school buses are 'stopped on a highway or road in a residential area.' I wanted to ask the chair if the intention of that amendment is still to provide that school buses stop on all roads and highways. I understand the language was not meant to narrow the scope of coverage but to make sure that it covers all roads and all highways in the state."

Senator Kawamoto responded:

"That's correct. For safety reasons we intended to have all highways and roadways. And in 135-4 on page 35, Use of Private Real Property, it states that public highways means all state and county roads, alleys, streets, and ways, lanes, bikeways, and bridges. And it further goes on that on motor carrier, 271-4, page 135, again lists that highways mean public roads, highways, streets, and ways in the state. Therefore, highway covers everything.

"We made an exception for those highways that had a median strip, like Kalaniana'ole. They had a median strip so only lanes going with the traffic, with the bus traffic, would stop. But only those highways that have a median strip will do that.

"Granted that we added roads in residential areas, we wanted to grant, the initiator of the bill came from Kauai and in her bill

she had roads, residential areas, so we wanted to honor that intent or the words that she had started off with. But we could have stopped with only highways."

Senator Levin then said:

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 88 was having been read throughout H.B. No. 2734, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 91 (H.B. No. 2846, H.D. 1, S.D. 1, C.D. 1):

Senator Matsunaga moved that Conf. Com. Rep. No. 91 be adopted and H.B. No. 2846, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Anderson rose to speak with reservations on the measure and said:

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

"I think it's very admirable that we want to increase the fines for those people that are selling cigarettes to the youth. However, it still has in the bill that any offense by a minor the first time around is \$10. Then it goes to \$50. As you well know, it's not to the minor; it's to the parents. And I don't know how we're going to collect from some of these people.

"Besides that, there are a lot of us who wouldn't even know if our children are smoking or not smoking. So consequently, I have reservations in that area since we did nothing to even address that problem.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 91 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 93 (H.B. No. 2932, S.D. 1, C.D. 1):

Senator Matsunaga moved that Conf. Com. Rep. No. 93 be adopted and H.B. No. 2932, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Slom rose in support of the measure with reservations and said:

"Mr. President, I rise to support the bill with reservations.

"The bill deals with extending government immunity to both the state and the counties while taking power away from individual parties. And the thing that troubles me is the portion of the bill that allows for the general reputation of persons to be admissible for the purpose of proving that a nuisance exists. Prior to this legislation, we were talking about places and things, rather than individuals. So I have reservations about the bill.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 93 was adopted and H.B. No. 2932, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Ihara). Excused, 1 (Fukunaga).

Conf. Com. Rep. No. 95 (H.B. No. 3010, S.D. 2, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 95 was adopted and H.B. No. 3010, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 96 (H.B. No. 3065, H.D. 2, S.D. 2, C.D. 1):

Senator Levin moved that Conf. Com. Rep. No. 96 be adopted and H.B. No. 3065, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Slom rose in opposition to the measure and stated:

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

"Again, the issue is not cigarettes. The bill is fees which are taxes. It imposes a stamp fee for a problem that has not been documented. And it also includes other taxes and tax exemptions. I think we have too many things in this bill if we're aiming at the cigarette manufacturing only.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 96 was adopted and H.B. No. 3065, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Fernandes Salling, Slom, Solomon). Excused, 1 (Fukunaga).

Conf. Com. Rep. No. 98 (H.B. No. 3553, S.D. 1, C.D. 1):

Senator Matsunaga moved that Conf. Com. Rep. No. 98 be adopted and H.B. No. 3553, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Slom rose to speak against the measure and said:

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

"I think that the forfeiture laws have proven to be very profitable for government in many areas but very detrimental for innocent citizens in others. We had a situation just recently in our own North Shore, where a relative of the parents was residing in a home and was engaged in illegal federal activity, which provided for the forfeiture of the parents' home.

"I think what these forfeiture law bills do is that they get away from the original intent of fixing individual responsibility. And now we're adding the crime of breaking into one's car, which certainly should be a serious offense but I don't think it warrants forfeiture, particularly if it happens to be someone who is residing with someone else and they have the legal title either to their car or to their home, which will then be subject to forfeiture.

"Thank you."

Senator Anderson rose and said:

"Would you put me down as 'with reservations,' please."

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 98 was adopted and H.B. No. 3553, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Bunda, Fernandes Salling, Iwase, Slom, Solomon).

Conf. Com. Rep. No. 99 (H.B. No. 1868, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 99 was adopted and H.B. No. 1868, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:09 o'clock p.m.

Conf. Com. Rep. No. 100 (H.B. No. 2998, H.D. 2, S.D. 2, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 100 be adopted and H.B. No. 2998, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Sakamoto.

Senator Sakamoto rose in support of the measure and said:

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

"This measure will create a temporary, independent fifteen-member Maritime Authority Commission related to the details and regarding maritime lands and facilities and recommend findings to this body for next year.

"I'm in favor because many of the current processes have overlapping jurisdictions, conflicts between even departments within our state. Hopefully this commission can look at how to form a body that can better take care of the water and the maritime issues because Hawaii is surrounded by water and we really, therefore, require considerable attention to the maritime industry. And because of the lack of cohesiveness and inefficiencies, we're not able to fully maximize all of our potential in this arena. Establishing this commission is moving in the right direction for determining and making recommendations back so we can have a viable and competitive maritime industry.

"And for those who are involved, there was a conference before. The Chamber of Commerce and others worked on this and there'll be another conference this summer to make this a good measure, Mr. President."

Senator Kawamoto rose in support and said:

"I'm Speaking in favor of the bill, Mr. President.

"I just want to add the fact that this effort is not the end, but the beginning. It took a lot of effort and a lot of people took part to go to visit all the harbors, to go and visit all the harbors throughout the state, and finally we have a commitment by all

the users to be part of this temporary commission to look at the possibility of one agency to take care of all the maritime concerns.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 100 was adopted and H.B. No. 2998, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MARITIME AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Kanno). Excused, 1 (Ige, D.).

Conf. Com. Rep. No. 101 (H.B. No. 2366, H.D. 2, S.D. 2, C.D. 1):

Senator Kawamoto moved that Conf. Com. Rep. No. 101 be adopted and H.B. No. 2366, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Sakamoto.

Senator Anderson rose to speak with reservations on the measure and said:

"Mr. President, I'm going to go with reservations.

"I had a problem because we are no longer even considering a people mover system. And just last year, I believe it was, the governor was looking at a way to have a people mover. We were looking at taking it all the way down to Aloha Tower. It was going to provide transportation back down to Waikiki after the shopping center and the convention center, thereby not only helping the tourists but also our local people. This year we're not even mentioning it. The economy is going down further and further. It would have been a great deal for the state to have moved forward, but as usual we brought it up -- good idea at the time; good for the economy; good for our people -- and we deleted it. I just wanted to remind everybody.

"Thank you very much, Mr. President."

Senator Kawamoto rose to support the measure as follows:

"Mr. President, I'm speaking in favor of the bill.

"Mr. President, we all know that we have a concern about commuter traffic from the leeward side. This is an opportunity to look at alternatives. We have the opportunity again, with \$750,000, to try to get some federal funds amounting to about \$4 million. We have the opportunity to look and to again see the feasibility of a ferry system.

"Granted, we don't have a people mover, but we do have the Department of Transportation services from the city, I shall assume, tied into this project. We're looking at, again, dedicated bus routes and that effort to provide and to ensure that this study would be a positive thing for all those concerns.

"Thank you very much. I urge all my colleagues to vote 'aye' on this project."

Senator Slom rose and said:

"Reservations, please, Mr. President."

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 101 was adopted and H.B. No. 2366, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Fernandes Salling, Solomon).

Conf. Com. Rep. No. 103 (H.B. No. 2486, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 103 was adopted and H.B. No. 2486, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 105 (H.B. No. 3028, H.D. 1, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 105 be adopted and H.B. No. 3028, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Sakamoto rose in support of the measure and said:

"I rise to speak in support of this measure.

"This measure, as well as the one that is two down on adult residential care homes, I'd like to commend the co-chair from Alewa Heights/Liliha for working hard on these issues.

"This is a very important issue -- long-term care, residential care homes. I believe these measures recognize the growing needs of the aging population in Hawaii, and we need to address the different types of care and levels for the elderly and the associated costs. These measures, though, are just the foundation on what we can build on. These needs are not going away and are going to increase, so I urge each of you to really pay attention to these issues. They may not be a today issue, but it certainly is a tomorrow issue.

"As we opened this session, the pastor talked about hindsight, insight and foresight, Mr. President. This issue really requires foresight from this body.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 105 was adopted and H.B. No. 3028, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 110 (H.B. No. 2786, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, Conf. Com. Rep. No. 110 was adopted and H.B. No. 2786, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL AND MEDICAL EXAMINATION OF CONVICTED DEFENDANTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 112 (H.B. No. 1966, H.D. 2, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 112 be adopted and H.B. No. 1966, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Kawamoto rose in support of the measure and said:

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

"Mr. President, this bill provides expanded scope of the adult residential care homes. It also provides for proper compensation. I also would like to add that the Hawaii Care Givers Association, which is a newly formed organization, bringing together four different organizations of care homes, and this year they finally got together to have one unit and they all support this bill.

"I urge all my colleagues to support this bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 112 was adopted and H.B. No. 1966, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 114 (H.B. No. 2675, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Conf. Com. Rep. No. 114 was adopted and H.B. No. 2675, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Anderson, Fernandes Salling, Iwase, Slom, Solomon, Tanaka).

Conf. Com. Rep. No. 116 (H.B. No. 3437, H.D. 2, S.D. 2, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 116 be adopted and H.B. No. 3437, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Slom rose to speak against the measure and said:

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

"I think we're sending conflicting signals about the Hawaii Hurricane Relief Fund. The whole intent originally was that this was going to be a temporary fund until we improved the business climate until we attracted more private companies back into the market. We're on the way to doing that, but we already passed one bill and now we're passing another one to make this agency more permanent. And we're allowing for assessments which can be viewed as taxes, and we're viewing additional steps that will give greater life to the fund, rather than trying to phase it out as was the intent. So I'll be voting 'no.'

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 116 was adopted and H.B. No. 3437, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDING THE HAWAII HURRICANE FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Anderson, Fernandes Salling, Slom, Solomon). Excused, 1 (Metcalf).

Conf. Com. Rep. No. 117 (H.B. No. 2823, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 117 and H.B. No. 2823, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred until Wednesday, May 6, 1998.

Conf. Com. Rep. No. 119 (H.B. No. 3446, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 119 and H.B. No. 3446, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," was deferred until Wednesday, May 6, 1998.

Conf. Com. Rep. No. 120 (H.B. No. 3033, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Conf. Com. Rep. No. 120 was adopted and H.B. No. 3033, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Levin).

Conf. Com. Rep. No. 122 (S.B. No. 2211, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, Conf. Com. Rep. No. 122 was adopted and S.B. No. 2211, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 125 (S.B. No. 3076, S.D. 1, H.D. 1, C.D. 1):

Senator Levin moved that Conf. Com. Rep. No. 125 be adopted and S.B. No. 3076, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Slom rose in opposition and said:

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

"While I certainly favor the intent of the bill to establish a contracts office, I note that in the original measure it was to put that office within the Department of Health and the current version puts it in the Department of Human Services. I think, Mr. President and my colleagues, until the Department of Human Services has some serious management changes, until they start listening to what the legislative auditor has recommended, until they take care of their direct responsibilities, we should not be entrusting them with greater responsibility. So I'll be voting 'no.'"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 125 was adopted and S.B. No. 3076, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Fernandes Salling, Iwase, Slom, Solomon).

At 1:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:30 o'clock p.m.

Conf. Com. Rep. No. 131 (S.B. No. 1089, S.D. 2, H.D. 2, C.D. 1):

Senator Levin moved that Conf. Com. Rep. No. 131 be received and placed on file, seconded by Senator Fernandes Salling.

Senator Levin explained:

"Mr. President, there is an inaccuracy in the conference committee report and that is the reason for the motion."

The motion was put by the Chair and carried.

On motion by Senator Levin, seconded by Senator Fernandes Salling and carried, S.B. No. 1089, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

MATTER DEFERRED FROM TUESDAY, APRIL 14, 1998

Stand. Com. Rep. 3171 (H.B. No. 2547, H.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3171 and H.B. No. 2547, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Wednesday, May 6, 1998.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 3015, S.D. 2, H.D. 1:

Senator Taniguchi 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. 3015, S.D. 2, seconded by Senator Tanaka and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 3015, S.D. 2, seconded by Senator Tanaka.

Senator Taniguchi explained:

"Mr. President, S.B. No. 3015 clarifies the application of the general excise tax exemption for aircraft service and maintenance facilities. The House amended this bill by deleting the exemption for sales of items to service or maintain the aircraft and allows the construction exemption for facilities with areas of not less than 30,000 sq. ft."

The motion was put by the Chair and carried.

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. 3015, S.D. 2, and S.B. No. 3015, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX EXEMPTION FOR AIRCRAFT SERVICE AND MAINTENANCE FACILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3105, 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. 3105, 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. 3105, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige then noted:

"Mr. President, this bill provides that the insurance commissioner should have the authority to reduce rates when he feels that it is inappropriately high. The House made some narrowing amendments and they were not willing to go along with the Senate draft. Passing this measure gives the insurance commissioner some authority to act when insurance companies are making excessive profits."

The motion was put by the Chair and carried.

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3105, S.D. 1, and S.B. No. 3105, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

ADOPTION OF HOUSE CONCURRENT RESOLUTION

H.C.R. No. 103, H.D. 1:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 103, H.D. 1, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

Senator Iwase moved that H.C.R. No. 103, H.D. 1, be adopted, seconded by Senator Taniguchi.

Senator Baker spoke on the measure as follows:

"Mr. President and fellow colleagues, this measure begins the process of allowing a lease of both fast and submerged lands at Hale O Lono Harbor on the Island of Moloka'i. Although it is widely reputed that there is one developer in mind, I understand that there are several in the community who may wish to put together a proposal for development at this very important place on the Friendly Island.

"While this process has been somewhat contentious and difficult for me personally, as I have friends and supporters in what might be termed both camps on that island, I have had an opportunity with the assistance of several of my colleagues here, not the least of which has been the good offices of the Senator from Kahaluu, to work toward some understandings among the parties. The first was to get commitments from some of the major players in this area that before any of the permitting or other formal actions are taken, the community will be brought together in a real, genuine and meaningful way so that the highest level of consensus can be achieved.

"Mr. President, as the Senator from the area cognizant of contention in the community, I would have preferred starting out as a public/private partnership. However, given the slim margin for CIP, and the other pressing concerns in the community, it didn't seem to this Senator as if this project would be able to go forward in a reasonable or timely manner if it were tied to the availability of state funds.

"Therefore, Mr. President, I believe that this resolution, although perhaps not perfect from some points of view, will give us an opportunity to continue to discuss, to move the issue forward, understanding that there are concerns, real concerns, in the community. If those who want to improve the area, as well as those with concerns, agree to sit down to work together and devise a plan, then I believe we will have much needed improvements at Hale O Lono.

"I thank the co-chairs of Water, Land, and Hawaiian Affairs, and Economic Development for their concurrence and assistance with this matter.

"Thank you, Mr. President."

The motion was put by the Chair and carried, H.C.R. No. 103, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF BOTH FAST AND SUBMERGED LANDS AT HALE O LONO HARBOR, ON THE ISLAND OF MOLOKAI FOR REDEVELOPMENT, MANAGEMENT, AND OPERATION BY A QUALIFIED PRIVATE ENTITY FOR RECREATIONAL PURPOSES," was adopted.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2495, S.D. 1, H.D. 1:

Senator Chun Oakland 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. 2495, S.D. 1, seconded by Senator McCartney.

Senator Kanno rose and said:

"Mr. President, I would like the record to indicate that I am opposed to this motion."

The motion was put by the Chair and carried.

Senator Chun Oakland then moved that the Senate agree to the amendments proposed by the House to S.B. No. 2495, S.D. 1, seconded by Senator McCartney.

Senator Chun Oakland then noted:

"Mr. President, S.B. No. 2495, S.D. 1, as amended by the House, is a bill that would exempt airline employees of qualified airlines from Hawaii's wage and hour law, provided that any overtime hours that arise from the result of a voluntary agreement between employees to exchange work time or days off."

Senator Chun Oakland then requested the remainder of her remarks be inserted into the Journal as follows:

"Members of the United Airlines Employee Council, speaking on behalf of the Honolulu Reservations Department, Sales and Service Representatives, and Ticket Sales Representatives, and 219 Hawaiian Airline employees supported this bill. The Air Transport Association, which represents 27 airlines, also provided supportive testimony.

"The practice of voluntarily trading hours among airline employees has been in effect for over three decades. This practice is permitted under federal law. Employees of these airlines are considered exempt from overtime under the federal wage and hour law. Recently, it has come to the attention of several air carriers based in Hawaii that Hawaii's wage and overtime law is more restrictive than the federal law and, therefore, makes the practice of voluntary trading for some employees a violation of state law.

"This measure would allow employees, who earn less than \$1,250 a month, to voluntarily trade hours over 40 hours per week. Employees who earn more than \$1,250 per month are already permitted to voluntarily trade without the requirement of overtime compensation under state and federal law.

"This piece of legislation is the result of management and employees working cooperatively to adopt a measure that benefits both the employees and the airline carrier. This issue arose because employee groups associated with United Airlines urged management to assist them in supporting legislation that

would allow them to continue to enjoy this longstanding practice of voluntarily trading work time. Hawaiian Airlines employees, who also enjoyed this benefit in the past, added their support to this effort.

"This bill gives airline employees the flexibility to work beyond their assigned hours per week to participate in educational opportunities, family activities, school activities for their children and other matters that support family and personal growth. Further, voluntary shift trading usually results in a decline in sick leave and in increased employee morale.

"Approximately 780 employees from Hawaiian Airlines and approximately 1,000 employees from United Airlines working in customer service, reservations, ticket sales, providing clerical support, and employees from other airlines will benefit directly and indirectly from the passage of this measure.

"It is a win-win not only for employees, the consumers, and the airline companies, but also will help Hawaii maintain its competitiveness with other states. I think this discussion is a healthy one. Thank you for your attention and consideration. I urge my colleagues to support this measure."

Senator Kanno rose in opposition and said:

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

"Mr. President, this bill undermines the protection in our law for workers to receive overtime pay for overtime hours. It opens the door to coercion of employees, it allows for favoritism in the workplace by employers, and unfair treatment of employees. The wage and hour law was established to protect workers. Each time an exception is allowed, our law is made weaker. If efforts like these continue, there will be no protection in our law left for workers.

"This bill has been opposed by the Department of Labor, the Hawaii State AFL/CIO, the ILWU, the Hawaii Nurses Association, the Association of Flight Attendants and the Hawaii State Machinists Council.

"I urge my colleagues to oppose this measure."

Senator Kawamoto rose to support the amendments and said:

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

"Mr. President, when I was approached to introduce this bill, I was approached and asked and said that this bill would help the employees to do something that they've been doing for 34 years. Without this bill, this practice would be terminated July 1 of this year because of the fact the company could not stand a litigation fight.

"Mr. President, we're talking about people who had their first time job and need to go to school. They're asking for that flexibility. And I can relate to that because when I went to school, in my last semester I had five jobs and got fired by one. So I can relate to trying to juggle multi-jobs. Also, it means young mothers having to deal with young families growing up and their need for some flexibility in their work schedule.

"Mr. President, we're also talking about low income families, low income wage earners, again the capability to negotiate low-jobs.

"I feel that this bill will help the employees; help the low paying jobs and provide themselves an opportunity for multi-jobs to again cope with the economic situation we're having in Hawaii today. Therefore, I urge all my colleagues to vote 'aye' on this bill.

"Thank you."

Senator Sakamoto rose in support and said:

"Mr. President, I also rise in support.

"The airlines industry is one of the most important industries for Hawaii and there's no question we should support it whenever possible. This measure is not only possible, but simple. This measure doesn't cost the state any money. It's supported by both management and employees. Some have expressed concerns about setting a precedent on wage and hour laws for future abuse, but I believe we're setting a precedent to be responsive to the needs of changing business trends in a global economy.

"It's time we face the facts that to be competitive in this economy, we need to change, and one shoe does not fit all. A major part of the economic change occurring globally deals with the variety of working environments and schedules. People need to be flexible. Business has learned to adapt. Government must also learn to adapt, and government must also let free-thinking companies operate. We need to change laws to accommodate them. And just as a reminder, the law already lets the maritime industry have wage and hour exceptions.

"And as I was on an airline flight to the Big Island just a couple of weeks ago, I asked the flight attendant about this very bill because they're the people affected. And the person I asked happened to be working on a Saturday and he said, 'Oh, my normal workday is Monday, but someone asked me to change to accommodate their schedule.' And when I explained the law he said, 'That's great. That's just what we need.' So I strongly urge everybody to support this. The employees support it and we should all support it.

"Thank you."

Senator Slom also rose in support and said:

"I, too, rise in support of the amendments.

"First of all, let me confirm that the good Senator from God's country did hold five job when he was going to school, and he had as much energy then as he does now because I was his classmate, I know. (Laughter.)

"Here is a perfect example of Legislators not listening to the public, particularly employees. They have told us what they want. They have told us what they do. It doesn't violate any laws. It doesn't cost any money. It's the right thing to do. And quite frankly, Mr. President, when I hear about oppressing the workers, I think of Moscow in 1917, or I think of the Forbes article last year that called us the People's Republic of Hawaii. We've gotta get with it. The real oppression is when the government does not listen to the people that pay our salaries.

"This is a win-win situation. I urge all my colleagues to support it. Thank you."

Senator Tam rose and said:

"Mr. President, I have words in opposition towards this measure that I'd like inserted into the Journal."

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

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

"The purpose of this bill is to exempt employees of qualified airlines from the wage and hour law. The bill conflicts with the legislative intent of existing labor laws, specifically the wage and hour statute, and would remove a basic protection for Hawaii's working people.

"Although I favor policies and procedures that give workers scheduling flexibility, they should not have to give up their

legal right to overtime compensation in order to have such flexibility.

"Flexibility in scheduling is a collective bargaining issue, and should be part of the negotiations between employer and employee. Employers and employees can create flexibility in their contract, but they are still subject to the same law that applies to everyone else. An exception only for the airlines is not fair, nor is it justified by any compelling state interest. As a general practice, if there is a lawsuit pending in court, I believe legislation should not be introduced to interfere. The legislature and judiciary are two separate branches of government. Because of this, I will vote against this bill.

"Thank you."

Senator Anderson rose in support and said:

"Mr. President, I'll be speaking in favor.

"I did want to say one thing to the Senator, in fact, both of them since there are two Senators who are opposed, the airline that most moved me, and we received a lot of calls, is one particular airline which has not had a raise in six years. In fact, these people that have called have taken less pay in the last so many years just to keep the airline flying. So when they asked for this particular measure, I thought it was fair and something that we should at least address and move forward.

"For those reasons, I will be voting 'aye.'"

The motion was put by the Chair and carried.

On motion by Senator Chun Oakland, seconded by Senator McCartney and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2495, S.D. 1, and S.B. No. 2495, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGE AND HOUR LAW," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Kanno, Mizuguchi, Tam).

At 1:45 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:55 o'clock p.m.

Conf. Com. Rep. No. 124 (S.B. No. 2852, S.D. 1, H.D. 2, C.D. 1):

Senator Levin moved that the Senate reconsider its action taken earlier on the calendar on Conf. Com. Rep. No. 124 and S.B. No. 2852, S.D. 1, H.D. 2, C.D. 1, seconded by Senator Fernandes Salling and carried.

By unanimous consent, action on Conf. Com. Rep. No. 124 and S.B. No. 2852, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE VOLUNTARY RESPONSE PROGRAM," was deferred until Wednesday, May 6, 1998.

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

"Mr. President, I'm rising on a point of personal privilege.

"Mr. President, just to comment upon the letter that we received this morning extending the session. You should have in your possession now, along with the Governor and the Speaker of the House, a letter signed by several Senators opposing the extension of even one day. And I just wanted to state for the record for all the members here, because I don't believe they have seen the copy, why those of us who signed this letter oppose an extension at this time.

"We believe that if an extension is granted without movement or resolution on key issues that confront this Legislature, that it would be perceived as an extension which unfortunately would cost the people money and waste their time. We believe an extension should be granted only under the following conditions:

1. That there is an agreement that there is no increase in the GET and that meaningful personal income tax cuts will be passed.
2. That there will be agreement that a privatization bill will be passed which will address the Konno decision and the concerns which have been unanimously articulated by the four county mayors, as well as by the governor.
3. That agreement that the Mitchell case relating to stress will be addressed pursuant to the recommendation of the Economic Revitalization Task Force. We understand that if this issue is not addressed, there's a potential increase -- this is a minimum amount, it could be more -- increase of 3 percent in overall cost to the workers' compensation system in Hawaii which is an additional \$7 million in premium costs imposed upon already suffering businesses. And this premium cost would recur annually.
4. Agreement is reached on coordinated care, S.B. No. 2386.
5. Agreement is reached to provide autonomy, flexibility, for the University of Hawaii.
6. Agreement is reached to address some of the drastic cuts, and we've received a lot of faxes and letters about it, contained in the Senate version of the budget, particularly in the area of the QUEST program, the Felix/Cayetano consent decree.

"We also note that on May 1 the chair of the House Finance Committee sent over a proposed draft, a conference draft committee report to the budget, H.B. No. 2500, which provided funds to sustain the visitor industry, primary care facilities in Waianae, Kahuku, Hamakua and Molokai. We also believe that we need not cut the public television program, adult education program, district health offices, etc.

"We believe that unless movement is made and agreement is reached on these key areas which address our economy, that there should not be an extension. We should no longer waste the people's time and money, nor should we unnecessarily expend energy.

"I hope you consider this letter, Mr. President. I understand the governor's request for an extension is for 24 hours. If there is no movement in the 24 hours, we suggest a sine die and go home.

"Thank you."

Senator Solomon also rose on a point of personal privilege and said:

"Mr. President, also on a point of personal privilege.

"Mr. President, in support of the remarks that were made by the previous speaker, I'd like to remind you that we did send you a memorandum dated March 26, 1998, stating that Hawaii's economy is an all consuming issue during this legislative session. We also stated that we are in an economic doldrums. We must take action to revive and re-energize our economy. We did identify areas, Mr. President, that we felt need to be addressed. And we feel very strongly that if there is an extension that these areas will be addressed.

"Mr. President, we are very much concerned about being able to recharge consumer confidence in our state. We also,

Mr. President, still believe very strongly that we can or we must cut taxes. We must return money to our taxpayers. We also believe, Mr. President, that this can be done and must be done. And we will not, Mr. President, again, will not support an extension if we cannot have a package of all of the above.

"Thank you very Much."

Senator Anderson then rose on a point of personal privilege and said:

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

"I'd like to say as the Minority Leader that once again the Legislature goes into overtime and once again it does so because of a lack of leadership.

"The governor continues to try to control and run the Legislature from his office on the fifth floor. He is continually using the threat of his veto power to control which bills will pass the Legislature and which ones will die. This is the same governor who is slinging insults at the legislative members of his own party.

"It is unfortunate that the governor, as a former legislator, does not realize that now is the time he should be acting as a statesman, rather than a dictator.

"This morning's headlines read that the legislative leaders have 'decided' to keep some 60 bills alive. Just who are these leaders -- there truly aren't any in the majority party, at least according to the indications by the governor. I would have to question who keeps bills alive -- the governor or the legislators.

"And I can tell you that 60 bills still alive on this, the supposed, last day of the Legislature is 59 bills too damn many. The majority of these bills should have, and could have, been taken care of during the past 60 legislative days. Most of these issues have been in consideration since opening day. Rather than working on them, they have been lingering in the background, becoming a political pawn here in the last few days of the Legislature. Extending this session for the budget is one thing, but extending the session to try to come to agreement over so many bills is absolutely ridiculous!

"When I saw this in the paper this morning, Mr. President, I asked our minority staff people to try to mark off some of them that were hot items from the very beginning, issues that we should have worked on. All of these in yellow are the issues that we should have worked on. That was our responsibility. And it makes me angry, Mr. President, when we sit here and we try to just say we're taking care of the people's business, and we're not. We haven't done so since opening day.

"I have said that the economy is our problem. And just listening to the governor the other day, he said it seems that every one of the different samplings that we have taken, the economy is the problem. I didn't need samplings from different groups to tell me that. I don't think you did, either. From the very beginning it's been the economy.

"While I'm on a roll, Mr. President, also, there are 27 members from the House who signed an agreement, a proposal, to the Speaker that there would be no gambling even considered. Now we have said before that there was a referendum and it was up to the people. Philosophically, I don't care where you stand, but it's the people's right to vote. What these 27 people have done is taken away the right from the people to have some kind of input. Our economy is going down. If they want gambling, that's their right to vote -- not 27 guys in the Legislature saying don't do this. So if I were the voters I would vote every damn one of them out, too.

"Thank you very much, Mr. President."

Senator Tam also rose on a point of personal privilege and stated:

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

"Mr. President, fellow colleagues, on behalf of our young ones out there in public education, we thank you for the extension so that we can properly fund education within our public schools. Please, colleagues, these young ones need the dollars.

"Thank you."

ADJOURNMENT

At 2:05 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 8:00 o'clock p.m., Wednesday, May 6, 1998.