

**JOURNAL**

**of the**

**SENATE OF THE**

**NINETEENTH LEGISLATURE**

**of the**

**STATE OF HAWAII**

---

**Regular Session of 1998**

**Convened Wednesday, January 21, 1998**

**Adjourned Thursday, May 14, 1998**

**OFFICERS OF THE SENATE**

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**Vice President**

**HONORABLE ANDREW LEVIN.....Ka'u - S. Kona, Hawaii**

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**Assistant Sergeant at Arms**

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of the  
**SENATE OF THE NINETEENTH LEGISLATURE**  
of the  
**STATE OF HAWAII**

<b>DISTRICT</b>	<b>NAME</b>	<b>ADDRESS</b>
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<b>Third</b>	<b>LEVIN, ANDREW (D)</b>	<b>The Senate State Capitol Honolulu, Hawaii 96813</b>
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<b>Sixth</b>	<b>CHUMBLEY, AVERY (D)</b>	<b>The Senate State Capitol Honolulu, Hawaii 96813</b>
<b>Seventh</b>	<b>FERNANDES SALLING, LEHUA (D)</b>	<b>The Senate State Capitol Honolulu, Hawaii 96813</b>
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<b>Tenth</b>	<b>IHARA, LES, JR. (D)</b>	<b>The Senate State Capitol Honolulu, Hawaii 96813</b>
<b>Eleventh</b>	<b>TANIGUCHI, BRIAN (D)</b>	<b>The Senate State Capitol Honolulu, Hawaii 96813</b>

<b>DISTRICT</b>	<b>NAME</b>	<b>ADDRESS</b>
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Thirteenth	TAM, ROD (D)	The Senate State Capitol Honolulu, Hawaii 96813
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Seventeenth	IGE, DAVID (D)	The Senate State Capitol Honolulu, Hawaii 96813
Eighteenth	IWASE, RANDY (D)	The Senate State Capitol Honolulu, Hawaii 96813
Nineteenth	KAWAMOTO, CAL (D)	The Senate State Capitol Honolulu, Hawaii 96813
Twentieth	KANNO, BRIAN (D)	The Senate State Capitol Honolulu, Hawaii 96813
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Twenty-Second	BUNDA, ROBERT (D)	The Senate State Capitol Honolulu, Hawaii 96813
Twenty-Third	MCCARTNEY, MIKE (D)	The Senate State Capitol Honolulu, Hawaii 96813
Twenty-Fourth	IGE, MARSHALL (D)	The Senate State Capitol Honolulu, Hawaii 96813
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Senator Carol Fukunaga, Co-Chair**

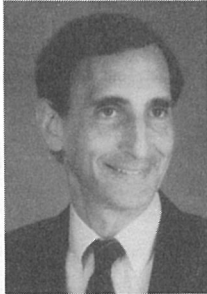
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Senator Randy Iwase  
Senator Cal Kawamoto**

**Senator Andrew Levin  
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**MEMBERS OF THE SENATE  
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STATE OF HAWAII  
REGULAR SESSION OF 1998**



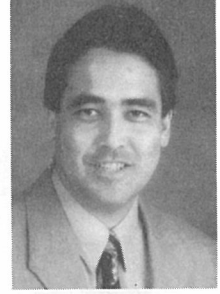
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President



**ANDREW LEVIN**  
3rd Senatorial District  
Vice President  
Co-Chair: Health and  
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**LES IHARA, JR.**  
10th Senatorial District  
Majority Leader



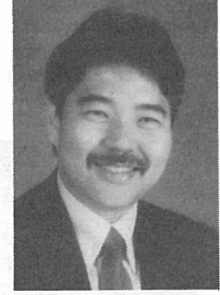
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23rd Senatorial District  
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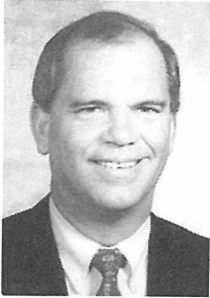
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25th Senatorial District  
Minority Leader



**SAM SLOM**  
8th Senatorial District  
Minority Floor Leader



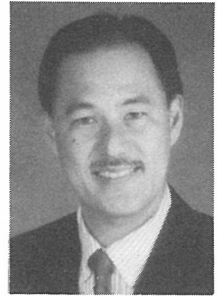
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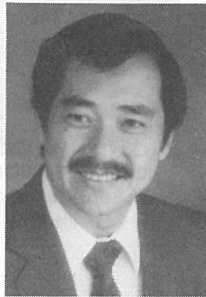
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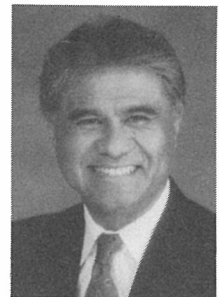
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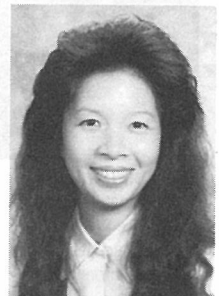
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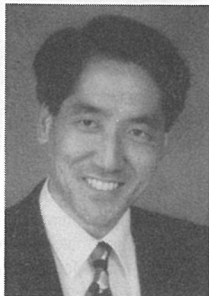
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7th Senatorial District  
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14th Senatorial District  
Co-Chair: Human  
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Co-Chair: Transportation  
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**RANDY IWASE**  
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Co-Chair: Water, Land, and  
Hawaiian Affairs



**MALAMA SOLOMON**  
1st Senatorial District  
Co-Chair: Water, Land, and  
Hawaiian Affairs



**ROSALYN H. BAKER**  
4th Senatorial District  
Co-Chair: Ways and Means



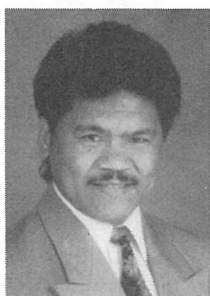
**CAROL FUKUNAGA**  
12th Senatorial District  
Co-Chair: Ways and Means



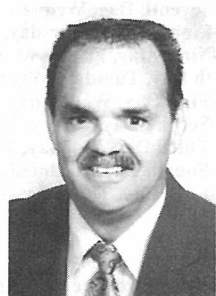
**PAUL T. KAWAGUCHI**  
Clerk



**CAROL T. TANIGUCHI**  
Assistant Clerk



**BIENVENIDO C. VILLAFLORES**  
Sergeant at Arms



**ABRAHAM PACHECO**  
Assistant Sergeant at Arms

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Note: In accordance with Article III, Section 10, of the Constitution of the State of Hawaii, the mandatory (five days) recess was held on February 25, 26, 27, March 2 and 3, 1998; other recesses were held on January 30, March 9, 11, April 13, 15, 24, May 4, 7 and 12, 1998.

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THE  
NINETEENTH LEGISLATURE  
STATE OF HAWAII  
REGULAR SESSION OF 1998  
JOURNAL OF THE SENATE

## FIRST DAY

Wednesday, January 21, 1998

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawaii, the Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, was called to order at 10:03 o'clock a.m., by the Honorable Norman Mizuguchi, President of the Senate.

At this time, the members of the Senate, guests and audience rose to sing the National Anthem and "Hawaii Pono'i," led by Ms. Cathy Foy.

The Divine Blessing was then invoked by the Reverend Chris Eng of the Waipahu United Church of Christ, who was escorted to the rostrum by Senators Chun Oakland, Kawamoto and Anderson.

The President then directed the Senate Clerk to call the Roll. The Clerk called the Roll showing all Senators present.

The President then addressed the members of the Senate and guests as follows:

"Governor and Mrs. Cayetano, Lt. Governor Hirono, Chief Justice Moon, former Governor and Mrs. Ariyoshi, former Governor and Mrs. Waihee, Senator and Mrs. Daniel Akaka, Congresswoman Mink, Congressman Abercrombie, Mayor Lingle, Mayor Kusaka, Mr. Bob Fishman from the City and County of Honolulu, other honored guests, members of the Senate, people of Hawaii:

"Warmest aloha and welcome to the 'people's house' -- the Senate chambers.

"In this legislative session, we have both the challenge and the opportunity to put Hawaii back on the right course as we head toward the 21st century and the third millennium. There is no better time than on this opening day for each of us to affirm that we will meet that challenge and seize that opportunity.

"Our task will not be easy. The vital signs of a healthy economy -- low unemployment, growth in personal income, creation of new jobs, adequate state revenues -- have not been good. Moreover, the recent upheavals in the Asian financial markets could worsen our situation.

"We cannot afford to drift -- to 'wait and see' and hope that things will get better. Our problems are already too long lasting. Strong measures are needed -- and needed now -- to get the economy moving again.

"It was this need for decisive and timely action that prompted the formation of the Economic Revitalization Task Force. This unprecedented collaboration of the public and private sectors -- of business, labor, and government -- resulted in a comprehensive agenda for economic change.

"I won't discuss the Task Force's recommendations in detail at this time. However, we must all understand that the recommendations before us are the first critical step in

removing obstacles to economic growth. Business as usual is unacceptable. Fundamental changes must be made to the structure of Hawaii's economy if we are to prosper as a state.

"The members of the Task Force worked long and hard to formulate and ultimately agree upon economic revitalization measures. I would like to take this time to thank each and every one of them, as well as the participants in the various work groups for their efforts. It has been my privilege working with all of you.

"The recommendations of the Task Force are before us and should be the starting point for our deliberations on what needs to be done. Not all groups in our community -- and not all members of the Legislature -- agree with the recommendations in its entirety. But I urge you not to reject any recommendation without offering something better.

"In the same spirit that the Task Force showed in putting personal agendas aside and in reaching consensus, let us strive to reach agreement in the Legislature by resisting the claims of special interests and by doing, on balance, what's best for all of Hawaii.

"In addition to the Task Force recommendations, there are other economic issues to consider.

"For example, the federal government should be persuaded to do its part in enforcing the employment provisions of Department of Defense contracts. Current public law requires Department of Defense contractors to hire local residents for work performed in Hawaii when our unemployment rate exceeds the national average. This is a good law that has never been enforced. We do not know exactly how much of the defense contracts payroll should have gone -- and should now be going -- to Hawaii's workers, but it very likely amounts to hundreds of millions of dollars. We will vigorously press the federal government to provide our workers with the jobs that are theirs as a matter of right, under the law.

"I also see advantages in correcting the inconsistent tax status within the health care industry. Because the industry is made up of for-profit as well as nonprofit organizations, some must pay the general excise tax while others do not. This disparity was not a problem until recently. Now, market conditions, government cost-containment policies, new health care services, and the provision of care to patients from Pacific Rim countries are demanding industry-wide restructuring. Tax inconsistencies should be corrected during this restructuring. The goal should be an expanded health-care industry and the positioning of Hawaii as the 'Wellness Center of the Pacific.'

"To stimulate the small business sector, I propose that small businesses receive a tax credit for the difference in the amount spent on advertising in 1998 and the amount spent in 1997. This credit would help small businesses to maintain and boost their spending on advertising when harsh economic times would ordinarily reduce or curtail it. Additionally, I propose a small business and home renovation tax credit in an amount equal to 50 percent of the total planning cost associated with renovating a business or home. Finally, I propose that we also

waive business registration and licensing fees for a period of one year.

"Our Senate committees and individual Senate members undoubtedly have still other ideas to create jobs, bolster businesses, and strengthen the economy. We welcome all proposals, and we will act on the best of them.

"While our priorities should focus clearly on the economy, there are other issues which require our attention.

"In recent months, there have been several sad episodes of children and infants dying as a result of physical abuse. These have been the most shocking cases, and we do not know how many cases go unreported or undetected. As a first step, we will give the child protection laws an intensive review and make any necessary changes to assure that in whatever setting, the welfare and well-being of the child come first before any other consideration.

"More needs to be done to nurture our children. The evidence is strong that early intervention and help are crucial for at-risk families and disadvantaged children. One program that addresses this very problem is Healthy Start, but it reaches only a fraction of those who need it. Because our budget problems preclude any significant expansion of the Healthy Start program at this time, we must look to alternative solutions.

"I am prepared to work for a public-private partnership with charitable trusts and foundations to provide funding or direct services for early intervention programs, with an initial focus on native Hawaiian children. This too will be only a beginning, serving fewer than we would hope, but it could be the cornerstone of a program eventually encompassing the key elements of physical development, mental health, and early childhood education for all children who need help.

"If children rank first in the need for protection, Hawaii's fragile environment cannot be far behind. We cannot take for granted a clean and beautiful Hawaii. It must be the concern and responsibility of each and every one of us. Our beaches especially, which should be sparkling, pristine, and a source of pride, have become in various locations despoiled by litter and a source of shame. We will seek solutions to these problems. In particular, we will determine how prison labor and those sentenced to community service can be used more extensively and continuously on beach cleanup and other environmental protection projects.

"For now, the harsh reality is that initiatives requiring more state funds for even the worthiest of programs will be severely limited. To carry on the most essential services, we must make the best use of every financial resource and every personnel position.

"To promote the best use of resources, and especially the best use of personnel, who comprise the largest cost of government, I propose a heavy dose of controlling personnel costs. I recommend legislation that will effectively reduce all general funded personnel position vacancies by one half, with the cost savings accruing to the general fund. The other half of vacant personnel positions will be assigned to pools under the control of the Governor, in the case of the executive branch, and the Chief Justice, in the case of the judiciary.

"The Governor and the Chief Justice will decide for their respective branches what kinds of positions should be created from the vacant position pools and where the positions are to be assigned. The objective is to reduce systematically the personnel services budget and to provide the Governor and Chief Justice with the appropriate authority and the flexibility to determine the personnel priorities of their branches. As a complementary measure, we will prohibit the current widespread practice of creating exempt positions and circumventing civil service requirements.

"While these are steps we can take to cut costs directly, savings can also be realized through the restructuring and consolidation of state departments. Since the Reorganization Act of 1959, the executive departments are much the same today as they were then. Two sessions ago, we passed a law requiring the executive branch to submit detailed plans for the consolidation of several specific departments, with other departments to follow. Those detailed plans were due last session but have not been submitted. Because we urgently need both immediate and long-term savings, the consolidation of departments can no longer be delayed.

"I recommend that we prepare legislation to implement the consolidation of specific departments, hopefully with the input of the executive branch. I also recommend that we put teeth in the consolidation law by mandating a general fund savings of at least 5 percent. We should also review the organization and functions of the Judiciary. There seems to be growing consensus that the Land Court is not needed and should be disestablished, and we should make a decision on this matter and other possible changes.

"The Department of Education, as the largest spender of public resources, should also be responsible for making the best use of those resources. We have made periodic requests to the department to conserve resources by closing schools with small and falling enrollments and to reallocate resources to communities with new and burgeoning school populations. There has been little response. Therefore, we must establish another means to deal with this problem. Following the federal model of using a commission to close military bases, one mechanism that we will consider is the establishment of an independent and impartial school closure commission.

"For our part, the Senate has made progress in recent years to achieve efficiencies, consolidate committees, broaden participation, and improve public access. I propose that we undertake another reform. During the interim, I will formulate and then recommend to the Senate a provision for a strict limitation on the number of bill introductions. As a twin part of that reform, I will also propose that every Senate bill be scheduled for a public hearing, thereby providing the public with the opportunity to be heard on every Senate measure. This reform will give real meaning to the idea that legislative business is the people's business.

"As we open this session, my fundamental faith in government remains unshaken. I believe that government can be the agent of change for a better society, one which promotes the aspirations of all of our citizens. This does not mean bigger government, but it does mean better government. As lawmakers, we have a continuing responsibility to reshape and renew government -- to make it better -- and this session, we have a full agenda to do just that.

"Faced with the many tasks before us, I can only advise that we set clear priorities, begin our deliberations without delay, make the crucial decisions, and in all this, resolve foremost to restore Hawaii to good economic health.

"In the days ahead, I share your hopes that we will be equal to the large challenge before us, that we will persevere until the job is done, and that in the end, we will have served our people proudly and well.

"Thank you very much."

Senator Anderson, Minority Leader of the Senate, then responded as follows:

"Mr. President, distinguished guests, colleagues, people of Hawaii, family and friends -- Aloha.

"In reviewing my speech from last year's opening day, there was expectations for true leadership, true reform, and true hope

for the people of Hawaii. The economy was in trouble, but collectively I thought we could correct some of the problems and move on. Today, however, we face the hard, cold reality that our economy is in deeper trouble today than ever before.

"The truth at this point and time is we, as elected officials, have failed the people of Hawaii. We have failed to provide strong leadership and failed to provide true reform. We can no longer delay adopting bold and innovative policies to begin to rebuild a healthy economy. We can no longer delay decisive actions for we have already delayed too long. And delay is the deadliest form of denial!

"Let's briefly discuss some of the Task Force's recommendations. And, remember that we have been told, or perhaps even threatened, that we must accept the whole package or it will fail. Well, I will not be bullied, and I don't believe that my fellow Republican Senator Sam Slom will blindly support all of these recommendations.

"We have grave concerns, ladies and gentlemen, about increasing the GET 34 percent as recommended by the Task Force, election year or not. Both the consumers and small business will take a beating in this number one sales tax burden that we have already the highest per capita. The increase will hit the people long before they realize any savings that they should get on their personal income tax. In fact, if the enabling legislation is passed today in 1998, we will probably not receive anything until at least the year 2001, if at all. One of the other recommendations made by the Task Force is to raise the transient accommodations tax, called the TAT or the tourist tax. An increase in the TAT could mean less funding for the counties. And where will they make up that shortfall? Well, they could cut services, but that would impact on us and it would impact on the tourists. Realistically, our property taxes would go up and that impacts on us, ladies and gentlemen -- you and me. A member of the Task Force made the comment that Hawaii's property taxes are probably one of the lowest of all the states. Well, our cost of living is one of the highest! We simply cannot afford any new taxes.

"And who is going to be hit the hardest? Truthfully, I don't believe it will be the rich and I don't believe it will be the poor. The greatest impact will be on the middle class and small businesses. And who is it going to help? Big business, big organizations such as the banks who are exempt from the excise and other taxes, but pay a franchise tax. While this is not a bad thing for them, it certainly does not benefit the average person in Hawaii.

"And take a look at our tax brackets. Talk about unfair and inequitable! These brackets have not been adjusted for inflation since 1965 and the threshold for the highest marginal rates remains far too low -- \$21,000 for single returns and \$41,000 for joint returns. This puts a family making \$42,000 in the same bracket as those making double, triple, or even more. Once again, the middle class suffers.

"Now we hear the ad blitz to 'educate' the people regarding their economic ideas! Do they assume that our residents are 'lolo' and they cannot understand that more money will be taken from their pockets? In all the Task Force meetings held across the state, very few of our residents were for the proposals presented by the Task Force.

"I certainly hope the IRS and the State Ethics Commission will investigate the non-profit organizations who are involved in funding the so-called 'education effort.' Non-profits are exempt from taxes and the banks, as I said earlier, have the franchise tax which is peanuts compared to small businesses' taxes. What they need to do is tell the truth; pure and simple. And you don't need a half-million to a million dollars to tell the truth!

"We need to follow the path that California took in turning its economy around. It restructured its tax code to be less

burdensome on businesses, passed real workers' compensation reform and cut government red tape. It put teams in the field working to keep businesses in the state. It cut government costs and privatized some functions. And they succeeded! Even Cedar Rapids, Iowa, the heartland of America, made a comeback after their economic crisis of the 80's.

"There are many other options that we could look at and consider other than the Task Force's. Let me mention a few of them. For example, we must support our small businesses and concentrate on making them a success. Successful small businesses stimulate the overall economy. For new types of businesses just starting up in Hawaii, the state could give them a tax break for the first couple of years -- long enough to get their business off the ground and to help make them a success.

"The Legislature should amend workers' compensation to provide for coordinated care. And, of course, there is the stress issue -- whereby if an employee is dismissed from the job as a disciplinary action, the courts have ruled that the employee is entitled to workers' compensation benefits. This is wrong, ladies and gentlemen. This session we must also clarify the far too broad law as to what can and cannot be privatized.

"In these tough economic times, when many small businesses are downsizing, our state government is continuing to grow. Put simply, government is too big.

"We must end duplication among agencies, reorganize business-related departments. Hiring must be reduced dramatically. The Legislature in 1996 requested that the Governor submit a report to the 1997 session regarding the restructuring of state government. An interim report was submitted in December 1996 which basically belly-ached about how difficult it would be to integrate departments and services. And until this day, no final report has ever been received by the Legislature.

"Privatizing small boat harbors may or may not be a good idea, but we definitely should invest in a fact-finding mission to look into how it is done in other states, how successful the venture has been or has not been. We simply do not do a good job of investigating our options here in Hawaii. We lack imagination and creativity and seem to have an attitude that 'it can't be done' or 'it won't work.' We must also encourage privatization of those functions of government that can be performed more efficiently and at less cost by the private sector.

"Mr. President, 80 percent of the goods consumed in our state are imported from the mainland or foreign countries and 98 percent of these goods come by ship. We are dependent on the shipping industry. The Jones Act costs Hawaii consumers thousands of dollars each year and much of the high cost of living in Hawaii can be attributed to this Act. I believe that Hawaii, as well as Alaska, Guam and Puerto Rico, should and could be exempted from the restrictive provisions of the Jones Act. This is a federal issue, but our Legislature should urge the United States Congress to grant such an exemption.

"We must make use of our thousands of acres of state land, the people's land, to encourage diversified agriculture and forestry, ecotourism and cultural parks, and small industries by making reasonable, long term leases readily available. Consider, as I said last year, selling off some of the lands we have had in long-term leases. Why try to take back the lands then go ahead and redesignate those lands for other uses.

"Hawaii is one of only two states which do not support some form of legalized gambling. Year after year, the state has rejected gambling in various forms -- lottery, shipboard gambling, horseracing. Legislation has been introduced, scrutinized and narrowly defeated. The former Governor vetoed the innocuous bingo bill, which did pass the 1991 Legislature. Governor Cayetano recently withdrew his support for a state lottery on the basis that it would not generate a

significant income for the state. Well, ladies and gentlemen, believe me, we should let the facts speak for themselves. Thirty-six states plus the District of Columbia have lotteries, and government profits in FY 1994 averaged \$209.8 million. Rhode Island, a state with a population similar to Hawaii, but does not have the tourist trade that we do, profited by \$56.3 million. Furthermore, and perhaps more significantly, it is interesting to note that the majority of these states enabled gaming legislation through initiative and referendum -- the true voice of the people. I have introduced in the past and will do so again this session, legislation asking for an advisory referendum. It's legal and it does not involve a constitutional change.

"We have a lot of people going to Las Vegas and every dollar that goes out of this state should be put back into our own economy.

"We need to become more self-sufficient and export more of our own goods, especially to Guam, the Marianas, and other Pacific islands!

"We have been too dependent on the Asian market and have blamed them for our troubles for too long. We do have a means of changing some of the problems for the tourist that are here.

"Before I wrap this up, I do want to remind all of you, my colleagues, that we must have true land reform. We must pass LESA as mandated by the 1978 Constitutional Convention. Once we identify and protect our valuable AG lands, designate marginal, conservation and other lands, only then can we move forward and really streamline government. For them, if you are a farmer, rancher, or developer, all the necessary permits, leases or whatever else government says you need to provide to move forward, you should be able to because we do have the knowledge as to what that land is zoned for.

"Finally, to accomplish all the things I have outlined, we must first put our own fiscal house in order by filling the office of the legislative analyst. This is the only way our legislative branch will really be able to implement performance-based management of the state budget. I know that this person will do a job for us that will be as important to all of us as our auditor is in performing the job that she does for us.

"Mr. President and ladies and gentlemen, many of the ideas laid out will take time, but it has taken many years to get to where we are today and this has been because of misguidance, mismanagement, misuse and misplanning which have unfortunately resulted in mistrust! Mr. President and ladies and gentlemen, I hope the press will not misquote!

"Next year at this time, I would hope that on opening day our remarks will be that we succeeded in providing true leadership, true reform, and true hope for the people of our great state. Let's all pull together and IMUA!

"Mahalo."

At 10:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair. The members of the Senate and their guests were then entertained by "Hui Ohana" and "The Krush."

The Senate reconvened at 11:50 o'clock a.m.

#### INTRODUCTION OF SENATE BILLS

On motion by Senator Ihara, seconded by Senator Slom and carried, the following bills passed First Reading by title and were referred to committees:

Senate Bill

No. 2001 "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT RELATING TO THE LEGISLATURE."

Introduced by: Senator Iwase.

Referred to: Committee on Ways and Means, then to the Committee on Judiciary.

No. 2002 "A BILL FOR AN ACT RELATING TO PROPERTY DAMAGE."

Introduced by: Senator Iwase.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

No. 2003 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII FOR TRAINING OF TEACHERS IN SHORTAGE AREAS."

Introduced by: Senator Aki.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2004 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Aki.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2005 "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES."

Introduced by: Senator Aki.

Referred to: Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means.

No. 2006 "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBERS."

Introduced by: Senator Slom.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

No. 2007 "A BILL FOR AN ACT RELATING TO PERIODIC MOTOR VEHICLE INSPECTION."

Introduced by: Senator Slom.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

No. 2008 "A BILL FOR AN ACT RELATING TO SECURITIES."

Introduced by: Senator Slom.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary.

No. 2009 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE FOR THE EXPENSES OF THE OFFICE OF THE LEGISLATIVE ANALYST."

Introduced by: Senators Anderson, Slom.

Referred to: Committee on Ways and Means.

No. 2010 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."

Introduced by: Senator Anderson.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2011 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Senator Anderson.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means.

No. 2012 "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE COMPANY TAX."

Introduced by: Senator Anderson.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

No. 2013 "A BILL FOR AN ACT A BILL FOR AN ACT RELATING TO DISCRIMINATORY EMPLOYMENT PRACTICES."

Introduced by: Senator Anderson.

Referred to: Committee on Human Resources, then to the Committee on Judiciary.

No. 2014 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."

Introduced by: Senator Anderson.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

No. 2015 "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS."

Introduced by: Senator Anderson.

Referred to: Committee on Transportation and Intergovernmental Affairs.

No. 2016 "A BILL FOR AN ACT RELATING TO CRUISE SHIP OPERATORS."

Introduced by: Senator Anderson.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2017 "A BILL FOR AN ACT RELATING TO LAWS."

Introduced by: Senator Anderson.

Referred to: Committee on Judiciary.

No. 2018 "A BILL FOR AN ACT RELATING TO CRIMES."

Introduced by: Senator Kawamoto.

Referred to: Committee on Judiciary.

No. 2019 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Kawamoto.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means.

No. 2020 "A BILL FOR AN ACT RELATING TO SEAT BELTS."

Introduced by: Senators Kawamoto, Sakamoto.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

No. 2021 "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING."

Introduced by: Senators Kawamoto, Sakamoto.

Referred to: Committee on Transportation and Intergovernmental Affairs.

No. 2022 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senators Kawamoto, Aki, Baker, Tam.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2023 "A BILL FOR AN ACT RELATING TO CHILDREN."

Introduced by: Senators Kawamoto, Kanno, Chun Oakland.

Referred to: Committee on Judiciary.

No. 2024 "A BILL FOR AN ACT RELATING TO FREEDOM FROM GOVERNMENT COMPETITION."

Introduced by: Senator Bunda.

Referred to: Jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

No. 2025 "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE."

Introduced by: Senator Bunda.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2026 "A BILL FOR AN ACT RELATING TO SMALL BUSINESS INNOVATION RESEARCH GRANTS."

Introduced by: Senator Bunda.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2027 "A BILL FOR AN ACT RELATING TO THE MAIN STREET PROGRAM."

Introduced by: Senator Bunda.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2028 "A BILL FOR AN ACT RELATING TO THE STATE PROCUREMENT OFFICE."

Introduced by: Senator Bunda.



Referred to: Committee on Government Operations and Housing, then to the Committee on Ways and Means.

No. 2029 "A BILL FOR AN ACT RELATING TO SECURITIES."

Introduced by: Senator Bunda.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology.

No. 2030 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Senator Bunda.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology.

No. 2031 "A BILL FOR AN ACT RELATING TO THE PROCUREMENT POLICY BOARD."

Introduced by: Senator Bunda.

Referred to: Committee on Government Operations and Housing, then to the Committee on Ways and Means.

No. 2032 "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES."

Introduced by: Senator Bunda.

Referred to: Committee on Economic Development.

No. 2033 "A BILL FOR AN ACT RELATING TO THE HAWAII RECLAIMED WATER DISTRIBUTION AUTHORITY."

Introduced by: Senators Bunda, Iwase, Kawamoto, Kanno.

Referred to: Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

No. 2034 "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS."

Introduced by: Senator Aki.

Referred to: Committee on Education, then to the Committee on Commerce, Consumer Protection, and Information Technology.

No. 2035 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senator Levin, by request.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary.

No. 2036 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senator Levin.

Referred to: Committee on Health and Environment, then to the Committee on Human Resources.

No. 2037 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senator Levin.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology.

No. 2038 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE CONTRACTS."

Introduced by: Senator Levin.

Referred to: Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology.

No. 2039 "A BILL FOR AN ACT RELATING TO HEALTH CARE."

Introduced by: Senator Levin, by request.

Referred to: Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology.

No. 2040 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senator Levin.

Referred to: Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology.

No. 2041 "A BILL FOR AN ACT RELATING TO FUNDING FOR THE COMMUNITY HOSPITALS."

Introduced by: Senator Levin, by request.

Referred to: Committee on Health and Environment, then to the Committee on Ways and Means.

No. 2042 "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS."

Introduced by: Senator Tam.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology.

No. 2043 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 5, OF THE HAWAII CONSTITUTION TO LIMIT EXECUTIVE MODIFICATION OF THE BUDGET."

Introduced by: Senators Tam, Bunda.

Referred to: Committee on Education, then Jointly to the Committee on Judiciary and the Committee on Ways and Means.

No. 2044 "A BILL FOR AN ACT RELATING TO ADULT MENTAL HEALTH."

Introduced by: Senator Tam, Bunda.

Referred to: Committee on Health and Environment, then to the Committee on Ways and Means.

No. 2045 "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE."

Introduced by: Senators Tam, Baker, Bunda, Chun Oakland, Taniguchi.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology.

No. 2046 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senators Tam, Bunda, Chun Oakland.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology.

No. 2047 "A BILL FOR AN ACT RELATING TO ACUPUNCTURE PRACTITIONERS."

Introduced by: Senators Tam, Bunda, Chun Oakland.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology.

No. 2048 "A BILL FOR AN ACT RELATING TO ACUPUNCTURE PRACTITIONERS."

Introduced by: Senators Tam, Bunda, Chun Oakland.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology.

No. 2049 "A BILL FOR AN ACT RELATING TO APPROPRIATIONS RESTRICTED BY THE GOVERNOR."

Introduced by: Senators Tam, Bunda.

Referred to: Committee on Ways and Means.

No. 2050 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 5, OF THE HAWAII CONSTITUTION, TO REQUIRE A BIENNIAL FINANCIAL AUDIT OF THE STATE'S FINANCES."

Introduced by: Senators Tam, Bunda.

Referred to: Committee on Ways and Means, then to the Committee on Judiciary.

No. 2051 "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS."

Introduced by: Senators Tam, Aki.

Referred to: Committee on Education, then to the Committee on Commerce, Consumer Protection, and Information Technology.

No. 2052 "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH QUEST PROGRAM."

Introduced by: Senator Ige, M.

Referred to: Jointly to the Committee on Human Resources and the Committee on Health and Environment, then to the Committee on Ways and Means.

No. 2053 "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION."

Introduced by: Senator Ige, M.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2054 "A BILL FOR AN ACT RELATING TO DRIVING."

Introduced by: Senator Ige, M.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

No. 2055 "A BILL FOR AN ACT RELATING TO COMPUTER PURCHASES MADE BY THE STATE."

Introduced by: Senator Ige, M.

Referred to: Committee on Government Operations and Housing, then to the Committee on Ways and Means.

No. 2056 "A BILL FOR AN ACT RELATING TO NOISE."

Introduced by: Senator Levin.

Referred to: Committee on Health and Environment.

No. 2057 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Senator Levin.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology.

No. 2058 "A BILL FOR AN ACT RELATING TO POLICE."

Introduced by: Senator Levin.

Referred to: Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, then to the Committee on Ways and Means.

No. 2059 "A BILL FOR AN ACT RELATING TO CORAL."

Introduced by: Senator Levin.

Referred to: Committee on Health and Environment, then to the Committee on Water, Land, and Hawaiian Affairs.

No. 2060 "A BILL FOR AN ACT RELATING TO BICYCLES."

Introduced by: Senator Levin.

Referred to: Committee on Education, then to the Committee on Transportation and Intergovernmental Affairs.

No. 2061 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Levin, by request.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology.

No. 2062 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RESEARCH ON COMPLEMENTARY AND ALTERNATIVE MEDICAL CARE IN HAWAII."

Introduced by: Senator Levin.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2063 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senator Iwase.

Referred to: Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Education, then to the Committee on Ways and Means.

No. 2064 "A BILL FOR AN ACT RELATING TO THE DISCOVERIES AND INVENTIONS REVOLVING FUND."

Introduced by: Senator Mizuguchi.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2065 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senator Mizuguchi.

Referred to: Committee on Ways and Means.

No. 2066 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senator Mizuguchi.

Referred to: Committee on Water, Land, and Hawaiian Affairs.

No. 2067 "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OR REPEALING OBSOLETE OR UNNECESSARY PROVISIONS."

Introduced by: Senator Mizuguchi, by request.

Referred to: Committee on Judiciary.

No. 2068 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CONSTRUCTION OF TRANSMISSION AND DISTRIBUTION LINE FOR NONPOTABLE WATER FOR THE UPCOUNTRY MAUI WATERSHED PROJECT, KULA, MAUI."

Introduced by: Senator Mizuguchi, by request.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2069 "A BILL FOR AN ACT RELATING TO A COMMUNITY LANDS AND OPEN SPACE ACQUISITION FUND."

Introduced by: Senator Mizuguchi, by request.

Referred to: Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

No. 2070 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR DETECTION OF ALIEN PEST SPECIES AT THE STATE'S PORTS OF ENTRY."

Introduced by: Senator Mizuguchi, by request.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2071 "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE."

Introduced by: Senator Mizuguchi, by request.

Referred to: Committee on Human Resources, then to the Committee on Judiciary.

No. 2072 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE FOR THE EXTENSION OF THE MOLOKAI AIRPORT RUNWAY."

Introduced by: Senator Mizuguchi, by request.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

No. 2073 "A BILL FOR AN ACT RELATING TO EXPANDING THE LIST OF BUSINESSES ELIGIBLE FOR ENTERPRISE ZONE BENEFITS."

Introduced by: Senator Mizuguchi, by request.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2074 "A BILL FOR AN ACT RELATING TO THE BOARD OF SUPERVISORS."

Introduced by: Senator Mizuguchi, by request.

Referred to: Committee on Transportation and Intergovernmental Affairs.

No. 2075 "A BILL FOR AN ACT RELATING TO POLICE OFFICERS, FIREFIGHTERS, AND BANDSMEN PENSION SYSTEM."

Introduced by: Senator Mizuguchi, by request.

Referred to: Committee on Human Resources, then to the Committee on Ways and Means.

No. 2076 "A BILL FOR AN ACT RELATING TO LIVE EXOTIC ANIMAL TRAVELING EXHIBITS."

Introduced by: Senator Levin, by request.

Referred to: Committee on Economic Development, then to the Committee on Judiciary.

No. 2077 "A BILL FOR AN ACT RELATING TO REAL PROPERTY EXEMPTIONS."

Introduced by: Senator Tanaka.

Referred to: Committee on Judiciary.

No. 2078 "A BILL FOR AN ACT RELATING TO OCEAN RECREATION."

Introduced by: Senator Tanaka.

Referred to: Committee on Economic Development.

No. 2079 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY SCHOOLS FOR ADULTS."

Introduced by: Senator Tanaka.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2080 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MAUI COUNTY TO UPGRADE THE POLICE DEPARTMENT'S TELECOMMUNICATIONS SYSTEM."

Introduced by: Senator Tanaka.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

No. 2081 "A BILL FOR AN ACT RELATING TO MAKENA-LA PEROUSE BAY STATE PARK."

Introduced by: Senator Tanaka.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2082 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PLAN AND DEVELOP THE HAWAII GERIATRIC RESEARCH AND TRAINING CENTER AT KULA HOSPITAL."

Introduced by: Senator Tanaka.

Referred to: Committee on Health and Environment, then to the Committee on Ways and Means.

No. 2083 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TWENTY-FOUR-HOUR EMERGENCY MEDICAL SERVICES FOR HANA, MAUI."

Introduced by: Senator Tanaka.

Referred to: Committee on Health and Environment, then to the Committee on Ways and Means.

No. 2084 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE BUSINESS RESEARCH LIBRARY."

Introduced by: Senator Tanaka.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2085 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MAUI VACUUM COOLING PLANT."

Introduced by: Senator Tanaka.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2086 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HANA HIGH SCHOOL ATHLETIC PROGRAMS."

Introduced by: Senator Tanaka.

Referred to: Committee on Education, then to the Committee on Ways and Means.

No. 2087 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ESTABLISH THE MAUI FOODBANK, INC."

Introduced by: Senator Tanaka.

Referred to: Committee on Human Resources, then to the Committee on Ways and Means.

No. 2088 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PINEAPPLE RESEARCH."

Introduced by: Senator Tanaka.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2089 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HOOTERS HULA BOWL, MAUI."

Introduced by: Senator Tanaka.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2090 "A BILL FOR AN ACT RELATING TO OCEAN RECREATIONAL BOATING AND COASTAL ACTIVITIES."

Introduced by: Senator Tanaka.

Referred to: Jointly to the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

No. 2091 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PERFORM A DRAINAGE STUDY OF THE MAKIKI DRAINAGE DITCH FLOODING PROGRAM."

Introduced by: Senators Taniguchi, Fukunaga.

Referred to: Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

No. 2092 "A BILL FOR AN ACT RELATING TO INCOME TAX LAW."

Introduced by: Senator Taniguchi.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2093 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURE RESEARCH AND DEVELOPMENT."

Introduced by: Senators Taniguchi, Tanaka.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means.

No. 2094 "A BILL FOR AN ACT RELATING TO THEFT."

Introduced by: Senator Taniguchi.

Referred to: Committee on Economic Development, then to the Committee on Judiciary.

No. 2095 "A BILL FOR AN ACT RELATING TO DEATH WITH DIGNITY."

Introduced by: Senator Bunda, by request.

Referred to: Committee on Health and Environment, then to the Committee on Judiciary.

No. 2096 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE INSTITUTE FOR HUMAN SERVICES."

Introduced by: Senators Bunda, Chun Oakland.

Referred to: Committee on Human Resources, then to the Committee on Ways and Means.

No. 2097 "A BILL FOR AN ACT RELATING TO THIRD PARTY PAYORS OF DENTAL HEALTH CARE."

Introduced by: Senator Bunda.

Referred to: Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology.

No. 2098 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAUKAULA STREAM."

Introduced by: Senator Bunda.

Referred to: Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

No. 2099 "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY."

Introduced by: Senators Sakamoto, Kawamoto.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

**SENATE CONCURRENT RESOLUTION**

The following concurrent resolution (S.C.R. No. 1) was read by the Clerk and was adopted:

No. 1 "SENATE CONCURRENT RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION FOR THE STATE OF THE JUDICIARY ADDRESS," was offered by Senators Ihara and McCartney.

On motion by Senator Matsunaga, seconded by Senator Chumbley and carried, S.C.R. No. 1 was adopted.

At this time, the President directed the Senate Clerk to return to respective committees all 1997 bills that were returned to the Clerk's desk after the Regular Session of 1997.

**INTRODUCTION OF SENATE BILLS**

On motion by Senator Ihara, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 4:30 o'clock p.m. In consequence thereof and subsequent to its recessing at 11:52 o'clock a.m., the following bills passed First Reading by title and were deferred:

**Senate Bill**

No. 2100 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Tanaka.

No. 2101 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IN-SERVICE TRAINING OF COUNSELORS, SCHOOL REGISTRARS, AND EDUCATIONAL ASSISTANTS AT EACH SCHOOL."

Introduced by: Senators Tam, Ige, M.

No. 2102 "A BILL FOR AN ACT RELATING TO IN-SERVICE TRAINING FOR EDUCATORS."

Introduced by: Senators Tam, Ige, M.

No. 2103 "A BILL FOR AN ACT RELATING TO BILINGUAL EDUCATION."

Introduced by: Senators Tam, Ige, M., Slom.

No. 2104 "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS."

Introduced by: Senators Tam, Ige, M., Slom.

No. 2105 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH TO ACQUIRE THE TECHNOLOGY TO ANALYZE ODORS."

Introduced by: Senators Tam, Chun Oakland.

No. 2106 "A BILL FOR AN ACT RELATING TO USE OF FIREWORKS FOR RELIGIOUS OR CULTURAL PURPOSES."

Introduced by: Senator Tam.

No. 2107 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A HISTORICAL CHINESE CENTER."

Introduced by: Senators Tam, Ige, M.

No. 2108 "A BILL FOR AN ACT RELATING TO COUNSELING IN THE PUBLIC SCHOOL SYSTEM."

Introduced by: Senators Tam, Ige, M.

No. 2109 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO INCREASE COACHES SALARIES."

Introduced by: Senators Tam, Ige, M., Slom.

No. 2110 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REPAIRS AND MAINTENANCE OF EDUCATIONAL FACILITIES."

Introduced by: Senators Tam, Ige, M., Slom.

No. 2111 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senators Tam, Ige, M., Slom.

No. 2112 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senators Tam, Ige, M.

No. 2113 "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS."

Introduced by: Senators Tam, Ige, M., Slom.

No. 2114 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ASSESS THE READINESS OF ALL CHILDREN TO LEARN."

Introduced by: Senators Tam, Ige, M.

No. 2115 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII."

Introduced by: Senators Tam, Ige, M.

No. 2116 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2117 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE COUNTY OF HAWAII."

Introduced by: Senator Mizuguchi, by request.

No. 2118 "A BILL FOR AN ACT RELATING TO THE QUALIFICATION OF POLITICAL PARTIES; PETITION."

Introduced by: Senator Mizuguchi, by request.

No. 2119 "A BILL FOR AN ACT RELATING TO THE GENERAL COUNTY REGISTER."

Introduced by: Senator Mizuguchi, by request.

No. 2120 "A BILL FOR AN ACT RELATING TO CONTESTS FOR CAUSE."

Introduced by: Senator Mizuguchi, by request.

No. 2121 "A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL."

Introduced by: Senator Mizuguchi, by request.

No. 2122 "A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL."

Introduced by: Senator Mizuguchi, by request.

No. 2123 "A BILL FOR AN ACT RELATING TO BOARDS OF REGISTRATION."

Introduced by: Senator Mizuguchi, by request.

No. 2124 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Senator Mizuguchi, by request.

No. 2125 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY TO SERVE AS A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES."

Introduced by: Senator Mizuguchi, by request.

No. 2126 "A BILL FOR AN ACT RELATING TO RESIDENCE ADDRESS; CONFIDENTIALITY."

Introduced by: Senator Mizuguchi, by request.

No. 2127 "A BILL FOR AN ACT RELATING TO COUNTY ELECTIONS REQUIRING A RUNOFF."

Introduced by: Senator Mizuguchi, by request.

No. 2128 "A BILL FOR AN ACT RELATING TO LOBBYING."

Introduced by: Senator Mizuguchi, by request.

No. 2129 "A BILL FOR AN ACT RELATING TO THE ETHICS COMMISSION."

Introduced by: Senator Mizuguchi, by request.

No. 2130 "A BILL FOR AN ACT RELATING TO HOSPITALS."

Introduced by: Senator Mizuguchi, by request.

No. 2131 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Mizuguchi.

No. 2132 "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES."

Introduced by: Senator Baker.

No. 2133 "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION."

Introduced by: Senator Baker.

No. 2134 "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS."

Introduced by: Senator Bunda, by request.

No. 2135 "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE TRADE PRACTICES."

Introduced by: Senator Baker, Ige, D., Metcalf.

No. 2136 "A BILL FOR AN ACT RELATING TO LIQUOR CONTROL ADJUDICATION BOARD."

Introduced by: Senator Baker, Bunda, Ige, M.

No. 2137 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Slom.

No. 2138 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Slom.

No. 2139 "A BILL FOR AN ACT RELATING TO STATE FINANCE LAW."

Introduced by: Senator Slom.

No. 2140 "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTING."

Introduced by: Senators Anderson, Slom.

No. 2141 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO INCREASE THE NUMBER OF NONVOTING STUDENT MEMBERS ON THE BOARD OF EDUCATION FROM ONE TO TWO."

Introduced by: Senator Metcalf.

No. 2142 "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION."

Introduced by: Senator Metcalf, by request.

No. 2143 "A BILL FOR AN ACT RELATING TO HEALTH FRAUD."

Introduced by: Senator Metcalf.

No. 2144 "A BILL FOR AN ACT RELATING TO DEFERRED COMPENSATION RETIREMENT PLAN FOR PART-TIME, TEMPORARY, OR SEASONAL/CASUAL EMPLOYEES."

Introduced by: Senator Metcalf.

No. 2145 "A BILL FOR AN ACT RELATING TO DAYLIGHT SAVING TIME."

Introduced by: Senator Metcalf, by request.

No. 2146 "A BILL FOR AN ACT RELATING TO STUDENT MEMBERS OF THE BOARD OF EDUCATION."

- Introduced by: Senator Metcalf.
- No. 2147 "A BILL FOR AN ACT RELATING TO LAND USE."  
Introduced by: Senator Metcalf.
- No. 2148 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."  
Introduced by: Senator Metcalf.
- No. 2149 "A BILL FOR AN ACT RELATING TO ARCHAEOLOGY."  
Introduced by: Senator Metcalf.
- No. 2150 "A BILL FOR AN ACT RELATING TO COURT REPORTERS."  
Introduced by: Senator Metcalf.
- No. 2151 "A BILL FOR AN ACT RELATING TO ELECTIONS."  
Introduced by: Senator Metcalf, by request.
- No. 2152 "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS."  
Introduced by: Senator Metcalf.
- No. 2153 "A BILL FOR AN ACT RELATING TO PEST CONTROL OPERATORS."  
Introduced by: Senator Metcalf.
- No. 2154 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."  
Introduced by: Senator Metcalf, by request.
- No. 2155 "A BILL FOR AN ACT RELATING TO FIREARMS."  
Introduced by: Senator Slom.
- No. 2156 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE X OF THE CONSTITUTION OF THE STATE OF HAWAII TO ABOLISH THE STATE BOARD OF EDUCATION AND REPLACE IT WITH DISTRICT BOARDS OF EDUCATION THAT ARE ELECTED AT-LARGE AND IN A NONPARTISAN MANNER BY THE QUALIFIED VOTERS OF SCHOOL DISTRICTS, AND A STATE DIRECTOR OF EDUCATION APPOINTED BY THE GOVERNOR."  
Introduced by: Senator Slom.
- No. 2157 "A BILL FOR AN ACT RELATING TO PROCUREMENT."  
Introduced by: Senator Slom.
- No. 2158 "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES."  
Introduced by: Senator Slom.
- No. 2159 "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE RETAIL SALES TAX AND THE REPEAL OF THE GENERAL EXCISE TAX."  
Introduced by: Senator Slom.
- No. 2160 "A BILL FOR AN ACT RELATING TO GENETIC INFORMATION."  
Introduced by: Senator Levin.
- No. 2161 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIRS."  
Introduced by: Senator Levin.
- No. 2162 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."  
Introduced by: Senator Levin.
- No. 2163 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."  
Introduced by: Senator Levin.
- No. 2164 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."  
Introduced by: Senator Levin.
- No. 2165 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND."  
Introduced by: Senator Levin.
- No. 2166 "A BILL FOR AN ACT RELATING TO THE CONSERVATION OF PLANTS AND ANIMALS."  
Introduced by: Senator Levin, by request.
- No. 2167 "A BILL FOR AN ACT RELATING TO ALCOHOL CONCENTRATION LEVELS."  
Introduced by: Senator Levin.
- No. 2168 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO REPORT ON THE FEASIBILITY OF UTILIZING COMPLEMENTARY AND ALTERNATIVE MEDICAL CARE IN THE HEALTH CARE SYSTEM IN HAWAII."  
Introduced by: Senator Levin.
- No. 2169 "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES."  
Introduced by: Senator Levin.
- No. 2170 "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES."  
Introduced by: Senator Levin.
- No. 2171 "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES."  
Introduced by: Senator Levin, by request.
- No. 2172 "A BILL FOR AN ACT RELATING TO TRANSPORT OF HAZARDOUS SUBSTANCES."  
Introduced by: Senator Levin.
- No. 2173 "A BILL FOR AN ACT RELATING TO GLASS CONTAINER RECOVERY."  
Introduced by: Senator Levin.
- No. 2174 "A BILL FOR AN ACT RELATING TO MANAGED HEALTH CARE."

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Introduced by: Senator Levin, by request.

No. 2175 "A BILL FOR AN ACT MAKING AN  
APPROPRIATION FOR HAWAII COMMUNITY  
COLLEGE."

Introduced by: Senator Levin.

**ADJOURNMENT**

At 4:30 o'clock p.m., the Senate adjourned until 11:30  
o'clock a.m., Thursday, January 22, 1998.



## SECOND DAY

Thursday, January 22, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Deacon Wally Mitsui, St. Johns Apostle and Evangelist Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the First Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1 to 122) were read by the Clerk and were placed on file:

Gov. Msg. No. 1, dated November 10, 1997, transmitting a report prepared by the Department of Health on the Activities of the Environmental Health Program Enhancement and Education Fund, pursuant to Act 169, SLH 1994.

Gov. Msg. No. 2, dated November 21, 1997, transmitting the Annual Report and Progress Report of the Agribusiness Development Corporation pursuant to Act 264, SLH 1994, and in response to H.C.R. No. 72 (1997).

Gov. Msg. No. 3, dated November 25, 1997, transmitting the Report on Special Purpose Revenue Bonds, Issued and Outstanding and Authorized but Unissued as of July 1, 1997, pursuant to Article VII, Section 12, Hawaii State Constitution and Section 39A-1, HRS.

Gov. Msg. No. 4, dated December 1, 1997, transmitting a report prepared by the Department of Health pursuant to Act 41, SLH 1992, establishing the Primary Health Care Incentive Program and the Primary Care Roundtable.

Gov. Msg. No. 5, dated December 3, 1997, transmitting the 1997 Annual Report of the Office of Information Practices, pursuant to Section 92F-42, HRS.

Gov. Msg. No. 6, dated December 5, 1997, transmitting the "Annual Report of the Salaries Paid to All University of Hawaii Executive, Managerial, and Faculty Members Including the President," prepared by the University of Hawaii pursuant to Section 304-13.5, HRS.

Gov. Msg. No. 7, dated December 5, 1997, transmitting the 1997 Annual Report prepared by the Civil Rights Commission pursuant to Sections 368-3 and 515-9, HRS.

Gov. Msg. No. 8, dated December 5, 1997, transmitting the Report on Periodic Review of All UH System Programs Relating to Benchmarks, prepared by the University of Hawaii pursuant to Act 161, Section 2, SLH 1995.

Gov. Msg. No. 9, dated December 5, 1997, transmitting a Report Requesting a Study of Ways for the University of Hawaii to Coordinate Its Efforts to Promote Agriculture, prepared by the University of Hawaii pursuant to H.R. No. 190 (1997).

Gov. Msg. No. 10, dated December 5, 1997, transmitting the "Annual Report on the Research and Training Revolving Fund," prepared by the University of Hawaii pursuant to Section 304-8.1, HRS.

Gov. Msg. No. 11, dated December 5, 1997, transmitting the State Foundation on Culture and the Arts Report on Federal Funds Received, pursuant to Act 328, Section 211, SLH 1997.

Gov. Msg. No. 12, dated December 5, 1997, transmitting the "Annual Report of the Interagency Federal Revenue Maximization Revolving Fund for Fiscal Year 1996-1997," prepared by the Department of Accounting and General Services pursuant to Section 29-24, HRS.

Gov. Msg. No. 13, dated December 5, 1997, transmitting a report, "Summary of Procurement Actions, July 1, 1996 to June 30, 1997," prepared by the Department of Accounting and General Services pursuant to Section 103D-321, HRS.

Gov. Msg. No. 14, dated December 5, 1997, transmitting the Project-Funded Staff Services Budget Report for the period July 1, 1997 to June 30, 1998, prepared by the Department of Accounting and General Services pursuant to Act 156, Section 156, SLH 1997.

Gov. Msg. No. 15, dated December 5, 1997, transmitting the "Annual Report of Stadium Authority Special Fund Statement of Receipts, Expenditures and Transfers for the Fiscal Year Ended June 30, 1997," prepared by the Department of Accounting and General Services pursuant to Section 109-3, HRS.

Gov. Msg. No. 16, dated December 5, 1997, transmitting the 1997 Report to the Legislature prepared by the Department of Accounting and General Services, Information and Communication Services Division, pursuant to Act 328, Section 131, SLH 1997.

Gov. Msg. No. 17, dated December 5, 1997, transmitting a report, "Appropriation for Building Repairs and Alterations," prepared by the Department of Accounting and General Services, Central Services Division, pursuant to Act 328, Section 139, SLH 1997.

Gov. Msg. No. 18, dated December 5, 1997, transmitting a report, "Integration of Human Resource, Payroll, Health and Retirement Systems," prepared by the Department of Accounting and General Services in response to Act 328, Section 213, SLH 1997.

Gov. Msg. No. 19, dated December 5, 1997, transmitting the "Annual Report of Claims and Lawsuits Arbitrated, Compromised, or Settled for \$10,000 or Less for Fiscal Year 1996-1997," prepared by the Department of Accounting and General Services pursuant to Section 41D-4, HRS.

Gov. Msg. No. 20, dated December 5, 1997, transmitting the Updated Listing of Office Leases Centralized Within the Department of Accounting and General Services for Other State Agencies, prepared by the Department of Accounting and General Services pursuant to Act 328, Section 137, SLH 1997.

Gov. Msg. No. 21, dated December 5, 1997, transmitting the "Annual Report of the State Educational Facilities Improvement Special Fund for Fiscal Year 1996-1997," prepared by the Department of Accounting and General Services pursuant to Section 36-32, HRS.

Gov. Msg. No. 22, dated December 5, 1997, transmitting the "Annual Report on the Discoveries and Inventions Revolving Fund," prepared by the University of Hawaii pursuant to Section 304-8.92, HRS.

Gov. Msg. No. 23, dated December 5, 1997, transmitting a report, "FY 1996-97 UH Tuition and Fees Special Fund Expenditures Authorized," prepared by the University of Hawaii pursuant to Section 304-16.5, HRS.

Gov. Msg. No. 24, dated December 5, 1997, transmitting a report, "University of Hawaii Housing Assistance Fund,"

prepared by the University of Hawaii pursuant to Section 304-8.96, HRS.

Gov. Msg. No. 25, dated December 9, 1997, transmitting a report, "Status of Hawaiian Green Sea Turtles," prepared by the Department of Land and Natural Resources, Division of Aquatic Resources, pursuant to S.C.R. No. 90 (1997).

Gov. Msg. No. 26, dated December 9, 1997, transmitting the Report on the Findings of the Alien Aquatic Task Force, prepared by the Department of Land and Natural Resources, Division of Aquatic Resources, pursuant to Act 237, SLH 1997.

Gov. Msg. No. 27, dated December 9, 1997, transmitting the Annual Report on the Wildlife Revolving Fund, Fiscal Year 1996-1997, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 183D-10.5, HRS.

Gov. Msg. No. 28, dated December 9, 1997, transmitting the Report on Land Dispositions Made of Public Lands for Calendar Year 1997, prepared by the Department of Land and Natural Resources, Land Division, pursuant to Section 171-29, HRS.

Gov. Msg. No. 29, dated December 9, 1997, transmitting the Report on the Progress of Completing a Comprehensive Inventory and May Database of Ceded Lands, prepared by the Department of Land and Natural Resources, Land Division, pursuant to Act 329, SLH 1997.

Gov. Msg. No. 30, dated December 9, 1997, transmitting the Annual Report on Identification of Rivers and Streams Worthy of Protection, prepared by the Department of Land and Natural Resources, Commission on Water Resource Management, pursuant to Section 174C-31, HRS.

Gov. Msg. No. 31, dated December 9, 1997, transmitting a report prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, in response to H.C.R. No. 257 (1997), requesting the Department of Land and Natural Resources to work with other agencies and Big Island community organizations to determine how the commercial forest industry and the Hilo-Hamakua community can work together to help determine future options for the community.

Gov. Msg. No. 32, dated December 9, 1997, transmitting a Report on the Release of Pretrial Inmates to Prevent Overcrowding, prepared by the Department of Public Safety pursuant to Act 216, Section 2, SLH 1996.

Gov. Msg. No. 33, dated December 9, 1997, transmitting the Annual Status Report by the Department of Public Safety and the Office of Youth Services (Women's Community Correctional Center and Hawaii Youth Correctional Facility), pursuant to Act 112, Section 4, SLH 1995.

Gov. Msg. No. 34, dated December 9, 1997, transmitting a Status Report on Controlled Substances, prepared by the Department of Public Safety, Narcotics Division, pursuant to Section 329-11, HRS.

Gov. Msg. No. 35, dated December 9, 1997, transmitting a Status Report on Forty-Five Temporary Positions for Hawaii's Correctional Industries Program for Fiscal Year 1997-1998, prepared by the Department of Public Safety, Correctional Industries Division, pursuant to Act 170, Section 3, SLH 1995.

Gov. Msg. No. 36, dated December 9, 1997, transmitting a Status Report on Federal Reimbursements Received, prepared by the Department of Public Safety pursuant to Act 328, Section 207, SLH 1997.

Gov. Msg. No. 37, dated December 9, 1997, transmitting the Criminal Injuries Compensation Commission's Thirtieth

Annual Report, July 1, 1996 - June 30, 1997, pursuant to Chapter 351, HRS.

Gov. Msg. No. 38, dated December 9, 1997, transmitting the Annual Report Relating to the Forest Stewardship Program, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195F-6, HRS.

Gov. Msg. No. 39, dated December 9, 1997, transmitting the Report on the Expenditure of Funds and Progress in the Computerization of the Land Division, prepared by the Department of Land and Natural Resources, Land Division, pursuant to Act 328, Section 136, SLH 1997.

Gov. Msg. No. 40, dated December 9, 1997, transmitting the Report on Project-Funded Staff Services, prepared by the Department of Land and Natural Resources, Administrative Services Office, pursuant to Act 328, Section 153, SLH 1997.

Gov. Msg. No. 41, dated December 9, 1997; transmitting the Annual Report on the North Shore Paukauila Streambank Erosion and Riparian Area Community Project, prepared by the Department of Land and Natural Resources, Land Division, pursuant to S.C.R. No. 223 (1995).

Gov. Msg. No. 42, dated December 9, 1997, transmitting the Report on All Special, Trust, and Revolving Fund Transactions, prepared by the Department of Land and Natural Resources, Administrative Services Office, pursuant to H.C.R. No. 125 (1993).

Gov. Msg. No. 43, dated December 9, 1997, transmitting the Annual Report on the Natural Area Reserves System and the Natural Area Partnership Program, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195-6.6, HRS.

Gov. Msg. No. 44, dated December 9, 1997, transmitting the Annual Report on the Hawaii Statewide Trail and Access System, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Sections 198D-9 and 198D-2, HRS.

Gov. Msg. No. 45, dated December 9, 1997, transmitting the Report on the Feasibility of Establishing a Hunting Area Reserve Council, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to H.C.R. No. 259 (1997).

Gov. Msg. No. 46, dated December 30, 1997, transmitting a report, "Individual Claims Working Group Report to the Governor," pursuant to Act 382, Section 2, SLH 1997.

Gov. Msg. No. 47, dated December 9, 1997, transmitting the Annual Report on the Status of the Issuance of Incidental Take Licenses for Endangered, Threatened, Proposed, and Candidate Species; and the Condition of the Endangered Species Trust Fund, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195D-F, HRS.

Gov. Msg. No. 48, dated December 9, 1997, transmitting the Annual Report on Geothermal Royalties and Geothermal and Cable Development Activities, prepared by the Department of Land and Natural Resources, Land Division, pursuant to Sections 182-18 and 196D-11, HRS.

Gov. Msg. No. 49, dated December 10, 1997, transmitting a report prepared by the Department of Health pursuant to Section 321-291, HRS, requiring the Department of Health to give an annual financial report for the Newborn Metabolic Screening Special Fund.

Gov. Msg. No. 50, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to

S.C.R. No. 182 (1997), on the policy for deaf, hard-of-hearing, and deaf-blind children.

Gov. Msg. No. 51, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to Act 328, Section 96, SLH 1997, on the transfer of funds in EDN 100 and EDN 200.

Gov. Msg. No. 52, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to Act 328, Section 85, SLH 1997, on the transfers from DHRD to DOE for the purpose of resuming case management of workers' compensation.

Gov. Msg. No. 53, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to Act 328, Section 78, SLH 1997, on the Community-Based Youth Leadership Demonstration Project in Hilo, Hamakua, and Kohala.

Gov. Msg. No. 54, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to H.C.R. No. 281 (1997), on the Hawaiian Language Immersion Program.

Gov. Msg. No. 55, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to Act 328, Section 95, SLH 1997, on the opening of school facilities.

Gov. Msg. No. 56, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to Act 148, Section 2, SLH 1995, on the mandatory expulsion policy for possession of a firearm.

Gov. Msg. No. 57, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to Act 328, Section 73, SLH 1997, on the transfer of operating funds.

Gov. Msg. No. 58, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to Act 328, Section 79, SLH 1997, on instructional materials for regular instruction.

Gov. Msg. No. 59, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to S.C.R. No. 175 (1996), on the revision of the school code.

Gov. Msg. No. 60, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to Act 272, Section 25, SLH 1994, on the annual education status report.

Gov. Msg. No. 61, dated December 11, 1997, transmitting the Teacher Education Coordinating Committee (TECC) Annual Report, 1996-1997, pursuant to Section 304-20, HRS.

Gov. Msg. No. 62, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to Act 328, Section 211, SLH 1997, on federal funds received.

Gov. Msg. No. 63, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to Act 328, Section 94, SLH 1997, on student-centered schools.

Gov. Msg. No. 64, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to Act 328, Section 209, SLH 1997, on the Decategorization Demonstration Program.

Gov. Msg. No. 65, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to Act 328, Section 146, SLH 1997, on CIP program staff costs.

Gov. Msg. No. 66, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to H.C.R. No. 251 (1997), on the Outrigger Canoe Paddling Pilot Project for Secondary Schools.

Gov. Msg. No. 67, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to H.C.R. No. 152 (1997), on the Management Authority for Hawaiian Studies Program.

Gov. Msg. No. 68, dated December 11, 1997, transmitting the Hawaii Teacher Standards Board Annual Report.

Gov. Msg. No. 69, dated December 11, 1997, transmitting a report prepared by the Department of Education in response to Act 328, Section 75, SLH 1997, on the implementation of the Felix vs. Cayetano consent decree.

Gov. Msg. No. 70, dated December 11, 1997, transmitting the Status Report on Special, Trust, or Revolving Funds for fiscal year ending June 30, 1997, pursuant to H.C.R. No. 125 (1993).

Gov. Msg. No. 71, dated December 11, 1997, transmitting the Report of General Fund Expenditures for Unemployment Compensation (LBR 171) for fiscal year ending June 30, 1997, pursuant to Act 289, Section 23, SLH 1993.

Gov. Msg. No. 72, dated December 11, 1997, transmitting the Financial Report of the Special Unemployment Insurance Fund Revenues and Expenditures for fiscal year ending June 30, 1997, pursuant to Section 383-127, HRS.

Gov. Msg. No. 73, dated December 12, 1997, transmitting a report prepared by the Department of Health pursuant to Act 148, SLH 1997, establishing within the Department of Health a Pipeline Safety Committee.

Gov. Msg. No. 74, dated December 12, 1997, transmitting a report on expenditures to pay unemployment compensation claims of former state employees, pursuant to Act 328, Section 134, SLH 1997.

Gov. Msg. No. 75, dated December 12, 1997, transmitting a report prepared by the Department of Human Resources Development pursuant to Act 328, Section 134, SLH 1997, on the transfer of positions and funds between existing programs of state government to improve efficiencies in the workers' compensation program.

Gov. Msg. No. 76, dated December 15, 1997, transmitting the "Report and Action Plan Regarding the Implementation of Hui 'Imi Recommendations," prepared by the Hui 'Imi Advisory Council for Hawaiian Services in response to Act 376, SLH 1997.

Gov. Msg. No. 77, dated December 17, 1997, transmitting the 1998 Special Report on the Re-Engineering of the Disability Compensation Information System, pursuant to Act 328, SLH 1997.

Gov. Msg. No. 78, dated December 22, 1997, transmitting a report, "Project-Funded Staff Services Budget," prepared by the Department of Transportation pursuant to Act 328, Sections 141, 142, and 144, SLH 1997.

Gov. Msg. No. 79, dated December 22, 1997, transmitting a report on the Department of Human Services Expenditures for PACE (Program of All Inclusive Care for the Elderly), pursuant to Act 328, Section 67, SLH 1997.

Gov. Msg. No. 80, dated December 22, 1997, transmitting a report, "Federal Fund Reimbursements," prepared by the Department of Transportation pursuant to Act 328, Section 207, SLH 1997.

Gov. Msg. No. 81, dated December 22, 1997, transmitting a report prepared by the Department of Transportation pursuant to Act 269, Section 2, SLH 1997, requesting the director of transportation to review the skill test included in all motorcycle and motor scooter education courses in the State of Hawaii.

Gov. Msg. No. 82, dated December 22, 1997, transmitting a report prepared by the Department of Transportation pursuant to Act 328, Section 32, SLH 1997, on existing long-term lessees, their facility and space requirements and recommendations.

Gov. Msg. No. 83, dated December 22, 1997, transmitting a report prepared by the Department of Transportation pursuant to Act 370, Section 3, SLH 1997, on the use of the transportation improvement special fund.

Gov. Msg. No. 84, dated December 22, 1997, transmitting a report prepared by the Department of Transportation pursuant to Act 104, Section 3, SLH 1997, requesting the director of transportation to review and study the driver licensing procedures under Chapter 286, HRS.

Gov. Msg. No. 85, dated December 22, 1997, transmitting an Expenditure and Status Report on Marketing and Promotional Activities for Airport Activities on the Islands of Hawaii, Maui, Molokai, Lanai, and Kauai, prepared by the Department of Transportation pursuant to Act 328, Section 28, SLH 1997.

Gov. Msg. No. 86, dated December 22, 1997, transmitting a report "Special Repair and Maintenance Projects," prepared by the Department of Transportation pursuant to Act 328, Sections 30, 33, and 40, SLH 1997.

Gov. Msg. No. 87, dated December 22, 1997, transmitting the following reports: Executive Supplemental Budget for the Period 1997-1999, pursuant to Section 37-72, HRS; and the Variance Report for Fiscal Years 1997 and 1998, pursuant to Section 37-75, HRS.

Gov. Msg. No. 88, dated December 23, 1997, transmitting the FY 1997 Annual Report on the Proceedings Under the Hawaii Omnibus Criminal Forfeiture Act, prepared by the Department of the Attorney General pursuant to Section 712A-16, HRS.

Gov. Msg. No. 89, dated December 23, 1997, transmitting a report prepared by the Department of Transportation pursuant to S.C.R. No. 164 (1997), requesting a discussion on a rapid transit plan for the City and County of Honolulu.

Gov. Msg. No. 90, dated December 23, 1997, transmitting the 1997 Report on the Spouse and Child Abuse Special Account, prepared by the Department of Human Services, pursuant to Act 232, Section 2, SLH 1994.

Gov. Msg. No. 91, dated December 23, 1997, transmitting a report prepared by the Department of Transportation and the Hawaii Housing Authority pursuant to S.C.R. No. 203 (1997) and Act 328, Section 17, SLH 1997, requesting a study of the homeless at the Honolulu International Airport.

Gov. Msg. No. 92, dated December 23, 1997, transmitting a Report on the Increase in the Minimum Annual Pesticide Licensing Fee, prepared by the Board of Agriculture pursuant to Act 281, Section 4, SLH 1996.

Gov. Msg. No. 93, dated December 24, 1997, transmitting a report, "Annual Evaluation of the Hawaii Unemployment Compensation Fund," prepared by the Department of Labor and Industrial Relations pursuant to Section 383-126.5, HRS.

Gov. Msg. No. 94, dated December 24, 1997, transmitting the Status Report from the Task Force on Beach and Water Safety, prepared by the Department of Land and Natural

Resources, State Parks Division, pursuant to Act 190, SLH 1996.

Gov. Msg. No. 95, dated December 26, 1997, transmitting a report prepared by the Department of Human Services, Office of Youth Services, pursuant to S.C.R. No. 26 (1997), urging a concerted state effort to encourage state agencies and private providers to meet the needs of youth in the Waialua and Laie region.

Gov. Msg. No. 96, dated December 29, 1997, transmitting a report prepared by the Department of Defense, Civil Defense Division, pursuant to H.C.R. No. 210 (1997), supporting and urging implementation of the hazard mitigation plan developed in response to the Waianae district flooding.

Gov. Msg. No. 97, dated January 5, 1998, transmitting the 1996-1997 Annual Report prepared by the Hawaii Community Development Authority, pursuant to Chapter 206E, HRS.

Gov. Msg. No. 98, dated January 5, 1998, transmitting a Report on HIPAA, prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to Act 291, SLH 1997.

Gov. Msg. No. 99, dated January 5, 1998, transmitting the "Progress Report of the Motor Vehicle Insurance Benefits Task Force," prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to Act 251, SLH 1997.

Gov. Msg. No. 100, dated January 5, 1998, transmitting the "Report of Findings on Adjustments to the Compensation Plans," prepared by the Public Employees Compensation Appeals Board pursuant to Sections 77-4 and 77-5, HRS.

Gov. Msg. No. 101, dated January 7, 1998, transmitting a report prepared by the Office of the Governor pursuant to Act 350, SLH 1997, requesting a plan to address issues relating to the direction and organization of the Housing and Community Development Corporation of Hawaii.

Gov. Msg. No. 102, dated January 8, 1998, transmitting a report pursuant to Sections 77-4 and 77-5, HRS, regarding the compensation plans for blue and white collar classes.

Gov. Msg. No. 103, dated January 9, 1998, transmitting the "Report on State Positions Assigned to Salary Ranges SC-1, SC-2, and SC-3," pursuant to Section 77-13, HRS.

Gov. Msg. No. 104, dated January 9, 1998, transmitting the 1997 Report prepared by the Department of Accounting and General Services, pursuant to Act 328, Section 212, SLH 1997.

Gov. Msg. No. 105, dated January 13, 1998, transmitting the 1996 Annual Report prepared by the Department of Human Resource Development, pursuant to Section 76-16, HRS.

Gov. Msg. No. 106, dated January 7, 1998, transmitting a Report to the 1998 Legislature prepared by the Department of Human Services, Benefit, Employment and Support Services Division, pursuant to Act 328, Section 64, SLH 1997.

Gov. Msg. No. 107, dated January 8, 1998, transmitting the "Report to the Foreign-Trade Zones Board on General-Purpose Zone and Special-Purpose Subzone Activity in the State of Hawaii for Federal Fiscal Year 1997," prepared by the Department of Business, Economic Development and Tourism.

Gov. Msg. No. 108, dated December 23, 1997, transmitting the 1997 Annual Report prepared by the Natural Energy Laboratory of Hawaii Authority, pursuant to Chapter 227D, HRS.

Gov. Msg. No. 109, dated January 9, 1998, transmitting the Report on the Public Utilities Commission Special Fund for

Fiscal Year 1996-97, pursuant to Section 269-33, HRS and Act 226, SLH 1994.

Gov. Msg. No. 110, dated January 5, 1998, transmitting the 1997 Annual Report of the Hawaii Paroling Authority, Department of Public Safety, pursuant to Chapter 353, HRS.

Gov. Msg. No. 111, dated January 8, 1998, transmitting a report on the activities of the Hawaiian Home Lands Trust Individual Claims Review Panel during 1997, pursuant to Section 674-14, HRS.

Gov. Msg. No. 112, dated January 9, 1998, transmitting the 1997 Hawaii Coastal Zone Management Annual Report, prepared by the Department of Business, Economic Development and Tourism, Office of Planning, pursuant to Section 205A-3, HRS.

Gov. Msg. No. 113, dated January 9, 1998, transmitting a Report on the Feasibility of Establishing a Community-Based Management Pilot Program for One or More Small Boat Harbors, prepared by the Department of Land and Natural Resources, Community-Based Management Evaluation Task Force, pursuant to Act 160, SLH 1997.

Gov. Msg. No. 114, dated January 9, 1998, transmitting the 1996-1997 Annual Report prepared by the State Foundation on Culture and the Arts, pursuant to Chapter 9, HRS.

Gov. Msg. No. 115, dated January 7, 1998, transmitting the 1997 Annual Report prepared by the Hawaii Strategic Development Corporation, pursuant to Section 93-12, HRS.

Gov. Msg. No. 116, dated January 7, 1998, transmitting a Report Relating to Payments to the State By Electronic Funds Transfer, prepared by the Department of Taxation pursuant to Act 177, SLH 1997.

Gov. Msg. No. 117, dated January 8, 1998, transmitting a report prepared by the Department of Health pursuant to Act 146, SLH 1997, requesting the Department of Health to establish an advisory task force to conduct an air quality assessment of Campbell Industrial Park and Kahe Valley.

Gov. Msg. No. 118, dated January 8, 1998, transmitting a report pursuant to Act 189, SLH 1995, requesting the Department of Health to submit annual reports to the Legislature describing the status of the plan to provide developmental disabilities services in the community and to ensure that the transition of Waimano Training School and Hospital residents to the community will be client-centered, taking into consideration the health, safety, and happiness of the residents and the concerns of their families.

Gov. Msg. No. 119, dated January 9, 1998, transmitting a report prepared by the Department of Health pursuant to H.C.R. No. 84 (1996), requesting the Department of Health to convene an interagency task force on food and nutrition assistance.

Gov. Msg. No. 120, dated January 13, 1998, transmitting the 1997 Hawaii Real Estate Commission Annual Report, pursuant to Sections 467-4 and 514A-133, HRS.

Gov. Msg. No. 121, dated January 13, 1998, transmitting the Department of Taxation's Progress and Expenditure Report on the Redesign of the New Integrated Tax Information Management System.

Gov. Msg. No. 122, dated January 13, 1998, transmitting the 1997 Annual Report prepared by the Department of Hawaiian Home Lands pursuant to Section 222, Hawaiian Homes Commission Act, 1920, as amended.

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 1 to 16) were read by the Clerk and were placed on file:

Dept. Com. No. 1, from the Department of Budget and Finance dated November 28, 1997, transmitting certified statements and supporting schedules on the debt limit and total outstanding indebtedness of the State of Hawaii as of July 1, 1997, pursuant to Sections 39-92 and 39-93, HRS.

Dept. Com. No. 2, from the State Auditor dated December 2, 1997, transmitting a report, "Audit of State Vocational Education Programs and Job Training Programs," (Report No. 97-14).

Dept. Com. No. 3, from the State Auditor dated December 11, 1997, transmitting a report, "Analysis of a Proposal to Expand the Regulation of Occupational Therapists," (Report No. 97-15).

Dept. Com. No. 4, from the State Auditor dated December 12, 1997, transmitting a report, "Audit of the Management of Motor Vehicles at the University of Hawaii," (Report No. 97-16).

Dept. Com. No. 5, from the State Auditor dated December 16, 1997, transmitting a report, "Study on the Licensing of Massage Schools," (Report No. 97-17).

Dept. Com. No. 6, from the Department of Land and Natural Resources, transmitting a report reflecting the condition of the Boating Program as it existed in December, 1994, in response to H.C.R. No. 252 (1994), requesting the Department of Land and Natural Resources to develop a comprehensive boating program.

Dept. Com. No. 7, from the Supreme Court of Hawaii dated December 19, 1997, transmitting the Judiciary's Supplemental Budget (1997-1999) and Variance Report (1996-1998), pursuant to Section 601-2, HRS; also transmitting the Annual Reports from the Judiciary History Center and the Center for Alternative Dispute Resolution, pursuant to Sections 6F-6 and 6B-4, HRS, respectively.

Dept. Com. No. 8, from the State Auditor dated December 22, 1997, transmitting a report, "Management Audit of the Department of Human Services," (Report No. 97-18).

Dept. Com. No. 9, from the State Auditor dated December 23, 1997, transmitting a report, "Study of Proposed Mandated Additional Mental Health and Alcohol and Drug Abuse Insurance Benefits," (Report No. 97-19).

Dept. Com. No. 10, from the State Auditor dated December 26, 1997, transmitting a report, "Review of Revolving and Trust Funds of the Department of Human Resources Development, Department of Labor and Industrial Relations, Department of Public Safety, and the Department of Taxation," (Report No. 97-20), pursuant to Section 23-12, HRS.

Dept. Com. No. 11, from the Office of the Administrative Director of the Courts dated December 29, 1997, transmitting six reports pursuant to the following: Act 214, SLH 1993; Act 232, SLH 1994; Act 203, SLH 1996; S.R. No. 184 (1996); Act 274, SLH 1997; and S.C.R. No. 116 (1997).

Dept. Com. No. 12, from the Hawaii Commission on Access to Justice dated January 1, 1998, transmitting a report on the Indigent Legal Access Fund, pursuant to Act 305, SLH 1996.

Dept. Com. No. 13, from the State Auditor dated January 5, 1998, transmitting a report, "Audit of the Big Island Pilot Project on Mental Health Services," (Report No. 98-1).

Dept. Com. No. 14, from the State Auditor dated January 6, 1998, transmitting a report, "Audit of the Collection of Fines, Forfeitures, and Restitutions in the Judiciary," (Report No. 98-2).

Dept. Com. No. 15, from the Ombudsman dated January 15, 1998, transmitting the "Report of the Ombudsman," (Report No. 28), pursuant to Section 96-16, HRS.

Dept. Com. No. 16, from the State Auditor dated January 16, 1998, transmitting a report, "Management Audit of the Public Library System," (Report No. 98-3).

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 1 and 2) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 1, transmitting H.C.R. No. 1, which was adopted by the House of Representatives on January 21, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECESS DAYS FOR THE REGULAR SESSION OF 1998," was adopted.

Hse. Com. No. 2, transmitting H.C.R. No. 2, which was adopted by the House of Representatives on January 21, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.C.R. No. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," was adopted.

**SENATE CONCURRENT RESOLUTIONS**

The following concurrent resolutions (S.C.R. Nos. 2 to 14) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 2 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ESTABLISH A PROGRAM TO DEFINE AND IMPLEMENT THE ROLE OF THE PUBLIC SCHOOLS IN CONTEMPORARY SOCIETY IN INCULCATING VALUES AND ETHICS."

Offered by: Senator Metcalf.

No. 3 "SENATE CONCURRENT RESOLUTION REQUESTING A PERFORMANCE AUDIT OF THE DEPARTMENT OF EDUCATION APPOINTMENT POLICIES AND PROCEDURES AND CAREER DEVELOPMENT TRAINING PROGRAMS FOR PRINCIPALS AND VICE-PRINCIPALS."

Offered by: Senators Aki, Ige, M.

No. 4 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF COURT REPORTERS."

Offered by: Senator Metcalf, by request.

No. 5 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF ARCHAEOLOGISTS."

Offered by: Senator Metcalf.

No. 6 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A MARKETING CAMPAIGN TO PROMOTE HAWAII AS A HONEYMOON DESTINATION."

Offered by: Senator Mizuguchi.

No. 7 "SENATE CONCURRENT RESOLUTION RELATING TO COMPUTERS FOR PUBLIC SCHOOLS."

Offered by: Senators Mizuguchi, Levin, Ihara, McCartney.

No. 8 "SENATE CONCURRENT RESOLUTION IN SUPPORT OF THE HAWAII SCHOOL-TO-WORK OPPORTUNITIES SYSTEM"

Offered by: Senators Mizuguchi, Levin, Ihara, McCartney.

No. 9 "SENATE CONCURRENT RESOLUTION RELATING TO A MAJOR LEAGUE SPORTS FRANCHISE"

Offered by: Senators Mizuguchi, Levin, Ihara, McCartney.

No. 10 "SENATE CONCURRENT RESOLUTION URGING ALL PARTIES TO MAINTAIN THE VITAL ROLE PLAYED BY THE EAST-WEST CENTER."

Offered by: Senators Mizuguchi, Levin, Ihara, McCartney.

No. 11 "SENATE CONCURRENT RESOLUTION REQUESTING A FACT-FINDING TRIP TO INVESTIGATE POTENTIAL CONTRACTORS FOR PRIVATIZATION OF STATE SMALL BOAT HARBORS"

Offered by: Senator Anderson.

No. 12 "SENATE CONCURRENT RESOLUTION REQUESTING A LEGISLATIVE AUDIT OF THE PREVENTIVE MAINTENANCE PROGRAMS OF THE HIGHWAYS DIVISION OF THE DEPARTMENT OF TRANSPORTATION."

Offered by: Senator Anderson.

No. 13 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO PASS LEGISLATION GRANTING AN EXEMPTION FROM THE JONES ACT TO HAWAII, ALASKA, PUERTO RICO AND GUAM."

Offered by: Senators Anderson, Slom.

No. 14 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE NEWSPAPER PRESERVATION ACT TO INCLUDE A PROVISION FOR AUDITING NEWSPAPERS IN ORDER TO DETERMINE CONTINUING ELIGIBILITY."

Offered by: Senators Anderson, Slom.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 1 to 3) were read by the Clerk and were deferred:

Senate Resolution

No. 1 "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ESTABLISH A PROGRAM TO DEFINE AND IMPLEMENT THE ROLE OF THE

PUBLIC SCHOOLS IN CONTEMPORARY SOCIETY IN INCULCATING VALUES AND ETHICS."

Offered by: Senator Metcalf.

No. 2 "SENATE RESOLUTION REQUESTING A PERFORMANCE AUDIT OF THE DEPARTMENT OF EDUCATION APPOINTMENT POLICIES AND PROCEDURES AND CAREER DEVELOPMENT TRAINING PROGRAMS FOR PRINCIPALS AND VICE-PRINCIPALS."

Offered by: Senator Aki.

No. 3 "SENATE RESOLUTION REQUESTING THE HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION TO REIMBURSE ALL GIRLS' HIGH SCHOOL SOCCER TEAMS FOR THE ADDED EXPENSE OF MOVING THE STATE TOURNAMENT FROM THE ISLAND OF OAHU TO THE ISLAND OF MAUI."

Offered by: Senator Ige, M.

**ORDER OF THE DAY**

**REFERRAL OF SENATE BILLS**

The President made the following committee assignments of bills introduced on Wednesday, January 21, 1998:

- |             |  |
|-------------|--|
| Senate Bill | Referred to:   |
| No. 2100    | Committee on Education, then to the Committee on Ways and Means              |
| No. 2101    | Committee on Education, then to the Committee on Ways and Means              |
| No. 2102    | Committee on Education, then to the Committee on Ways and Means              |
| No. 2103    | Committee on Education, then to the Committee on Ways and Means              |
| No. 2104    | Committee on Education, then to the Committee on Ways and Means              |
| No. 2105    | Committee on Health and Environment, then to the Committee on Ways and Means |
| No. 2106    | Committee on Judiciary   |
| No. 2107    | Committee on Education, then to the Committee on Ways and Means              |
| No. 2108    | Committee on Education, then to the Committee on Ways and Means              |
| No. 2109    | Committee on Education, then to the Committee on Ways and Means              |
| No. 2110    | Committee on Education, then to the Committee on Ways and Means              |
| No. 2111    | Committee on Education, then to the Committee on Ways and Means              |
| No. 2112    | Committee on Education, then to the Committee on Ways and Means              |
| No. 2113    | Committee on Education, then to the Committee on Ways and Means              |
| No. 2114    | Committee on Education, then to the Committee on Ways and Means              |

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|----------|---|
| No. 2115 | Committee on Education, then to the Committee on Ways and Means   |
| No. 2116 | Committee on Judiciary, then to the Committee on Ways and Means   |
| No. 2117 | Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means  |
| No. 2118 | Committee on Judiciary  |
| No. 2119 | Committee on Judiciary  |
| No. 2120 | Committee on Judiciary  |
| No. 2121 | Committee on Judiciary  |
| No. 2122 | Committee on Judiciary  |
| No. 2123 | Committee on Judiciary, then to the Committee on Ways and Means   |
| No. 2124 | Jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means   |
| No. 2125 | Committee on Judiciary  |
| No. 2126 | Committee on Judiciary  |
| No. 2127 | Committee on Judiciary  |
| No. 2128 | Committee on Judiciary  |
| No. 2129 | Committee on Judiciary  |
| No. 2130 | Jointly to the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means |
| No. 2131 | Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, then to the Committee on Ways and Means              |

**RE-REFERRAL OF A SENATE BILL**

The Chair re-referred the following Senate bill that was introduced:

- |             |  |
|-------------|--|
| Senate Bill | Referred to:   |
| No. 2063    | Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means |

**MISCELLANEOUS COMMUNICATIONS**

The following communications (Misc. Com. Nos. 1 to 5) were read by the Clerk and were placed on file:

- Misc. Com. No. 1, from the County of Hawaii Police Department dated December 4, 1997, transmitting the 1997 Annual Report pursuant to Act 242, SLH 1995.
- Misc. Com. No. 2, from the County of Kauai Police Department dated December 17, 1997, transmitting the 1997 Annual Report pursuant to Act 242, SLH 1995.
- Misc. Com. No. 3, from the City and County of Honolulu Police Department dated December 29, 1997, transmitting the 1997 Annual Report pursuant to Act 242, SLH 1995.

Misc. Com. No. 4, from the County of Maui Police Department dated January 6, 1998, transmitting the 1997 Annual Report pursuant to Act 242, SLH 1995.

Misc. Com. No. 5, from the County of Kauai, Department of Water, transmitting the "Proposed C.I.P. Projects, Request for State Aid, 1998 Legislative Session," and Resolution No. 4 adopted by the Kauai Board of Water Supply on November 13, 1997.

**INTRODUCTION OF SENATE BILLS**

On motion by Senator Ihara, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 4:30 o'clock p.m. In consequence thereof and subsequent to its recessing at 11:45 o'clock a.m., the following bills passed First Reading by title and were deferred:

Senate Bill

No. 2176 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Senators Kawamoto, Kanno.

No. 2177 "A BILL FOR AN ACT RELATING TO COURTS."

Introduced by: Senator Kawamoto.

No. 2178 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UPGRADE ELECTRICAL INFRASTRUCTURE TO SUPPORT COMPUTER TECHNOLOGY FOR WAIPAHU ELEMENTARY SCHOOL."

Introduced by: Senators Kawamoto, Aki, Fukunaga, Iwase, Kanno, Tam.

No. 2179 "A BILL FOR AN ACT RELATING TO LAW VIOLATORS."

Introduced by: Senators Kawamoto, Kanno.

No. 2180 "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS."

Introduced by: Senators Kawamoto, Chumbley, Ige, D., Metcalf, Sakamoto.

No. 2181 "A BILL FOR AN ACT RELATING TO WHARFAGE FEES."

Introduced by: Senators Kawamoto, Aki, Chumbley, Kanno, Sakamoto, Slom, Tanaka, Taniguchi.

No. 2182 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Kawamoto, Kanno, Aki, Baker, Chumbley, Fukunaga, Ihara, McCartney, Tam.

No. 2183 "A BILL FOR AN ACT RELATING TO WELFARE."

Introduced by: Senators Kawamoto, Aki, Chun Oakland, Kanno, Tam.

No. 2184 "A BILL FOR AN ACT RELATING TO AIRPORT PARKING CONCESSION CONTRACTS."

Introduced by: Senators Kawamoto, Fukunaga, Sakamoto.

No. 2185 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING FEES."

Introduced by: Senators Kawamoto, Baker, Ige, D., Metcalf, Sakamoto.

No. 2186 "A BILL FOR AN ACT RELATING TO A CONSTRUCTION INDUSTRY PROGRAM."

Introduced by: Senators Kawamoto, Baker, Bunda, Fukunaga, Ige, M., Taniguchi.

No. 2187 "A BILL FOR AN ACT RELATING TO SCHOOLS."

Introduced by: Senators Kawamoto, Aki, Baker, Fukunaga, Iwase, Tam.

No. 2188 "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS."

Introduced by: Senator Metcalf.

No. 2189 "A BILL FOR AN ACT RELATING TO CORPORATIONS AND PARTNERSHIPS."

Introduced by: Senator Metcalf.

No. 2190 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Metcalf.

No. 2191 "A BILL FOR AN ACT RELATING TO BENEFIT SOCIETIES."

Introduced by: Senator Metcalf.

No. 2192 "A BILL FOR AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS."

Introduced by: Senator Metcalf.

No. 2193 "A BILL FOR AN ACT RELATING TO TRADE REGULATION AND PRACTICE."

Introduced by: Senator Metcalf.

No. 2194 "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE."

Introduced by: Senator Metcalf.

No. 2195 "A BILL FOR AN ACT RELATING TO PROPERTY."

Introduced by: Senator Metcalf.

No. 2196 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Senator Metcalf.

No. 2197 "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES."

Introduced by: Senator Metcalf.

No. 2198 "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY."

Introduced by: Senator Metcalf.

No. 2199 "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS."



- Introduced by: Senator Metcalf.
- No. 2200 "A BILL FOR AN ACT RELATING TO THE OFFICE OF ELECTIONS."  
Introduced by: Senator Ige, M.
- No. 2201 "A BILL FOR AN ACT RELATING TO TOURISM."  
Introduced by: Senators Mizuguchi, Levin, Ihara, McCartney.
- No. 2202 "A BILL FOR AN ACT RELATING TO TAXATION."  
Introduced by: Senators Mizuguchi, Levin, Ihara, McCartney.
- No. 2203 "A BILL FOR AN ACT RELATING TO A JOINT STATE-CITY WAIKIKI TASK FORCE."  
Introduced by: Senators Mizuguchi, Levin, McCartney, Ihara.
- No. 2204 "A BILL FOR AN ACT RELATING TO REGULATORY PROCESSES."  
Introduced by: Senators Mizuguchi, Levin, Ihara, McCartney.
- No. 2205 "A BILL FOR AN ACT RELATING TO LAND USE."  
Introduced by: Senators Mizuguchi, Levin, Ihara, McCartney.
- No. 2206 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."  
Introduced by: Senators Mizuguchi, Levin, Ihara, McCartney.
- No. 2207 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."  
Introduced by: Senators Mizuguchi, Levin, Ihara, McCartney.
- No. 2208 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION, RELATING TO THE BOARD OF EDUCATION"  
Introduced by: Senators Mizuguchi, Levin, Ihara, McCartney.
- No. 2209 "A BILL FOR AN ACT RELATING TO EDUCATION."  
Introduced by: Senators Mizuguchi, Levin, Ihara, McCartney.
- No. 2210 "A BILL FOR AN ACT RELATING TO SCHOOL-BASED BUDGETING."  
Introduced by: Senators Mizuguchi, Levin, Ihara, McCartney.
- No. 2211 "A BILL FOR AN ACT RELATING TO EDUCATION."  
Introduced by: Senators Mizuguchi, Levin, McCartney, Ihara.
- No. 2212 "A BILL FOR AN ACT RELATING TO EDUCATIONAL OFFICERS."  
Introduced by: Senators Mizuguchi, Levin, McCartney, Ihara.
- No. 2213 "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT."  
Introduced by: Senators Mizuguchi, Levin, McCartney, Ihara.
- No. 2214 "A BILL FOR AN ACT RELATING TO THE DUPLICATION OF GOVERNMENTAL SERVICES."  
Introduced by: Senators Mizuguchi, Levin, McCartney, Ihara.
- No. 2215 "A BILL FOR AN ACT RELATING TO TAXATION."  
Introduced by: Senators Mizuguchi, Levin, Ihara, McCartney.
- No. 2216 "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT."  
Introduced by: Senator Ige, M.
- No. 2217 "A BILL FOR AN ACT RELATING TO WATER QUALITY."  
Introduced by: Senator Tanaka.
- No. 2218 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."  
Introduced by: Senator Tanaka.
- No. 2219 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 3, OF THE CONSTITUTION, TO PROVIDE FOR THE APPOINTMENT OF A TAX REVIEW COMMISSION EVERY TEN YEARS."  
Introduced by: Senator Mizuguchi.
- No. 2220 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."  
Introduced by: Senator Mizuguchi.
- No. 2221 "A BILL FOR AN ACT RELATING TO GOVERNMENT CONTRACTS."  
Introduced by: Senator Mizuguchi.
- No. 2222 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."  
Introduced by: Senator Mizuguchi.
- No. 2223 "A BILL FOR AN ACT RELATING TO TAXATION."  
Introduced by: Senator Mizuguchi.
- No. 2224 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."  
Introduced by: Senator Mizuguchi, by request.
- No. 2225 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST QUEST PROJECT."  
Introduced by: Senators Baker, Fukunaga, Chumbley.

No. 2226 "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX."

Introduced by: Senators Baker, Fukunaga.

No. 2227 "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX."

Introduced by: Senators Baker, Fukunaga.

No. 2228 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Fukunaga, Baker.

No. 2229 "A BILL FOR AN ACT RELATING TO CONSERVATION LICENSE PLATES."

Introduced by: Senators Baker, Fukunaga, Kawamoto, Levin.

No. 2230 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

Introduced by: Senators Baker, Levin.

No. 2231 "A BILL FOR AN ACT RELATING TO COMMUNITY REHABILITATION PROGRAMS."

Introduced by: Senators Baker, Chumbley.

No. 2232 "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT."

Introduced by: Senators Fukunaga, Baker, Chumbley, Matsunaga.

No. 2233 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Fukunaga.

No. 2234 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION OF SERVICES PERFORMED BY A RELATED ENTITY."

Introduced by: Senator Fukunaga.

No. 2235 "A BILL FOR AN ACT RELATING TO REAL PROPERTY ENCROACHMENT."

Introduced by: Senators Taniguchi, Iwase.

No. 2236 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR THE PLANS, DESIGN, AND CONSTRUCTION OF A NEW SLAUGHTERHOUSE FACILITY."

Introduced by: Senators Taniguchi, Tanaka.

No. 2237 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII YOUTH AND FITNESS PROGRAM."

Introduced by: Senators Taniguchi, McCartney, Tam.

No. 2238 "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE."

Introduced by: Senator Taniguchi.

No. 2239 "A BILL FOR AN ACT RELATING TO VISITATION RIGHTS."

Introduced by: Senators Matsunaga, Chumbley.

No. 2240 "A BILL FOR AN ACT RELATING TO WHISTLEBLOWER PROTECTION."

Introduced by: Senators Matsunaga, Chumbley.

No. 2241 "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT."

Introduced by: Senators Matsunaga, Chumbley.

No. 2242 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Chumbley.

No. 2243 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COLLECTION AND DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE."

Introduced by: Senator Chumbley.

No. 2244 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senators Chumbley, Matsunaga.

No. 2245 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senators Chumbley, Matsunaga.

No. 2246 "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS."

Introduced by: Senator Chumbley.

No. 2247 "A BILL FOR AN ACT RELATING TO TORTS."

Introduced by: Senators Matsunaga, Chumbley, Chun Oakland.

No. 2248 "A BILL FOR AN ACT RELATING TO AMBULANCE SERVICES."

Introduced by: Senators Chumbley, Baker.

No. 2249 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

Introduced by: Senators Matsunaga, Chumbley.

No. 2250 "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE VICTIMS."

Introduced by: Senators Matsunaga, Chumbley.

No. 2251 "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE."

Introduced by: Senators Matsunaga, Chumbley.

No. 2252 "A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION."

Introduced by: Senators Matsunaga, Chumbley.

No. 2253 "A BILL FOR AN ACT RELATING TO PROSTITUTION."

Introduced by: Senators Matsunaga, Chumbley.

No. 2254 "A BILL FOR AN ACT RELATING TO PROSTITUTION."

Introduced by: Senators Matsunaga, Chumbley.

No. 2255 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR."

Introduced by: Senators Matsunaga, Chumbley.

No. 2256 "A BILL FOR AN ACT RELATING TO BARBERS POINT HARBOR."

Introduced by: Senators Kanno, Aki.

No. 2257 "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT."

Introduced by: Senators Kanno, Aki, Taniguchi.

No. 2258 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Mizuguchi.

No. 2259 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Mizuguchi.

No. 2260 "A BILL FOR AN ACT RELATING TO TAX CREDITS."

Introduced by: Senator Mizuguchi.

No. 2261 "A BILL FOR AN ACT RELATING TO COMMERCE AND CONSUMER AFFAIRS."

Introduced by: Senator Mizuguchi.

No. 2262 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EARLY CHILDHOOD PROGRAMS AND SERVICES FOR NATIVE HAWAIIAN CHILDREN."

Introduced by: Senators Mizuguchi, Chun Oakland, Kanno.

No. 2263 "A BILL FOR AN ACT RELATING TO VACANCIES."

Introduced by: Senator Mizuguchi.

No. 2264 "A BILL FOR AN ACT RELATING TO LAND COURT."

Introduced by: Senator Mizuguchi.

No. 2265 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Mizuguchi.

No. 2266 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Sakamoto, Aki, Solomon.

No. 2267 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Sakamoto, Slom, Aki.

No. 2268 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Sakamoto, Aki, Anderson, Chumbley, Slom.

No. 2269 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Senators Sakamoto, Slom, Aki.

No. 2270 "A BILL FOR AN ACT RELATING TO PARTIAL-BIRTH ABORTION."

Introduced by: Senators Sakamoto, Aki.

No. 2271 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE XVII OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO THE COUNTING OF VOTES."

Introduced by: Senators Sakamoto, Aki, Bunda.

No. 2272 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Senators Kawamoto, Sakamoto.

No. 2273 "A BILL FOR AN ACT RELATING TO SCHOOL MAINTENANCE."

Introduced by: Senators Kawamoto, Aki, Baker, Tam.

No. 2274 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PEARL CITY HIGHLANDS ELEMENTARY SCHOOL."

Introduced by: Senators Kawamoto, Tam.

No. 2275 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Senators Kanno, Kawamoto.

No. 2276 "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS."

Introduced by: Senators Ihara, McCartney.

No. 2277 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Ihara, McCartney.

No. 2278 "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION."

Introduced by: Senators Ihara, McCartney.

No. 2279 "A BILL FOR AN ACT RELATING TO PUBLIC LIBRARIES."

Introduced by: Senators Ihara, McCartney.

No. 2280 "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE."

Introduced by: Senators Ihara, McCartney.

No. 2281 "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE."

Introduced by: Senators Ihara, McCartney.

No. 2282 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Senators Ihara, McCartney.

No. 2283 "A BILL FOR AN ACT RELATING TO CONTRACTS."

Introduced by: Senators Ihara, McCartney.

No. 2284 "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS."

Introduced by: Senators Ihara, McCartney.

No. 2285 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senators Ihara, McCartney.

No. 2286 "A BILL FOR AN ACT RELATING TO WATER USE."

Introduced by: Senators Ihara, McCartney.

No. 2287 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Senators Ihara, McCartney.

No. 2288 "A BILL FOR AN ACT RELATING TO GAMING."

Introduced by: Senators Ihara, McCartney.

No. 2289 "A BILL FOR AN ACT RELATING TO HEALTH CARE."

Introduced by: Senators Ihara, McCartney.

No. 2290 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senators Ihara, McCartney.

No. 2291 "A BILL FOR AN ACT RELATING TO HAWAIIAN CLAIMS."

Introduced by: Senators Ihara, McCartney.

No. 2292 "A BILL FOR AN ACT RELATING TO STATE FUNDS."

Introduced by: Senators Ihara, McCartney.

No. 2293 "A BILL FOR AN ACT RELATING TO STATE FUNDS."

Introduced by: Senators Ihara, McCartney.

No. 2294 "A BILL FOR AN ACT RELATING TO STATE TAXES."

Introduced by: Senators Ihara, McCartney.

No. 2295 "A BILL FOR AN ACT RELATING TO STATE TAXES."

Introduced by: Senators Ihara, McCartney.

#### ADJOURNMENT

At 4:30 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Friday, January 23, 1998.

## THIRD DAY

Friday, January 23, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister M. Davilyn Ah Chick, OSF, St. Francis School and St. Francis Health Care System of Hawaii, with the assistance of Dr. Paul De Mare of the St. Francis Medical Center, after which the Roll was called showing all Senators present with the exception of Senators Solomon and Tanaka who were excused.

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

At this time, Senators Ihara and Kawamoto introduced Andrey Drobot of Ukraine, and Medina Nurullaeva of Uzbekistan, two international students from the newly independent states of the former Soviet Union who are participating in the "shadow" program sponsored by the International Hospitality Center.

## HOUSE COMMUNICATION

Hse. Com. No. 3, returning S.C.R. No. 1, which was adopted by the House of Representatives on January 22, 1998, was read by the Clerk and was placed on file.

## JUDICIARY COMMUNICATION

Jud. Com. No. 1, submitting for consideration and consent, the nomination of GEORGE Y. KIMURA to the office of Judge, District Court of the First Circuit, in accordance with the provisions of Section 604-2, Hawaii Revised Statutes, for a term of six years, was read by the Clerk and was referred to the Committee on Judiciary.

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 15 to 18) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 15 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO EXERCISE ITS AUTHORITY TO CLOSE OR CONSOLIDATE SCHOOLS IN RESPONSE TO THE STATE'S CONTINUING ECONOMIC CRISIS."

Offered by: Senator Mizuguchi.

No. 16 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON IMPLEMENTING A TWENTY-FOUR HOUR HEALTH CARE COVERAGE PROGRAM."

Offered by: Senators Baker, Fukunaga, Levin, Kanno, Chun Oakland.

No. 17 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO CLARIFY PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII, TO FACILITATE ENFORCEMENT."

Offered by: Senator Mizuguchi.

No. 18 "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEVELOPMENT OF PUBLIC-PRIVATE SECTOR PARTNERSHIPS WITH TRUSTS AND FOUNDATIONS FOR A PILOT PROGRAM OF EARLY CHILDHOOD PROGRAMS AND SERVICES FOR NATIVE HAWAIIAN CHILDREN."

Offered by: Senators Mizuguchi, Chun Oakland, Kanno.

## SENATE RESOLUTION

The following resolution (S.R. No. 4) was read by the Clerk and was deferred:

## Senate Resolution

No. 4 "SENATE RESOLUTION REQUESTING A STUDY ON IMPLEMENTING A TWENTY-FOUR HOUR HEALTH CARE COVERAGE PROGRAM."

Offered by: Senators Baker, Levin, Kanno.

## ORDER OF THE DAY

## REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Wednesday, January 21 and Thursday, January 22, 1998:

Senate Bills	Referred to:
No. 2132	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 2133	Committee on Water, Land, and Hawaiian Affairs
No. 2134	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2135	Committee on Commerce, Consumer Protection, and Information Technology
No. 2136	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2137	Committee on Education, then to the Committee on Ways and Means
No. 2138	Committee on Commerce, Consumer Protection, and Information Technology
No. 2139	Committee on Ways and Means
No. 2140	Committee on Human Resources, then to the Committee on Judiciary
No. 2141	Committee on Education, then to the Committee on Judiciary
No. 2142	Committee on Judiciary
No. 2143	Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 2144	Committee on Human Resources, then to the Committee on Ways and Means
No. 2145	Committee on Judiciary

No. 2146	Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means	No. 2170	Committee on Education, then to the Committee on Health and Environment
No. 2147	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Judiciary	No. 2171	Committee on Education, then to the Committee on Health and Environment
No. 2148	Committee on Government Operations and Housing	No. 2172	Committee on Health and Environment, then to the Committee on Judiciary
No. 2149	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2173	Committee on Health and Environment, then to the Committee on Ways and Means
No. 2150	Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary, then to the Committee on Ways and Means	No. 2174	Committee on Commerce, Consumer Protection, and Information Technology
No. 2151	Committee on Judiciary, then to the Committee on Ways and Means	No. 2175	Committee on Education, then to the Committee on Ways and Means
No. 2152	Committee on Commerce, Consumer Protection, and Information Technology	No. 2176	Committee on Judiciary
No. 2153	Committee on Commerce, Consumer Protection, and Information Technology	No. 2177	Committee on Judiciary
No. 2154	Committee on Human Resources, then to the Committee on Ways and Means	No. 2178	Committee on Education, then to the Committee on Ways and Means
No. 2155	Committee on Judiciary	No. 2179	Committee on Judiciary
No. 2156	Committee on Education, then to the Committee on Judiciary	No. 2180	Committee on Transportation and Intergovernmental Affairs
No. 2157	Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2181	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2158	Committee on Human Resources, then to the Committee on Judiciary	No. 2182	Committee on Education, then to the Committee on Ways and Means
No. 2159	Committee on Ways and Means	No. 2183	Committee on Education, then to the Committee on Human Resources
No. 2160	Committee on Commerce, Consumer Protection, and Information Technology	No. 2184	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Government Operations and Housing, then to the Committee on Ways and Means
No. 2161	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary	No. 2185	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2162	Committee on Commerce, Consumer Protection, and Information Technology	No. 2186	Committee on Economic Development, then to the Committee on Ways and Means
No. 2163	Committee on Commerce, Consumer Protection, and Information Technology	No. 2187	Committee on Education, then to the Committee on Judiciary
No. 2164	Committee on Commerce, Consumer Protection, and Information Technology	No. 2188	Committee on Commerce, Consumer Protection, and Information Technology
No. 2165	Committee on Human Resources, then to the Committee on Commerce, Consumer Protection, and Information Technology	No. 2189	Committee on Commerce, Consumer Protection, and Information Technology
No. 2166	Committee on Health and Environment, then to the Committee on Judiciary	No. 2190	Committee on Commerce, Consumer Protection, and Information Technology
No. 2167	Committee on Judiciary	No. 2191	Committee on Commerce, Consumer Protection, and Information Technology
No. 2168	Committee on Health and Environment, then to the Committee on Ways and Means	No. 2192	Committee on Commerce, Consumer Protection, and Information Technology
No. 2169	Committee on Education, then to the Committee on Ways and Means	No. 2193	Committee on Commerce, Consumer Protection, and Information Technology
		No. 2194	Committee on Commerce, Consumer Protection, and Information Technology

No. 2195	Committee on Commerce, Consumer Protection, and Information Technology	No. 2219	Committee on Ways and Means, then to the Committee on Judiciary
No. 2196	Committee on Commerce, Consumer Protection, and Information Technology	No. 2220	Committee on Education, then to the Committee on Ways and Means
No. 2197	Committee on Commerce, Consumer Protection, and Information Technology	No. 2221	Committee on Government Operations and Housing, then to the Committee on Human Resources
No. 2198	Committee on Commerce, Consumer Protection, and Information Technology	No. 2222	Committee on Human Resources, then to the Committee on Ways and Means
No. 2199	Committee on Commerce, Consumer Protection, and Information Technology	No. 2223	Committee on Ways and Means
No. 2200	Committee on Judiciary, then to the Committee on Ways and Means	No. 2224	Committee on Ways and Means
No. 2201	Committee on Economic Development, then to the Committee on Ways and Means	No. 2225	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2202	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2226	Committee on Ways and Means
No. 2203	Jointly to the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2227	Committee on Ways and Means
No. 2204	Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, then to the Committee on Ways and Means	No. 2228	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2205	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2229	Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2206	Committee on Human Resources, then to the Committee on Ways and Means	No. 2230	Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 2207	Committee on Education, then to the Committee on Ways and Means	No. 2231	Committee on Human Resources, then to the Committee on Ways and Means
No. 2208	Committee on Education, then to the Committee on Judiciary	No. 2232	Committee on Human Resources, then to the Committee on Ways and Means
No. 2209	Committee on Education, then to the Committee on Ways and Means	No. 2233	Committee on Government Operations and Housing, then to the Committee on Ways and Means
No. 2210	Committee on Education, then to the Committee on Ways and Means	No. 2234	Committee on Ways and Means
No. 2211	Committee on Education, then to the Committee on Ways and Means	No. 2235	Committee on Judiciary
No. 2212	Committee on Education, then to the Committee on Ways and Means	No. 2236	Committee on Economic Development, then to the Committee on Ways and Means
No. 2213	Jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2237	Committee on Education, then to the Committee on Ways and Means
No. 2214	Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2238	Jointly to the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2215	Committee on Ways and Means	No. 2239	Committee on Judiciary
No. 2216	Committee on Judiciary	No. 2240	Committee on Human Resources, then to the Committee on Judiciary
No. 2217	Jointly to the Committee on Economic Development and the Committee on Health and Environment, then to the Committee on Ways and Means	No. 2241	Committee on Human Resources, then to the Committee on Judiciary
No. 2218	Committee on Education, then to the Committee on Ways and Means	No. 2242	Committee on Human Resources
		No. 2243	Committee on Health and Environment, then to the Committee on Ways and Means

**RE-REFERRAL OF SENATE BILLS**

The President re-referred the following Senate bills that were introduced:

- | Senate Bill | Referred to:   |
|-------------|--|
| No. 2056    | Jointly to the Committee on Health and Environment and the Committee on Economic Development   |
| No. 2066    | Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development  |
| No. 2068    | Jointly to the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means |

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

"Mr. President, I'd like to rise on a point of personal privilege.

"There have been articles in the paper and the news media about an issue, an issue that I thought was going to be handled at the federal level but hasn't been. This matter has been vetoed by the President, vetoed twice. The issue is partial birth abortion. And in our state during the past months we've been hearing of caring about children who've been battered, children who've been injured. We see the sextuplets, how little babies who are very small, very fragile, and all the effort made to keep them alive.

"So Mr. President, just as it was said at the rally yesterday and in the media, people need to know more about this issue. I heard a statement that no one has spoken of this issue, that no one has brought this matter to the Senate. So I am informing you that I am introducing a bill related to partial birth abortion and would welcome anyone who would like to co-introduce or co-sign the measure. I also request that we hear the bill. Just as you stated in your opening remarks, we hope that all bills will be heard.

"Thank you, Mr. President."

Senator Baker then rose on a point of personal privilege and stated:

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

"Mr. President, today Maui County and our state says aloha to one of our most distinguished public servants. A larger than life visionary who served Maui County as mayor longer than any other. Hannibal Tavares will be remembered by Democrats and Republicans alike for his compassion and dedication to the islands and our people, especially those of Maui County. He left an indelible mark on our county and state, particularly for his work on the return of Kaho'olawe.

"And Mr. President, while we were out of session this year we lost another distinguished public servant and former colleague, Mary George. Like Hannibal, Mary was proud to be a Republican but she never let party get in the way of advocating for openness, honesty and integrity in government. I followed her as Housing Chair when I came to the Senate and I worked with her as both a House of Representatives member and as a Senator on women's issues and women's concerns. Hawaii is indeed richer because of her public service.

"So, Mr. President, on behalf of all of my colleagues here, I request that the Senate adjourn on a rising vote and observe a moment of silence in memory of the late Mayor Hannibal Tavares of Maui and Senator Mary George of Oahu.

"Thank you."

Senator Anderson rose and said:

"Mr. President, I'd like to thank my colleague for making sure that we were well aware of the two people that have deceased.

"We do have a certificate on Senator George and we will be sending it up to everybody's office and I hope you will all sign it. We will miss her and she was appreciated by all.

"Mahalo."

**INTRODUCTION OF SENATE BILLS**

On motion by Senator McCartney, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 10:00 o'clock p.m. In consequence thereof and subsequent to its recessing at 11:58 o'clock a.m., the following bills passed First Reading by title and were deferred:

Senate Bill

No. 2296 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senator Levin.

No. 2297 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senator Levin.

No. 2298 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Levin.

No. 2299 "A BILL FOR AN ACT RELATING TO NONFOSSIL FUEL GENERATED ELECTRICITY."

Introduced by: Senator Levin, by request.

No. 2300 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL RESPONSE LAW."

Introduced by: Senator Levin.

No. 2301 "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER AND TOXIC ENFORCEMENT."

Introduced by: Senator Levin.

No. 2302 "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION."

Introduced by: Senator Levin.

No. 2303 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."

Introduced by: Senators Levin, Baker, Fukunaga.

No. 2304 "A BILL FOR AN ACT RELATING TO KONA COFFEE LANDS."

Introduced by: Senator Levin.

No. 2305 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UPGRADE ELECTRICAL INFRASTRUCTURE TO SUPPORT COMPUTER TECHNOLOGY FOR WAIANAE HIGH SCHOOL."

Introduced by: Senators Aki, Tam.



No. 2306 "A BILL FOR AN ACT RELATING TO IRRIGATION WATER RIGHTS."

Introduced by: Senator Ige, M.

No. 2307 "A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS."

Introduced by: Senator Ige, M.

No. 2308 "A BILL FOR AN ACT RELATING TO PRIVATE TRADE, VOCATIONAL, OR TECHNICAL SCHOOLS."

Introduced by: Senator Mizuguchi.

No. 2309 "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPY."

Introduced by: Senator Mizuguchi.

No. 2310 "A BILL FOR AN ACT RELATING TO VOCATIONAL EDUCATION AND JOB TRAINING."

Introduced by: Senator Mizuguchi.

No. 2311 "A BILL FOR AN ACT RELATING TO TRAFFIC."

Introduced by: Senator Mizuguchi, by request.

No. 2312 "A BILL FOR AN ACT RELATING TO COURTS AND JUDICIAL PROCEEDINGS."

Introduced by: Senator Mizuguchi, by request.

No. 2313 "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS."

Introduced by: Senator Mizuguchi, by request.

No. 2314 "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS."

Introduced by: Senator Mizuguchi, by request.

No. 2315 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

Introduced by: Senator Mizuguchi, by request.

No. 2316 "A BILL FOR AN ACT RELATING TO ADJUDICATION OF TRAFFIC INFRACTIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2317 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SECURITY PERSONNEL IN THE COURTS OF THE STATE."

Introduced by: Senator Mizuguchi, by request.

No. 2318 "A BILL FOR AN ACT RELATING TO UNCOLLECTIBLE ACCOUNTS IN THE JUDICIARY."

Introduced by: Senator Mizuguchi, by request.

No. 2319 "A BILL FOR AN ACT RELATING TO THE COLLECTION OF DELINQUENT FINES AND RESTITUTION IN THE JUDICIARY."

Introduced by: Senator Mizuguchi, by request.

No. 2320 "A BILL FOR AN ACT RELATING TO DELINQUENT FINES AND RESTITUTION."

Introduced by: Senator Mizuguchi, by request.

No. 2321 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Senators Solomon, Baker, Fukunaga, Metcalf, Matsunaga, Kanno, Chun Oakland, Fernandes Salling, Ihara, Chumbley, Ige, D.

No. 2322 "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES."

Introduced by: Senators Baker, Chumbley, McCartney, Ihara, Fukunaga, Kanno, Chun Oakland, Fernandes Salling.

No. 2323 "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE."

Introduced by: Senators Chumbley, McCartney, Ihara, Baker, Matsunaga, Fukunaga, Kanno, Chun Oakland, Fernandes Salling.

No. 2324 "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS."

Introduced by: Senators Baker, Fukunaga, Chun Oakland, Metcalf, Kanno, Fernandes Salling.

No. 2325 "A BILL FOR AN ACT RELATING TO DISCIPLINARY ACTION FOR EMPLOYEE MISCONDUCT UNDER THE STATE'S WORKERS' COMPENSATION LAW."

Introduced by: Senators Kanno, Metcalf.

No. 2326 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER'S MUTUAL INSURANCE COMPANY."

Introduced by: Senators Kanno, Baker, Chun Oakland, Metcalf.

No. 2327 "A BILL FOR AN ACT RELATING TO PROPERTY."

Introduced by: Senators Kanno, Metcalf.

No. 2328 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Senators Kanno, Kawamoto, Sakamoto, Tam.

No. 2329 "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS."

Introduced by: Senators Kanno, Chumbley, Matsunaga.

No. 2330 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Senator Kanno.

No. 2331 "A BILL FOR AN ACT RELATING TO LABOR AND INDUSTRIAL RELATIONS."

Introduced by: Senator Slom.

No. 2332 "A BILL FOR AN ACT RELATING TO BOXING."

Introduced by: Senators Anderson, Kawamoto, Slom.

No. 2333 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."

- Introduced by: Senators Baker, Chumbley, Levin, Metcalf, Solomon.
- No. 2334 "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS."
- Introduced by: Senators Baker, Ige, D., Metcalf.
- No. 2335 "A BILL FOR AN ACT RELATING TO MOTOR AND OTHER VEHICLES."
- Introduced by: Senators Baker, Kawamoto, Chumbley, Matsunaga, Sakamoto.
- No. 2336 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
- Introduced by: Senators Baker, Fukunaga.
- No. 2337 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH TO OBTAIN A FEDERAL TRAUMATIC BRAIN INJURY DEMONSTRATION MATCHING GRANT."
- Introduced by: Senators Baker, Fukunaga.
- No. 2338 "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF HOISTING MACHINE OPERATORS."
- Introduced by: Senators Baker, Kawamoto, Kanno, Sakamoto.
- No. 2339 "A BILL FOR AN ACT RELATING TO MOPEDES."
- Introduced by: Senators Baker, Chumbley, Kawamoto, Matsunaga, Sakamoto.
- No. 2340 "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS."
- Introduced by: Senators Baker, Levin, Metcalf, Chun Oakland, Ige, D., Fukunaga.
- No. 2341 "A BILL FOR AN ACT RELATING TO PROFESSIONAL MENTAL HEALTH COUNSELORS AND PROFESSIONAL REHABILITATION COUNSELORS."
- Introduced by: Senators Baker, Chun Oakland, Fukunaga, Ige, D., Metcalf.
- No. 2342 "A BILL FOR AN ACT RELATING TO VIOLENCE."
- Introduced by: Senators Baker, Chun Oakland, Fukunaga.
- No. 2343 "A BILL FOR AN ACT RELATING TO HUNTING LICENSES."
- Introduced by: Senator Iwase.
- No. 2344 "A BILL FOR AN ACT RELATING TO ACCIDENT AND SICKNESS INSURANCE."
- Introduced by: Senators Levin, Chumbley.
- No. 2345 "A BILL FOR AN ACT RELATING TO THREATENED AND ENDANGERED SPECIES."
- Introduced by: Senator Levin.
- No. 2346 "A BILL FOR AN ACT RELATING TO INSURANCE."
- Introduced by: Senator Levin.
- No. 2347 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."
- Introduced by: Senator Levin.
- No. 2348 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES."
- Introduced by: Senator Levin.
- No. 2349 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL HEALTH."
- Introduced by: Senator Levin.
- No. 2350 "A BILL FOR AN ACT RELATING TO RECYCLING."
- Introduced by: Senator Levin.
- No. 2351 "A BILL FOR AN ACT RELATING TO CERTIFIED PROFESSIONAL MIDWIVES."
- Introduced by: Senators Levin, Metcalf.
- No. 2352 "A BILL FOR AN ACT RELATING TO CRIMES AGAINST NONRESIDENTS."
- Introduced by: Senator Tanaka.
- No. 2353 "A BILL FOR AN ACT RELATING TO BURGLARY."
- Introduced by: Senator Tanaka.
- No. 2354 "A BILL FOR AN ACT RELATING TO FOREIGN CAPITAL DEPOSITORIES."
- Introduced by: Senator Tanaka.
- No. 2355 "A BILL FOR AN ACT RELATING TO TAXATION."
- Introduced by: Senator Matsunaga, by request.
- No. 2356 "A BILL FOR AN ACT RELATING TO THRILL CRAFTS."
- Introduced by: Senator Matsunaga, by request.
- No. 2357 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE AND ENHANCEMENT OF KAPIOLANI PARK."
- Introduced by: Senator Matsunaga, by request.
- No. 2358 "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS."
- Introduced by: Senator Matsunaga, by request.
- No. 2359 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."
- Introduced by: Senator Matsunaga, by request.
- No. 2360 "A BILL FOR AN ACT RELATING TO TAX."
- Introduced by: Senator Matsunaga.
- No. 2361 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR CAPITAL IMPROVEMENT PROJECTS IN WEST OAHU."

- Introduced by: Senator Kanno.
- No. 2362 "A BILL FOR AN ACT RELATING TO HEALTH FUND MEDICARE PART B."  
Introduced by: Senators Kanno, Chun Oakland.
- No. 2363 "A BILL FOR AN ACT RELATING TO FEES."  
Introduced by: Senators Kanno, Baker, Fukunaga, Mizuguchi.
- No. 2364 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR CAPITAL IMPROVEMENT PROJECTS FOR THE KAUAI DISTRICT OF THE DEPARTMENT OF EDUCATION."  
Introduced by: Senator Fernandes Salling.
- No. 2365 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION PROGRAM COMMISSION."  
Introduced by: Senator Mizuguchi.
- No. 2366 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."  
Introduced by: Senator Mizuguchi, by request.
- No. 2367 "A BILL FOR AN ACT RELATING TO A STATE LOTTERY."  
Introduced by: Senator Mizuguchi, by request.
- No. 2368 "A BILL FOR AN ACT RELATING TO TAXATION."  
Introduced by: Senator Mizuguchi, by request.
- No. 2369 "A BILL FOR AN ACT RELATING TO TAXATION."  
Introduced by: Senator Mizuguchi, by request.
- No. 2370 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."  
Introduced by: Senator Mizuguchi, by request.
- No. 2371 "A BILL FOR AN ACT RELATING TO INSURANCE."  
Introduced by: Senator McCartney.
- No. 2372 "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH."  
Introduced by: Senator McCartney.
- No. 2373 "A BILL FOR AN ACT RELATING TO TORT ACTIONS."  
Introduced by: Senator McCartney.
- No. 2374 "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT."  
Introduced by: Senator McCartney.
- No. 2375 "A BILL FOR AN ACT RELATING TO POLITICAL PARTY QUALIFICATIONS."  
Introduced by: Senator McCartney.
- No. 2376 "A BILL FOR AN ACT RELATING TO ELECTIONS."  
Introduced by: Senator McCartney.
- No. 2377 "A BILL FOR AN ACT RELATING TO ELECTIONS; PRIMARY."  
Introduced by: Senator McCartney.
- No. 2378 "A BILL FOR AN ACT RELATING TO ELECTIONS."  
Introduced by: Senator McCartney.
- No. 2379 "A BILL FOR AN ACT RELATING TO ELECTIONS."  
Introduced by: Senator McCartney.
- No. 2380 "A BILL FOR AN ACT RELATING TO FISHERMEN."  
Introduced by: Senator Fukunaga.
- No. 2381 "A BILL FOR AN ACT RELATING TO NOXIOUS WEED CONTROL."  
Introduced by: Senator Fukunaga.
- No. 2382 "A BILL FOR AN ACT RELATING TO SCHOOL-TO-WORK OPPORTUNITIES."  
Introduced by: Senators Kanno, Aki, Anderson, Baker, Bunda, Chumbley, Chun Oakland, Fernandes Salling, Fukunaga, Ige, D., Ige, M., Ihara, Iwase, Kawamoto, Levin, Matsunaga, McCartney, Metcalf, Mizuguchi, Solomon, Tam, Taniguchi.
- No. 2383 "A BILL FOR AN ACT RELATING TO SCHOOL-TO-WORK OPPORTUNITIES."  
Introduced by: Senators Kanno, Aki, Anderson, Baker, Bunda, Chumbley, Chun Oakland, Fernandes Salling, Fukunaga, Ige, D., Ige, M., Ihara, Iwase, Kawamoto, Levin, Matsunaga, McCartney, Metcalf, Mizuguchi, Sakamoto, Solomon, Tam, Taniguchi.
- No. 2384 "A BILL FOR AN ACT RELATING TO SCHOOL-TO-WORK OPPORTUNITIES."  
Introduced by: Senators Kanno, Aki, Anderson, Baker, Bunda, Chumbley, Chun Oakland, Fernandes Salling, Fukunaga, Ige, D., Ige, M., Ihara, Iwase, Kawamoto, Levin, Matsunaga, McCartney, Metcalf, Mizuguchi, Sakamoto, Solomon, Tam, Taniguchi.
- No. 2385 "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION."  
Introduced by: Senators Kanno, Baker, Chun Oakland, Fukunaga, Kawamoto, Matsunaga, McCartney, Mizuguchi, Sakamoto.
- No. 2386 "A BILL FOR AN ACT RELATING TO COORDINATED CARE ORGANIZATIONS."  
Introduced by: Senators Kanno, Chun Oakland, Sakamoto, Ihara, McCartney.
- No. 2387 "A BILL FOR AN ACT RELATING TO SOLID WASTE POLLUTION."  
Introduced by: Senator Levin, by request.

No. 2388 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Levin.

No. 2389 "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS."

Introduced by: Senator Levin.

No. 2390 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL ASSESSMENTS."

Introduced by: Senator Levin.

No. 2391 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR COUNTY OF KAUAI CAPITAL IMPROVEMENT PROJECTS."

Introduced by: Senator Mizuguchi, by request.

No. 2392 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE COUNTY OF KAUAI."

Introduced by: Senator Mizuguchi, by request.

No. 2393 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Senator Mizuguchi, by request.

No. 2394 "A BILL FOR AN ACT RELATING TO INTERGOVERNMENTAL AGREEMENTS."

Introduced by: Senator Mizuguchi, by request.

No. 2395 "A BILL FOR AN ACT RELATING TO ABANDONED MOTOR VEHICLES."

Introduced by: Senator Mizuguchi, by request.

No. 2396 "A BILL FOR AN ACT RELATING TO SCHOOL BUS SAFETY."

Introduced by: Senator Mizuguchi, by request.

No. 2397 "A BILL FOR AN ACT RELATING TO COSTS AND FEES."

Introduced by: Senators Matsunaga, by request, Chumbley, by request.

No. 2398 "A BILL FOR AN ACT RELATING TO PROSTITUTION."

Introduced by: Senator Matsunaga.

No. 2399 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Matsunaga, Chumbley.

No. 2400 "A BILL FOR AN ACT RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE."

Introduced by: Senators Matsunaga, Chumbley.

No. 2401 "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE."

Introduced by: Senators Matsunaga, Chumbley.

No. 2402 "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE."

Introduced by: Senators Matsunaga, Chumbley.

No. 2403 "A BILL FOR AN ACT RELATING TO PROTECTIVE ORDERS."

Introduced by: Senators Matsunaga, Chumbley.

No. 2404 "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE."

Introduced by: Senators Matsunaga, Chumbley.

No. 2405 "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY."

Introduced by: Senators Iwase, Bunda.

No. 2406 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Taniguchi.

No. 2407 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Senator Taniguchi.

No. 2408 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senators Taniguchi, Ige, D., Levin, Metcalf.

No. 2409 "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS."

Introduced by: Senator Levin, by request.

No. 2410 "A BILL FOR AN ACT RELATING TO COUNTY LIABILITY."

Introduced by: Senator Levin.

No. 2411 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Levin.

No. 2412 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DRUG TREATMENT SERVICES ON THE ISLAND OF HAWAII."

Introduced by: Senator Levin.

No. 2413 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."

Introduced by: Senator Levin.

No. 2414 "A BILL FOR AN ACT RELATING TO PAWNBROKERS."

Introduced by: Senator Levin.

No. 2415 "A BILL FOR AN ACT RELATING TO TORTS."

Introduced by: Senators Matsunaga, Chumbley.

No. 2416 "A BILL FOR AN ACT RELATING TO RECYCLING."

Introduced by: Senator Matsunaga.

No. 2417 "A BILL FOR AN ACT RELATING TO RECYCLING."

Introduced by: Senator Matsunaga, by request.

No. 2418 "A BILL FOR AN ACT RELATING TO RECYCLING."

Introduced by: Senator Matsunaga, by request.

No. 2419 "A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS."

Introduced by: Senator Matsunaga, by request.

No. 2420 "A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT."

Introduced by: Senator Matsunaga, by request.

No. 2421 "A BILL FOR AN ACT RELATING TO COMPENSATION OF APPOINTED COUNSEL."

Introduced by: Senator Matsunaga, by request.

No. 2422 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT ASSESSMENTS."

Introduced by: Senator Matsunaga, by request.

No. 2423 "A BILL FOR AN ACT RELATING TO EMPLOYEE PROTECTION UNDER THE WHISTLEBLOWER LAW."

Introduced by: Senators Kanno, Chun Oakland, Levin, Matsunaga, Metcalf.

No. 2424 "A BILL FOR AN ACT RELATING TO THE HONOLULU WATERFRONT AUTHORITY."

Introduced by: Senators Sakamoto, Kawamoto.

No. 2425 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Introduced by: Senators Slom, Sakamoto, Chun Oakland, Aki, Anderson.

No. 2426 "A BILL FOR AN ACT RELATING TO A STATE COUNCIL ON COMPETITIVE GOVERNMENT."

Introduced by: Senators Bunda, Sakamoto, Chun Oakland, Anderson, Slom, Aki, Kawamoto, Solomon, Tanaka.

No. 2427 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII TO ENSURE THAT THE STATE HAS FULL DISCRETION TO PERFORM ITS DUTIES AND FUNCTIONS IN THE MOST EFFICIENT AND EFFECTIVE MANNER."

Introduced by: Senators Bunda, Sakamoto, Slom, Aki, Anderson, Chun Oakland, Solomon, Tanaka.

No. 2428 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Chun Oakland, Slom, Iwase, Matsunaga, Chumbley, Anderson, Metcalf, Fukunaga, Ihara, Ige, D., McCartney, Sakamoto, Aki, Solomon, Tanaka, Bunda, Kawamoto.

No. 2429 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Sakamoto, Slom, Aki, Anderson.

No. 2430 "A BILL FOR AN ACT RELATING TO TORT ACTIONS."

Introduced by: Senators Sakamoto, Slom, Aki, Iwase, Kawamoto, Matsunaga.

No. 2431 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Sakamoto, Slom, Aki, Matsunaga, Kawamoto.

No. 2432 "A BILL FOR AN ACT RELATING TO THE INCOME TAX."

Introduced by: Senators Sakamoto, Chun Oakland, Slom, Aki, Iwase, Tanaka, Solomon, Anderson, Bunda, Chumbley, Kawamoto.

No. 2433 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senators Sakamoto, Slom, Aki, Iwase, Solomon, Tanaka, Anderson, Bunda, Chumbley, Chun Oakland.

No. 2434 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Sakamoto, Iwase, Chun Oakland, Slom, Aki, Solomon, Tanaka, Anderson, Bunda.

No. 2435 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Slom, Sakamoto, Chun Oakland, Aki, Anderson, Kawamoto.

No. 2436 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Slom, Sakamoto.

No. 2437 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND."

Introduced by: Senators Kanno, Chun Oakland.

No. 2438 "A BILL FOR AN ACT RELATING TO THE MEDICAL USE OF MARIJUANA."

Introduced by: Senator Levin.

No. 2439 "A BILL FOR AN ACT RELATING TO ALCOHOL AND DRUG DEPENDENCE BENEFITS."

Introduced by: Senator Levin.

No. 2440 "A BILL FOR AN ACT RELATING TO HOSPITALS."

Introduced by: Senator Levin.

No. 2441 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senator Levin.

No. 2442 "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE."

- Introduced by: Senators Tam, Aki, Anderson, Chun Oakland, Kanno.
- No. 2443 "A BILL FOR AN ACT RELATING TO ADULT AND COMMUNITY EDUCATION."  
Introduced by: Senators Tam, McCartney.
- No. 2444 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ADDITIONAL SCHOOL CLERICAL POSITIONS."  
Introduced by: Senators Tam, Iwase, Kanno, McCartney.
- No. 2445 "A BILL FOR AN ACT RELATING TO SCHOOL CLERICAL STAFFING."  
Introduced by: Senators Tam, Kanno, McCartney.
- No. 2446 "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION."  
Introduced by: Senators Tam, Ige, D., Ige, M., Iwase, Solomon.
- No. 2447 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PERMANENT REGISTRARS FOR INTERMEDIATE SCHOOLS."  
Introduced by: Senators Tam, Ige, D., Ige, M., Iwase, Solomon.
- No. 2448 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RESOURCE TEACHER POSITIONS FOR THE HAWAIIAN STUDIES PROGRAM."  
Introduced by: Senator Tam.
- No. 2449 "A BILL FOR AN ACT RELATING TO THE EDUCATION OF THE CHILDREN OF HAWAI'I IN HAWAIIAN STUDIES."  
Introduced by: Senator Tam.
- No. 2450 "A BILL FOR AN ACT RELATING TO INCOME TAX."  
Introduced by: Senators Tam, Sakamoto, Slom, Aki, Anderson, Chun Oakland.
- No. 2451 "A BILL FOR AN ACT RELATING TO STUDENT ACTIVITY COORDINATORS."  
Introduced by: Senators Tam, Aki, Iwase, McCartney.
- No. 2452 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII."  
Introduced by: Senators Tam, Iwase, McCartney.
- No. 2453 "A BILL FOR AN ACT MAKING APPROPRIATIONS RELATING TO THE PARENT-COMMUNITY NETWORKING CENTERS AND THE FAMILIES FOR R.E.A.L. PROGRAM."  
Introduced by: Senators Tam, McCartney.
- No. 2454 "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION."  
Introduced by: Senators Kanno, Chun Oakland.
- No. 2455 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENTAL DISABILITIES."  
Introduced by: Senator Fernandes Salling.
- Introduced by: Senators Kanno, Baker, Chun Oakland, Fukunaga, Ige, D., Levin, Mizuguchi, Tam.
- No. 2456 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS TO CONSTRUCT AND ESTABLISH THE ORANGUTAN SANCTUARY."  
Introduced by: Senator Levin.
- No. 2457 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HAWAII COUNTY EMERGENCY MEDICAL SERVICE."  
Introduced by: Senator Levin.
- No. 2458 "A BILL FOR AN ACT RELATING TO MINOR PASSENGERS."  
Introduced by: Senators Kanno, Chun Oakland, Kawamoto, Sakamoto.
- No. 2459 "A BILL FOR AN ACT RELATING TO NONPROFIT HOSPITAL CITIZEN OVERSIGHT."  
Introduced by: Senator Bunda.
- No. 2460 "A BILL FOR AN ACT RELATING TO ACQUISITION OF HOSPITALS."  
Introduced by: Senator Bunda.
- No. 2461 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY."  
Introduced by: Senator Bunda.
- No. 2462 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL INDUSTRY."  
Introduced by: Senator Bunda.
- No. 2463 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."  
Introduced by: Senator Bunda.
- No. 2464 "A BILL FOR AN ACT RELATING TO SALARIES IN THE JUDICIARY."  
Introduced by: Senators Matsunaga, Chumbley, McCartney, Ihara.
- No. 2465 "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE."  
Introduced by: Senators Matsunaga, Chumbley.
- No. 2466 "A BILL FOR AN ACT RELATING TO GUARDIANSHIP."  
Introduced by: Senators Matsunaga, Chumbley.
- No. 2467 "A BILL FOR AN ACT RELATING TO CAMPAIGN FUNDING."  
Introduced by: Senators Matsunaga, Chumbley.
- No. 2468 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A PARENT COMMUNITY NETWORK CENTER DISTRICT COORDINATOR FOR KAUAI."  
Introduced by: Senator Fernandes Salling.

No. 2469 "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT."

Introduced by: Senators Ige, D., Metcalf.

No. 2470 "A BILL FOR AN ACT RELATING TO STATE OWNED FACILITIES."

Introduced by: Senator Ige, D., by request.

No. 2471 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Ige, D.

No. 2472 "A BILL FOR AN ACT RELATING TO TRADE REGULATIONS."

Introduced by: Senators Ige, D., Metcalf.

No. 2473 "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS."

Introduced by: Senator Ige, D., by request.

No. 2474 "A BILL FOR AN ACT RELATING TO FORECLOSURES."

Introduced by: Senators Ige, D., Metcalf.

No. 2475 "A BILL FOR AN ACT RELATING TO NUTRITION PRACTICE."

Introduced by: Senators Ige, D., Metcalf.

No. 2476 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Senator Ige, D., by request.

No. 2477 "A BILL FOR AN ACT RELATING TO CHARITABLE GIFT ANNUITIES."

Introduced by: Senators Ige, D., Metcalf.

No. 2478 "A BILL FOR AN ACT RELATING TO MASSAGE THERAPY."

Introduced by: Senators Ige, D., Metcalf.

No. 2479 "A BILL FOR AN ACT RELATING TO HOUSEHOLD HAZARDOUS SUBSTANCE RECYCLING."

Introduced by: Senator Chumbley.

No. 2480 "A BILL FOR AN ACT RELATING TO HOUSEHOLD HAZARDOUS WASTE."

Introduced by: Senator Chumbley.

No. 2481 "A BILL FOR AN ACT RELATING TO THE MAUI REGIONAL HEALTH SYSTEMS CORPORATION."

Introduced by: Senator Chumbley.

No. 2482 "A BILL FOR AN ACT RELATING TO VOCATIONAL EDUCATION."

Introduced by: Senators Chumbley, McCartney, Ige, D.

No. 2483 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR."

Introduced by: Senator Chumbley.

No. 2484 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senators Chumbley, Baker.

No. 2485 "A BILL FOR AN ACT RELATING TO BEVERAGE CONTAINERS."

Introduced by: Senator Chumbley.

No. 2486 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Chumbley, McCartney.

No. 2487 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."

Introduced by: Senator Chumbley.

No. 2488 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO STUDY THE FEASIBILITY OF CREATING A LOOKOUT AT HO'OKIPA ON THE HANA HIGHWAY."

Introduced by: Senators Chumbley, Baker.

No. 2489 "A BILL FOR AN ACT RELATING TO NATURAL RESOURCES."

Introduced by: Senators Chumbley, Baker.

No. 2490 "A BILL FOR AN ACT RELATING TO LIQUOR LICENSE TRANSFER."

Introduced by: Senators Fukunaga, Ihara, Taniguchi.

No. 2491 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Senator Fukunaga.

No. 2492 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Senators McCartney, Ihara.

No. 2493 "A BILL FOR AN ACT RELATING TO IMPAIRED DRIVERS."

Introduced by: Senators McCartney, Ihara.

No. 2494 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE DRIVER'S LICENSE REVOCATION."

Introduced by: Senators McCartney, Ihara.

No. 2495 "A BILL FOR AN ACT RELATING TO WAGE AND HOUR LAW."

Introduced by: Senators Kawamoto, Sakamoto.

No. 2496 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senators Kawamoto, Kanno, Bunda, Chun Oakland, Fukunaga, Taniguchi.

No. 2497 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO INSTALL WATER PIPES AND REROUTE CONNECTION FROM THE PEARL CITY CULTURAL CENTER TO PEARL CITY HIGH SCHOOL."

Introduced by: Senators Kawamoto, Ige, D.

No. 2498 "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX."

Introduced by: Senators Kawamoto, Sakamoto, Fukunaga.

No. 2499 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING, DESIGN AND CONSTRUCTION OF THE HAWAII AVIATION TRAINING CENTER, AND REFURBISHMENT OF HILO INTERNATIONAL AIRPORT."

Introduced by: Senator Kawamoto.

No. 2500 "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES."

Introduced by: Senators Kawamoto, Sakamoto.

No. 2501 "A BILL FOR AN ACT RELATING TO STATE CONTRACTS."

Introduced by: Senators Kawamoto, Aki, Bunda, Chun Oakland, Ige, M., Sakamoto.

No. 2502 "A BILL FOR AN ACT RELATING TO VOTE COUNT."

Introduced by: Senators Ihara, Chumbley, McCartney, Matsunaga.

No. 2503 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTH ANNUAL ROYAL HAWAIIAN ROWING CHALLENGE."

Introduced by: Senator Ihara.

No. 2504 "A BILL FOR AN ACT RELATING TO EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS."

Introduced by: Senators Ihara, Metcalf, McCartney.

No. 2505 "A BILL FOR AN ACT RELATING TO THE ALA WAI CANAL WATERSHED."

Introduced by: Senators Ihara, Fukunaga, McCartney.

No. 2506 "A BILL FOR AN ACT RELATING TO PLASTIC."

Introduced by: Senator Ihara, by request.

No. 2507 "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT."

Introduced by: Senators Ihara, Chun Oakland, Levin, Ige, D., Fukunaga, McCartney, Matsunaga.

No. 2508 "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT."

Introduced by: Senators Ihara, Chun Oakland, Levin, Ige, D., Fukunaga, McCartney, Matsunaga.

No. 2509 "A BILL FOR AN ACT RELATING TO TEACHERS."

Introduced by: Senator Chumbley.

No. 2510 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION FOR PHYSICAL AND MENTAL IMPAIRMENT RESULTING FROM DISCIPLINARY OR PERSONNEL ACTION."

Introduced by: Senators Kanno, Chun Oakland.

No. 2511 "A BILL FOR AN ACT RELATING TO FAMILY."

Introduced by: Senators Kanno, Chun Oakland.

No. 2512 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UPGRADE THE TELECOMMUNICATIONS SYSTEM OF THE HONOLULU POLICE DEPARTMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2513 "A BILL FOR AN ACT RELATING TO CRIMINAL ASSAULTS."

Introduced by: Senator Mizuguchi, by request.

No. 2514 "A BILL FOR AN ACT RELATING TO CRIMINAL ASSAULTS AND RELATED OFFENSES."

Introduced by: Senator Mizuguchi, by request.

No. 2515 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senator Mizuguchi, by request.

No. 2516 "A BILL FOR AN ACT RELATING TO PAWNBROKERS."

Introduced by: Senator Mizuguchi, by request.

No. 2517 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Senator Mizuguchi, by request.

No. 2518 "A BILL FOR AN ACT RELATING TO BURGLARY IN THE FIRST DEGREE."

Introduced by: Senator Mizuguchi, by request.

No. 2519 "A BILL FOR AN ACT RELATING TO CRIMINAL HOMICIDE."

Introduced by: Senator Mizuguchi, by request.

No. 2520 "A BILL FOR AN ACT RELATING TO POSSESSION OF STOLEN ITEMS."

Introduced by: Senator Mizuguchi, by request.

No. 2521 "A BILL FOR AN ACT RELATING TO FORFEITURE."

Introduced by: Senator Mizuguchi, by request.

No. 2522 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS."

Introduced by: Senator Mizuguchi, by request.

No. 2523 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FORFEITURES."

Introduced by: Senator Mizuguchi, by request.

No. 2524 "A BILL FOR AN ACT RELATING TO CRIMINAL HOMICIDE."

Introduced by: Senator Mizuguchi, by request.

No. 2525 "A BILL FOR AN ACT RELATING TO TELEMARKETING FRAUD."

Introduced by: Senator Mizuguchi, by request.



No. 2526 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senator Mizuguchi, by request.

No. 2527 "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2528 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senator Mizuguchi, by request.

No. 2529 "A BILL FOR AN ACT RELATING TO PRIOR CONVICTIONS; CRIMINAL RECORDS; NONCRIMINAL STANDARDS."

Introduced by: Senator Mizuguchi, by request.

No. 2530 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senator Mizuguchi, by request.

No. 2531 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senator Mizuguchi, by request.

No. 2532 "A BILL FOR AN ACT RELATING TO ALARMS."

Introduced by: Senator Mizuguchi, by request.

No. 2533 "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2534 "A BILL FOR AN ACT RELATING TO PICK UP TRUCKS."

Introduced by: Senator Mizuguchi, by request.

No. 2535 "A BILL FOR AN ACT RELATING TO FIREARMS AND DANGEROUS WEAPONS."

Introduced by: Senator Mizuguchi, by request.

No. 2536 "A BILL FOR AN ACT RELATING TO FRAUDULENT USE OF CREDIT CARD."

Introduced by: Senator Mizuguchi, by request.

No. 2537 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."

Introduced by: Senator Mizuguchi, by request.

No. 2538 "A BILL FOR AN ACT RELATING TO UNAUTHORIZED CONTROL OF PROPELLED VEHICLE."

Introduced by: Senator Mizuguchi, by request.

No. 2539 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senator Mizuguchi, by request.

No. 2540 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING."

Introduced by: Senator Mizuguchi, by request.

No. 2541 "A BILL FOR AN ACT RELATING TO GAMBLING."

Introduced by: Senator Mizuguchi, by request.

No. 2542 "A BILL FOR AN ACT RELATING TO PROSTITUTION."

Introduced by: Senator Mizuguchi, by request.

No. 2543 "A BILL FOR AN ACT RELATING TO PENALTIES AND PROCEDURE ON ARREST."

Introduced by: Senator Mizuguchi, by request.

No. 2544 "A BILL FOR AN ACT RELATING TO TRAFFIC PENALTIES."

Introduced by: Senator Mizuguchi, by request.

No. 2545 "A BILL FOR AN ACT RELATING TO AMMUNITION."

Introduced by: Senator Mizuguchi, by request.

No. 2546 "A BILL FOR AN ACT RELATING TO STATEWIDE MOTOR VEHICLE AND DRIVER LICENSE INFORMATION."

Introduced by: Senator Mizuguchi, by request.

No. 2547 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senator Mizuguchi, by request.

No. 2548 "A BILL FOR AN ACT RELATING TO CRITERIA FOR EXTENDED TERMS OF IMPRISONMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2549 "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE."

Introduced by: Senator Mizuguchi, by request.

No. 2550 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senator Mizuguchi, by request.

No. 2551 "A BILL FOR AN ACT RELATING TO SAFE STORAGE OF FIREARMS."

Introduced by: Senator Mizuguchi, by request.

No. 2552 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senator Mizuguchi, by request.

No. 2553 "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2554 "A BILL FOR AN ACT RELATING TO FRAUDULENT USE OF CREDIT CARD."

Introduced by: Senator Mizuguchi, by request.

No. 2555 "A BILL FOR AN ACT RELATING TO FIREARMS."

- Introduced by: Senator Mizuguchi, by request.
- No. 2556 "A BILL FOR AN ACT RELATING TO THE REGISTRATION OF VEHICLES."
- Introduced by: Senator Mizuguchi, by request.
- No. 2557 "A BILL FOR AN ACT RELATING TO TORTS."
- Introduced by: Senators Metcalf, Chumbley, Matsunaga.
- No. 2558 "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND."
- Introduced by: Senator Metcalf.
- No. 2559 "A BILL FOR AN ACT RELATING TO EXPLOSIVES."
- Introduced by: Senators Metcalf, Levin.
- No. 2560 "A BILL FOR AN ACT RELATING TO EXPLOSIVES."
- Introduced by: Senators Metcalf, Levin.
- No. 2561 "A BILL FOR AN ACT RELATING TO HEALTH."
- Introduced by: Senator Metcalf.
- No. 2562 "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN."
- Introduced by: Senator Metcalf.
- No. 2563 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A NANOTECHNOLOGY CENTER."
- Introduced by: Senators Metcalf, Levin.
- No. 2564 "A BILL FOR AN ACT RELATING TO INSURANCE."
- Introduced by: Senator Metcalf.
- No. 2565 "A BILL FOR AN ACT RELATING TO SERVICE OF NOTICE."
- Introduced by: Senators Metcalf, Chumbley, Matsunaga.
- No. 2566 "A BILL FOR AN ACT RELATING TO MEDICAL TREATMENT DECISIONS."
- Introduced by: Senator Metcalf.
- No. 2567 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SOUND DEVICES."
- Introduced by: Senators Metcalf, Levin.
- No. 2568 "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS."
- Introduced by: Senators Metcalf, Levin.
- No. 2569 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
- Introduced by: Senators Metcalf, Baker, Chumbley, Fernandes Salling, Levin, Solomon, Tam, Tanaka.
- No. 2570 "A BILL FOR AN ACT RELATING TO HUNTING."
- Introduced by: Senator Metcalf.
- No. 2571 "A BILL FOR AN ACT RELATING TO DENTISTRY."
- Introduced by: Senators Metcalf, Bunda, Ihara, McCartney, Tam, Taniguchi.
- No. 2572 "A BILL FOR AN ACT RELATING TO FOLIAGE SIGNS ON PUBLIC LAND."
- Introduced by: Senators Metcalf, Bunda, Ihara, McCartney, Tam, Taniguchi.
- No. 2573 "A BILL FOR AN ACT RELATING TO THE HAWAII LAW REVISION COMMISSION."
- Introduced by: Senators Metcalf, Bunda, Ihara, Kanno, McCartney, Tam, Taniguchi.
- No. 2574 "A BILL FOR AN ACT RELATING TO COURTS."
- Introduced by: Senators Metcalf, Bunda, Ihara, Kanno, McCartney.
- No. 2575 "A BILL FOR AN ACT RELATING TO CORPORATIONS."
- Introduced by: Senators Metcalf, Bunda, Ige, D., Ihara, McCartney, Tam, Taniguchi.
- No. 2576 "A BILL FOR AN ACT RELATING TO INSURANCE."
- Introduced by: Senators Metcalf, Bunda, Ige, D., Ihara, McCartney, Sakamoto.
- No. 2577 "A BILL FOR AN ACT RELATING TO THE SECONDARY SCHOOL STUDENTS CONFERENCE."
- Introduced by: Senators Metcalf, Bunda, Ige, D., Ihara, McCartney, Tam, Taniguchi.
- No. 2578 "A BILL FOR AN ACT RELATING TO INSURANCE."
- Introduced by: Senators Metcalf, Bunda, Ihara, McCartney, Sakamoto, Taniguchi.
- No. 2579 "A BILL FOR AN ACT RELATING TO TAXATION."
- Introduced by: Senators Metcalf, Bunda, Ihara, Kanno, McCartney, Tam, Taniguchi.
- No. 2580 "A BILL FOR AN ACT RELATING TO THE HAWAII STATE STUDENT COUNCIL."
- Introduced by: Senators Metcalf, Bunda, Ige, D., Ihara, McCartney, Tam, Taniguchi.
- No. 2581 "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS."
- Introduced by: Senators Metcalf, Tam, Bunda, Ihara, McCartney, Taniguchi.
- No. 2582 "A BILL FOR AN ACT RELATING TO INSURERS."
- Introduced by: Senators Metcalf, Bunda, Ihara, Matsunaga, McCartney, Tani, Taniguchi.

No. 2583 "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES."

Introduced by: Senator Metcalf.

No. 2584 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Metcalf.

No. 2585 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Metcalf.

No. 2586 "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES."

Introduced by: Senator Metcalf.

No. 2587 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Metcalf.

No. 2588 "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE."

Introduced by: Senators Metcalf, Baker, Chumbley, Chun Oakland, Fukunaga, Ige, D., Kanno, Tam, Taniguchi.

No. 2589 "A BILL FOR AN ACT RELATING TO DENTISTRY."

Introduced by: Senators Metcalf, Baker, Chumbley, Chun Oakland, Fukunaga, Ige, D., Kanno.

No. 2590 "A BILL FOR AN ACT RELATING TO DISTRICT STUDENT COUNCILS."

Introduced by: Senators Metcalf, Baker, Chun Oakland, Fukunaga, Ige, D., Ihara, Kanno, McCartney, Tam, Taniguchi.

No. 2591 "A BILL FOR AN ACT RELATING TO THE UNIFORM PRINCIPAL AND INCOME ACT."

Introduced by: Senators Metcalf, Baker, Chumbley, Chun Oakland, Fukunaga, Ige, D., Kanno, Tam.

No. 2592 "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES."

Introduced by: Senators Metcalf, Baker, Chun Oakland, Fukunaga, Ige, D., Kanno, Kawamoto, McCartney, Tam, Taniguchi.

No. 2593 "A BILL FOR AN ACT RELATING TO BOXING."

Introduced by: Senators Metcalf, Ige, D., Tam, Iwase, McCartney, Ihara, Chun Oakland, Baker, Kanno.

No. 2594 "A BILL FOR AN ACT RELATING TO DENTAL CARE."

Introduced by: Senators Metcalf, Chumbley, Chun Oakland, Fukunaga, Kanno, Kawamoto, McCartney.

No. 2595 "A BILL FOR AN ACT RELATING TO CHIROPRACTIC."

Introduced by: Senators Metcalf, Baker, Chun Oakland, Fukunaga, Ige, D., Kanno, McCartney.

No. 2596 "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES."

Introduced by: Senator Metcalf.

No. 2597 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AT HILO."

Introduced by: Senator Metcalf.

No. 2598 "A BILL FOR AN ACT RELATING TO THE INSURANCE DIVISION."

Introduced by: Senator Metcalf.

No. 2599 "A BILL FOR AN ACT RELATING TO WATER CARRIERS."

Introduced by: Senator Metcalf.

No. 2600 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC."

Introduced by: Senator Metcalf.

No. 2601 "A BILL FOR AN ACT RELATING TO MUSIC LICENSING PRACTICES."

Introduced by: Senators Metcalf, Chumbley, Chun Oakland, Ige, D., Ihara, Kanno, McCartney, Tam.

No. 2602 "A BILL FOR AN ACT RELATING TO LANDSCAPE ARCHITECTS."

Introduced by: Senators Metcalf, Baker, Chun Oakland, Ige, D., Ihara, Kanno, McCartney.

No. 2603 "A BILL FOR AN ACT RELATING TO FOREIGN CAPITAL DEPOSITORIES."

Introduced by: Senators Metcalf, Baker, Chun Oakland, Ige, D., Kanno, McCartney.

No. 2604 "A BILL FOR AN ACT RELATING TO THE UNIFORM PARTNERSHIP ACT."

Introduced by: Senators Metcalf, Baker, Chumbley, Chun Oakland, Fukunaga, Ige, D., Kanno, Tam.

No. 2605 "A BILL FOR AN ACT RELATING TO CHILD CUSTODY."

Introduced by: Senators Metcalf, Baker, Chun Oakland, Fukunaga, Ige, D., Iwase, Kanno, Kawamoto, McCartney.

No. 2606 "A BILL FOR AN ACT RELATING TO ATTORNEYS."

Introduced by: Senators Metcalf, Baker, McCartney.

No. 2607 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Senators Metcalf, Kanno, Tam, Taniguchi.

No. 2608 "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS."

Introduced by: Senators Metcalf, Baker, Chun Oakland, Fukunaga, Kanno, Tam.

No. 2609 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY INSPECTION CERTIFICATE."

Introduced by: Senators Metcalf, Bunda, Chun Oakland, Ige, M., Ihara, Kanno, Kawamoto, McCartney, Tam.

No. 2610 "A BILL FOR AN ACT RELATING TO PROFESSIONAL LAND SURVEYORS."

Introduced by: Senators Metcalf, Chun Oakland, Ige, D., Ihara, Kanno, McCartney.

No. 2611 "A BILL FOR AN ACT RELATING TO THE UNIFORM TRANSFER-ON-DEATH (TOD) SECURITY REGISTRATION ACT."

Introduced by: Senators Metcalf, Baker, Chun Oakland, Fukunaga, Ige, D., Kanno, McCartney.

No. 2612 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION."

Introduced by: Senators Chun Oakland, Fukunaga.

No. 2613 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION."

Introduced by: Senators Chun Oakland, Fukunaga, Sakamoto.

No. 2614 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Chun Oakland, Ihara, Kanno, McCartney.

No. 2615 "A BILL FOR AN ACT RELATING TO WORKER'S COMPENSATION."

Introduced by: Senators Chun Oakland, Ihara, Kanno, McCartney.

No. 2616 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Chun Oakland, Ihara, Kanno, McCartney.

No. 2617 "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS."

Introduced by: Senator Chun Oakland.

No. 2618 "A BILL FOR AN ACT RELATING TO THE MEDICALLY UNDERSERVED."

Introduced by: Senators Chun Oakland, Fukunaga, Kanno, Levin, Mizuguchi.

No. 2619 "A BILL FOR AN ACT RELATING TO FAIR TRADE REGULATIONS."

Introduced by: Senators Chun Oakland, Kanno.

No. 2620 "A BILL FOR AN ACT RELATING TO LANDOWNERS' LIABILITY."

Introduced by: Senators Chun Oakland, Sakamoto.

No. 2621 "A BILL FOR AN ACT RELATING TO WELFARE TO WORK TRANSITION ASSISTANCE."

Introduced by: Senators Chun Oakland, Ihara, McCartney, Kanno.

No. 2622 "A BILL FOR AN ACT RELATING TO EARNED INCOME TAX CREDITS."

Introduced by: Senators Chun Oakland, Ihara, McCartney, Kanno.

No. 2623 "A BILL FOR AN ACT RELATING TO EMPLOYMENT."

Introduced by: Senators Chun Oakland, Kanno.

No. 2624 "A BILL FOR AN ACT RELATING TO THE HOMELESS."

Introduced by: Senator Chun Oakland.

No. 2625 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Chun Oakland.

No. 2626 "A BILL FOR AN ACT RELATING TO TORT LIABILITY."

Introduced by: Senator Chun Oakland.

No. 2627 "A BILL FOR AN ACT RELATING TO MORTGAGES."

Introduced by: Senator Chun Oakland.

No. 2628 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE."

Introduced by: Senators Chun Oakland, Ihara, Kanno, McCartney, Sakamoto.

No. 2629 "A BILL FOR AN ACT RELATING TO LONG-TERM HEALTH CARE DEDUCTIONS FROM TAXABLE INCOME."

Introduced by: Senators Chun Oakland, Sakamoto, Ihara, Kanno, McCartney.

No. 2630 "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE."

Introduced by: Senators Chun Oakland, Sakamoto, Baker, Bunda, Fukunaga, Ihara, McCartney.

No. 2631 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senators Chun Oakland, Sakamoto, Ihara, McCartney.

No. 2632 "A BILL FOR AN ACT RELATING TO OSTEOPOROSIS."

Introduced by: Senator Chun Oakland.

No. 2633 "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS."

Introduced by: Senator Chun Oakland.

No. 2634 "A BILL FOR AN ACT RELATING TO SMALL BUSINESS."

Introduced by: Senator Chun Oakland.

No. 2635 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senators Chun Oakland, Kanno.

No. 2636 "A BILL FOR AN ACT RELATING TO INVESTMENT TAX CREDIT."

Introduced by: Senators Chun Oakland, Fukunaga, Baker, Kanno, McCartney, Ihara.

No. 2637 "A BILL FOR AN ACT RELATING TO WAGES AND HOURS ON PUBLIC WORKS CONTRACTS."

Introduced by: Senators Chun Oakland, Kanno.

No. 2638 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH."

Introduced by: Senators Chun Oakland, Bunda, Fernandes Salling, Kanno, Levin, Matsunaga.

No. 2639 "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPY PRACTICE."

Introduced by: Senator Mizuguchi.

No. 2640 "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPY PRACTICE."

Introduced by: Senator Mizuguchi.

No. 2641 "A BILL FOR AN ACT RELATING TO THE MENTAL HEALTH AND SUBSTANCE ABUSE SPECIAL FUND."

Introduced by: Senator Mizuguchi.

No. 2642 "A BILL FOR AN ACT RELATING TO THE COMPENSATION PLAN FOR MANAGERIAL POSITIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2643 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUBLIC ACCESS ROOM."

Introduced by: Senators Ihara, McCartney.

No. 2644 "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE."

Introduced by: Senator Ihara.

No. 2645 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."

Introduced by: Senator Ihara.

No. 2646 "A BILL FOR AN ACT RELATING TO GOVERNMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2647 "A BILL FOR AN ACT RELATING TO EXEMPTING COUNTIES FROM GENERAL EXCISE TAX."

Introduced by: Senator Mizuguchi, by request.

No. 2648 "A BILL FOR AN ACT RELATING TO RESPONSIBILITY AND FUNDING FOR THE REPAIR AND MAINTENANCE OF HIGHWAYS AND PARKS WITHIN THE CITY AND COUNTY OF HONOLULU."

Introduced by: Senator Mizuguchi, by request.

No. 2649 "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."

Introduced by: Senator Mizuguchi, by request.

No. 2650 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Mizuguchi, by request.

No. 2651 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senator Mizuguchi, by request.

No. 2652 "A BILL FOR AN ACT RELATING TO THE SAFETY AND SECURITY DISTRICT ASSESSMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2653 "A BILL FOR AN ACT RELATING TO PICKUP TRUCKS."

Introduced by: Senator Mizuguchi, by request.

No. 2654 "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSION."

Introduced by: Senator Mizuguchi, by request.

No. 2655 "A BILL FOR AN ACT RELATING TO BICYCLE AND MOPED REGISTRATION."

Introduced by: Senator Mizuguchi, by request.

No. 2656 "A BILL FOR AN ACT RELATING TO CONCESSIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2657 "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONIES."

Introduced by: Senator Mizuguchi, by request.

No. 2658 "A BILL FOR AN ACT RELATING TO LAPSED WARRANTS."

Introduced by: Senator Mizuguchi, by request.

No. 2659 "A BILL FOR AN ACT RELATING TO VEHICLE HIGHWAY BEAUTIFICATION FEE."

Introduced by: Senator Mizuguchi, by request.

No. 2660 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION."

Introduced by: Senator Mizuguchi, by request.

No. 2661 "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING."

Introduced by: Senator Mizuguchi, by request.

No. 2662 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY."

Introduced by: Senator Mizuguchi, by request.

No. 2663 "A BILL FOR AN ACT RELATING TO WATER RESOURCES MANAGEMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2664 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senator Mizuguchi, by request.

No. 2665 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS IN WAIKIKI."

Introduced by: Senator Mizuguchi, by request.

No. 2666 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REALIGNMENT OF FARRINGTON HIGHWAY AT MAKAHA BEACH PARK."

Introduced by: Senator Mizuguchi, by request.

No. 2667 "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS."

Introduced by: Senator Mizuguchi, by request.

No. 2668 "A BILL FOR AN ACT RELATING TO ABANDONED PROPERTY."

Introduced by: Senator Mizuguchi, by request.

No. 2669 "A BILL FOR AN ACT RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES."

Introduced by: Senator Mizuguchi, by request.

No. 2670 "A BILL FOR AN ACT RELATING TO FEES COLLECTED BY THE DEPARTMENT OF HEALTH."

Introduced by: Senator Mizuguchi, by request.

No. 2671 "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION."

Introduced by: Senator Mizuguchi, by request.

No. 2672 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2673 "A BILL FOR AN ACT RELATING TO PUBLIC TRUST LANDS."

Introduced by: Senator Mizuguchi, by request.

No. 2674 "A BILL FOR AN ACT RELATING TO THE AUTONOMY OF PERSONNEL ADMINISTRATION SYSTEMS."

Introduced by: Senator Mizuguchi, by request.

No. 2675 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING COST ITEMS UNDER CHAPTER 89, HAWAII REVISED STATUTES."

Introduced by: Senator Mizuguchi, by request.

No. 2676 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Mizuguchi, by request.

No. 2677 "A BILL FOR AN ACT RELATING TO ADOPTION OF THE COMPENSATION PLAN."

Introduced by: Senator Mizuguchi, by request.

No. 2678 "A BILL FOR AN ACT RELATING TO HEARINGS OF THE PUBLIC EMPLOYEES COMPENSATION APPEALS BOARD."

Introduced by: Senator Mizuguchi, by request.

No. 2679 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE."

Introduced by: Senator Mizuguchi, by request.

No. 2680 "A BILL FOR AN ACT RELATING TO PERFORMANCE RATINGS OF EMPLOYEES IN THE CIVIL SERVICE."

Introduced by: Senator Mizuguchi, by request.

No. 2681 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE."

Introduced by: Senator Mizuguchi, by request.

No. 2682 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2683 "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE FOR PUBLIC OFFICERS AND EMPLOYEES."

Introduced by: Senator Mizuguchi, by request.

No. 2684 "A BILL FOR AN ACT RELATING TO OFFICE HOURS FOR PUBLIC OFFICERS AND EMPLOYEES."

Introduced by: Senator Mizuguchi, by request.

No. 2685 "A BILL FOR AN ACT RELATING TO THE STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICE."

Introduced by: Senator Mizuguchi, by request.

No. 2686 "A BILL FOR AN ACT RELATING TO PERSONS REFERRED BY THE HAWAII LABOR RELATIONS BOARD TO PROVIDE THIRD PARTY ASSISTANCE IN RESOLVING PUBLIC SECTOR LABOR DISPUTES UNDER CHAPTER 89, HAWAII REVISED STATUTES."

Introduced by: Senator Mizuguchi, by request.

No. 2687 "A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM CIVIL SERVICE."

Introduced by: Senator Mizuguchi, by request.

No. 2688 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2689 "A BILL FOR AN ACT RELATING TO EMPLOYEES RETIREMENT SYSTEM."

Introduced by: Senator Mizuguchi, by request.

No. 2690 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senator Mizuguchi, by request.

No. 2691 "A BILL FOR AN ACT RELATING TO EVIDENCE."

Introduced by: Senator Mizuguchi, by request.

No. 2692 "A BILL FOR AN ACT RELATING TO DRIVING AFTER LICENSE SUSPENDED OR REVOKED."

Introduced by: Senator Mizuguchi, by request.

No. 2693 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."

Introduced by: Senator Mizuguchi, by request.

No. 2694 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION."

Introduced by: Senator Mizuguchi, by request.

No. 2695 "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS."

Introduced by: Senator Mizuguchi, by request.

No. 2696 "A BILL FOR AN ACT RELATING TO DANGEROUS INSTRUMENTS."

Introduced by: Senator Mizuguchi, by request.

No. 2697 "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS."

Introduced by: Senator Mizuguchi, by request.

No. 2698 "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION."

Introduced by: Senator Mizuguchi, by request.

No. 2699 "A BILL FOR AN ACT RELATING TO HARASSMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2700 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING."

Introduced by: Senator Mizuguchi, by request.

No. 2701 "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY."

Introduced by: Senator Mizuguchi, by request.

No. 2702 "A BILL FOR AN ACT RELATING TO SENTENCING."

Introduced by: Senator Mizuguchi, by request.

No. 2703 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2704 "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2705 "A BILL FOR AN ACT RELATING TO DRUGS."

Introduced by: Senator Mizuguchi, by request.

No. 2706 "A BILL FOR AN ACT RELATING TO DETRIMENTAL DRUGS."

Introduced by: Senator Mizuguchi, by request.

No. 2707 "A BILL FOR AN ACT RELATING TO SENTENCING."

Introduced by: Senator Mizuguchi, by request.

No. 2708 "A BILL FOR AN ACT RELATING TO SENTENCING."

Introduced by: Senator Mizuguchi, by request.

No. 2709 "A BILL FOR AN ACT RELATING TO EVIDENCE."

Introduced by: Senator Mizuguchi, by request.

No. 2710 "A BILL FOR AN ACT RELATING TO SEARCH WARRANTS."

Introduced by: Senator Mizuguchi, by request.

No. 2711 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON."

Introduced by: Senator Mizuguchi, by request.

No. 2712 "A BILL FOR AN ACT RELATING TO SENTENCING."

Introduced by: Senator Mizuguchi, by request.

No. 2713 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS."

Introduced by: Senator Mizuguchi, by request.

No. 2714 "A BILL FOR AN ACT RELATING TO VICTIMS AND WITNESSES."

Introduced by: Senator Mizuguchi, by request.

No. 2715 "A BILL FOR AN ACT RELATING TO SENTENCING."

Introduced by: Senator Mizuguchi, by request.

No. 2716 "A BILL FOR AN ACT RELATING TO SENTENCING."

Introduced by: Senator Mizuguchi, by request.

No. 2717 "A BILL FOR AN ACT RELATING TO FAMILY COURT."

Introduced by: Senator Mizuguchi, by request.

**ADJOURNMENT**

At 10:00 o'clock p.m., the Senate adjourned until 9:30 o'clock a.m., Monday, January 26, 1998, on a rising vote and observing a moment of silence in memory of the late Senator Mary George and the late Mayor Hannibal Tavares.

FOURTH DAY

Monday, January 26, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 9:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Rev. Dr. Marc R. Alexander, STD, Executive Director, Hawaii Catholic Conference, after which the Roll was called showing all Senators present.

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

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 19 and 20) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 19 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MEDICAL FOODS FOR THE TREATMENT OF INHERITED METABOLIC DISEASES."

Offered by: Senators Taniguchi, Ige, D., Levin, Metcalf.

No. 20 "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE SCHOOL-TO-WORK OPPORTUNITIES SYSTEM."

Offered by: Senators Kanno, Aki, Anderson, Baker, Bunda, Chumbley, Chun Oakland, Fernandes Salling, Fukunaga, Ige, D., Ige, M., Ihara, Iwase, Kawamoto, Levin, Matsunaga, McCartney, Metcalf, Mizuguchi, Sakamoto, Solomon, Tam, Taniguchi.

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Thursday, January 22, and Friday, January 23, 1998:

Senate Bills Referred to:

No. 2244 Committee on Human Resources, then to the Committee on Commerce, Consumer Protection, and Information Technology

No. 2245 Committee on Health and Environment, then to the Committee on Ways and Means

No. 2246 Committee on Human Resources, then to the Committee on Judiciary

No. 2247 Committee on Education, then to the Committee on Judiciary

No. 2248 Committee on Health and Environment, then to the Committee on Ways and Means

No. 2249 Committee on Judiciary

No. 2250 Committee on Judiciary

No. 2251 Committee on Judiciary

No. 2252 Committee on Judiciary

No. 2253 Committee on Judiciary

No. 2254 Committee on Judiciary, then to the Committee on Ways and Means

No. 2255 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2256 Committee on Transportation and Intergovernmental Affairs

No. 2257 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs

No. 2258 Committee on Health and Environment, then to the Committee on Ways and Means

No. 2259 Committee on Ways and Means

No. 2260 Committee on Ways and Means

No. 2261 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 2262 Committee on Human Resources, then to the Committee on Ways and Means

No. 2263 Committee on Human Resources, then to the Committee on Ways and Means

No. 2264 Committee on Judiciary, then to the Committee on Ways and Means

No. 2265 Committee on Education, then to the Committee on Ways and Means

No. 2266 Committee on Human Resources, then to the Committee on Ways and Means

No. 2267 Committee on Human Resources, then to the Committee on Ways and Means

No. 2268 Committee on Ways and Means

No. 2269 Committee on Human Resources, then to the Committee on Ways and Means

No. 2270 Committee on Health and Environment, then to the Committee on Judiciary

No. 2271 Committee on Judiciary

No. 2272 Jointly to the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2273 Committee on Education, then to the Committee on Ways and Means

No. 2274 Committee on Education, then to the Committee on Ways and Means

No. 2275 Committee on Judiciary, then to the Committee on Ways and Means

No. 2276 Committee on Education

No. 2277 Committee on Education



No. 2278 Committee on Education

No. 2279 Committee on Education

No. 2280 Committee on Government Operations and Housing

No. 2281 Committee on Government Operations and Housing

No. 2282 Committee on Transportation and Intergovernmental Affairs

No. 2283 Committee on Government Operations and Housing

No. 2284 Committee on Water, Land, and Hawaiian Affairs

No. 2285 Committee on Water, Land, and Hawaiian Affairs

No. 2286 Committee on Water, Land, and Hawaiian Affairs

No. 2287 Committee on Transportation and Intergovernmental Affairs

No. 2288 Committee on Economic Development, then to the Committee on Ways and Means

No. 2289 Committee on Human Resources

No. 2290 Committee on Commerce, Consumer Protection, and Information Technology

No. 2291 Committee on Water, Land, and Hawaiian Affairs

No. 2292 Committee on Ways and Means

No. 2293 Committee on Ways and Means

No. 2294 Committee on Ways and Means

No. 2295 Committee on Ways and Means

No. 2296 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary

No. 2297 Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Commerce, Consumer Protection, and Information Technology

No. 2298 Committee on Commerce, Consumer Protection, and Information Technology

No. 2299 Committee on Commerce, Consumer Protection, and Information Technology

No. 2300 Committee on Health and Environment

No. 2301 Committee on Health and Environment, then to the Committee on Judiciary

No. 2302 Committee on Health and Environment, then to the Committee on Ways and Means

No. 2303 Committee on Ways and Means

No. 2304 Committee on Economic Development, then to the Committee on Water, Land, and Hawaiian Affairs

No. 2305 Committee on Education, then to the Committee on Ways and Means

No. 2306 Committee on Economic Development, then to the Committee on Water, Land, and Hawaiian Affairs

No. 2307 Committee on Government Operations and Housing, then to the Committee on Ways and Means

**REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Thursday, January 22, and Friday, January 23, 1998:

Senate  
Concurrent  
Resolution Referred to:

No. 2 Committee on Education, then to the Committee on Ways and Means

No. 3 Committee on Education, then to the Committee on Ways and Means

No. 4 Committee on Judiciary, then to the Committee on Ways and Means

No. 5 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 6 Committee on Economic Development, then to the Committee on Ways and Means

No. 7 Committee on Education, then to the Committee on Ways and Means

No. 8 Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means

No. 9 Committee on Economic Development, then to the Committee on Ways and Means

No. 10 Committee on Education, then to the Committee on Ways and Means

No. 11 Committee on Economic Development, then to the Committee on Ways and Means

No. 12 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 13 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 14 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary

No. 15 Committee on Education, then to the Committee on Ways and Means

No. 16 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 17 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 18 Committee on Human Resources, then to the Committee on Ways and Means

## REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Thursday, January 22, and Friday, January 23, 1998:

Senate Resolution	Referred to:
No. 1	Committee on Education, then to the Committee on Ways and Means
No. 2	Committee on Education, then to the Committee on Ways and Means
No. 3	Committee on Education, then to the Committee on Ways and Means
No. 4	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

At 9:42 o'clock a.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate stood in recess subject to the call of the Chair to meet in Joint Session with the House of Representatives, in accordance with House Concurrent Resolution No. 1, to receive the Governor's state of the state address.

## JOINT SESSION

The Joint Session of the Senate and the House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, was called to order at 10:08 o'clock a.m. by the Honorable Joseph Souki, Speaker of the House of Representatives.

At this time, the Speaker welcomed and introduced the following distinguished guests to the members of the Nineteenth Legislature:

The First Lady of the State of Hawaii, Mrs. Vicky Cayetano. She was presented a lei by Senator Kawamoto;

The Honorable Mazie Hirono, Lieutenant Governor of Hawaii. She was presented a lei by Representative Nestor Garcia;

The Honorable Ronald T.Y. Moon, Chief Justice, Hawaii State Supreme Court. He was presented a lei by Representative Hermina Morita;

The Honorable Jeremy Harris, Mayor of the City and County of Honolulu;

County executive and legislative leaders;

Rear Admiral Perry Ratliff, Director of Intelligence, U.S. Pacific Command.

The Speaker then appointed Senators Andrew Levin, Les Ihara, Jr., Mike McCartney and Whitney Anderson, on behalf of the Senate, and Representatives Paul Oshiro, Tom Okamura, Marcus Oshiro and Quentin Kawanakoa, on behalf of the House of Representatives, to escort the Honorable Benjamin J. Cayetano, Governor of the State of Hawaii, to the rostrum.

Senator Rosalyn H. Baker and Representative Bertha Kawakami presented Governor Cayetano with maile and ilima leis.

The Speaker then presented to the members of the Nineteenth Legislature and guests the Honorable Benjamin J. Cayetano, Governor of the State of Hawaii.

The Governor addressed the Joint Session as follows:

"President Mizuguchi, Speaker Souki, Chief Justice Moon, Lieutenant Governor Hirono, members of the Nineteenth Legislature, Mayor Harris, members of the Consular Corps, members of the County Councils, honored guests, ladies and gentlemen -- good morning and aloha.

"I thank you for the warm welcome that you gave to Vicky. We truly appreciate the warmth that you have expressed to us ever since we got married in May.

"Nineteen-ninety-seven has been a wonderful year for me. In 1997, I married a wonderful woman. I was also rescued by paramedics. And our state experienced a seventh year of economic problems. Otherwise, my year was no different than most.

"We're all trying to make our lives better. Do our jobs well. Pay the bills. Take care of our families, and find room for simple pleasures.

"We don't have to tell the people of our state about tough economic times. They know that we are in stormy waters. In my first state of the state speech, I said the state's budget problems were unprecedented. Now we know we are dealing with an even more challenging and complex set of issues.

"I want to suggest that these issues, taken together, constitute the beginning of a new era. Take a look back to the economic and political turmoil that followed World War II. Then, we struggled to adjust to change and become full participants in the national economy. Now, we are also struggling, this time, to become full participants in the global economy.

"For all our difficulties, I suggest that something extraordinary is happening. I believe that as a community, we have been through enough to see what it is that we must do. We can see that outline of this new era. And if we can see where we must go, then we have reason to proceed with hope of success.

"Like the ancient Hawaiians, we know we cannot control the storm but we can control our boat, and where and how we steer it.

"We know that doing the right thing is seldom easy. We know we are in this together. We know that government alone cannot solve all of our problems. Make no doubt about it. We are engaged in a total community effort.

"What lies ahead may be the most difficult challenge our state has ever faced. But I have faith in the good judgment of our people. If we speak candidly, they will respond, because they know it's better to take action than to do nothing.

"Before I talk about the future, I want to thank you. By working together, this administration and this legislature have already demonstrated a capacity for getting done what must be done.

- We've reduced workers' compensation rates by more than 37 percent in two years, saving employers about \$100 million.
- We've reduced auto insurance rates from 25 to 35 percent, which will save the individual driver anywhere from a \$100 to nearly a \$1,000.
- We've already built four new schools, five more are under construction, and two are being designed. And we've cut in half the time it takes to build them.
- We built the world-class Hawaii Convention Center, on time and on budget.

- In the past four months, we've pushed out \$335 million in much-needed public works; and that's just the beginning of an effort that will create more than 10,000 jobs.
- Finally, the state has gotten slimmer. We've reduced the growth of government from 8 percent a year to less than the rate of inflation, or about 1.6 percent. In 1994, state operating expenditures represented 17.5 percent of the Gross State Product. We've cut that figure down to 13.5 percent in 1997.

"And our state workers are doing far more with less. Today, this morning, we have two remarkably dedicated state workers who are good examples of what I'm talking about.

"Fiatele Bell is the state employee of the year. Fiatele is a custodian supervisor at Dole Intermediate School, and she always goes that extra mile. She's created a school garden to enhance learning and involved community members in the process. John Moses is a maintenance supervisor at Hilo Harbor. Not only is he a great worker, John hasn't taken a day of sick leave for the past 30 years. Ladies and gentlemen, I want to introduce John Moses and Fiatele Bell, please stand. (Ms. Bell and Mr. Moses rose to be recognized.) John and Fiatele, we all thank you for being such great public servants.

"We know we can tackle tough problems. But problems keep coming at us.

"We're entering now, our eighth year of a nearly flat economy. Since 1990, we've lost 12,000 construction jobs. Six plantations have closed. Too many businesses are failing. And our tax base is flat. We became accustomed to the long post-statehood economic boom. Between 1970 and 1990, we grew between 4 to 6 percent every year compared to less than 3 percent for the mainland. On average, more money was invested in Hawaii than across the mainland. Outside investment in Hawaii created so many new jobs that half of them were filled by in-migration.

"As the economy grew, so did government. But during the last seven years, this investment-driven growth has come to a virtual stop. We therefore must turn to becoming more productive. On the mainland our sister states worked themselves out of severe economic recessions by doing just that. And that is what we must do.

"We cannot control events in Asia or on the U.S. mainland, but we can help ourselves become more productive. Productivity means creating an environment in which businesses will succeed. Productivity means using technology so that our products and services can compete with anyone's. It means providing an education that fuels initiative and innovation.

"To restructure the economy and improve productivity, the President, the Speaker, and I formed the Economic Revitalization Task Force.

"We propose to more than double the state's commitment to marketing Hawaii's tourist industry by earmarking 3 percent of the hotel room tax. That's about \$60 million a year, up from 25, to get our name out there and to compete.

"We also proposed major changes to our tax system. Our tax package sought to accomplish three things:

- First, to provide Hawaii's residents with the biggest tax cut in the state's history;
- Second, to reduce our income tax rates so that Hawaii can compete with other states for new jobs and investment; and

- Third, to reduce the pyramiding of our excise tax to lower costs for businesses in Hawaii.

"The combined effect of these recommendations would have resulted in a 20 percent reduction in general fund revenues. Such a huge cut would cripple our ability to provide essential services to our people. To replace a portion of our revenues, we recommended that the gross excise tax be increased to enable us to export about 25 percent of our general excise tax burden to nonresidents.

"Under the tax package, virtually every resident who works and pays taxes will benefit from these reforms. Even poor people, with no income, will benefit. As a result, we believe businesses will invest in Hawaii and create more jobs.

"The package seeks to shift government spending to private spending. It will put dollars directly into the hands of consumers and investors.

"Hawaii Business Magazine recently labeled this package 'dead on arrival.' If that is true, then our economy will be dead in the water. We cannot allow that to happen! We must focus on getting the job done.

"Economic recovery is a work in progress. We've had a lot of input. We've heard reactions. We've held town meetings. Now the discussion must come to fruition.

"Let me state clearly here today that my administration will work with you and the public to make this a better package.

"I understand the concerns about the increase in the general excise tax, but if there are fairness questions, let's work them out. If the proposed tax changes fall unfairly on any particular group, let us make adjustments. Because that is what the legislative process is all about.

"Critics of the tax package would have us believe that this was the work of an elitist group. Far from it, 150 people from all walks of life volunteered their time and expertise to develop the package. And, whether one agrees with the recommendations or not, these citizens deserve our thanks, rather than our criticism. I want to thank them here, this morning and today.

"Respected organizations such as the Business Round Table, the Chamber of Commerce, the Retail Merchants Association, the Building Industry Association, the Construction Industry Legislative Organization along with 19 labor unions, came forward to support the package. Each one of these organizations represents the faces of people who have lost their jobs over the past seven years. Every one of them has a concern about the Task Force's package -- but everyone agrees that the package is the best starting point yet proposed for getting our economy going.

"Bud Smyser is one of our most respected newspaper columnists. He happens to be a Republican I suppose, but that's okay. In his column in the Honolulu Star-Bulletin, Bud Smyser, supporting the package, cautioned against allowing our emotions to overcome our reason. But he put everything in perspective when he wrote that the most burdensome tax on the poor, is a poor economy.

"Let me be very blunt. Things are not going to change unless we take decisive action now.

"This year we will be able to manage the budget, but you and I know that a cloud hangs over the coming biennium. The projection now is for a shortfall of \$280 million in the first year and \$240 million in the second. My friends, we must turn things around.

"Up to this point, we've been trimming budgets to cope with the loss of revenue. Well there isn't much left to trim, so now

we must restructure. We must change not only the size but the shape of government. Members of the legislature, more than anything else under your control, the restructuring of government can contribute to revitalizing our economy.

"This is a case where we know what needs to be done and we must do it. We must set a standard of evaluating government by how it serves the public, as opposed to how government serves itself. Our services need to be more accessible and require less run-around. We must consolidate departments.

"I will present, for your consideration, a proposal to consolidate three departments -- Accounting and General Services, Human Resources, and Budget and Finance -- into two departments.

"In addition, we have departments devoted to developing and regulating business. Counting agriculture, we have three departments involved in business. Therefore, I will propose consolidations in this area as well. Next week, I will send you a message that will list the state agencies and programs that we propose to eliminate.

"You may be surprised to learn that \$450 million of our current budget goes to privatization. Let me assure you, we will continue to pursue privatization where it is appropriate.

"For example, I am proposing a 2,300-bed prison to be located on the Island of Hawaii at Ka'u. This prison will be built with private funds and possibly managed by a private firm. Today, we spend \$79 per day for every prisoner. With this new program, the cost will be about \$50 per day, saving \$23 million a year. Besides meeting our need for more prison beds, the new prison will create hundreds of new construction jobs to build it and hundreds more to run it. It will be a great boost to the Big Island's lagging economy.

"Our proposal to eliminate the State Land Use Commission has attracted a lot of criticism. It's evident to me that there is a widespread community feeling out there that the Land Use Commission is a protection against the wrong types of decisions. But if we are not going to eliminate the Commission, we must acknowledge that there are legitimate complaints of inefficiency and duplication of function with the counties. And therefore, I call on all of those who have opposed elimination of the Land Use Commission to join us in finding reforms that will lead to greater efficiency.

"Government reform is hard -- it's hard work -- but it pays off.

"For example, in welfare reform, nearly 7,000 recipients now are working, a figure which is double that of last year. Last week, for example, 18 welfare recipients went to work for AT&T in good jobs with good futures. Despite our economic problems, we have already exceeded the federal reform standard for welfare recipients returning to work.

"The federal government has ranked our Department of Human Services first in the country for accuracy in paying Aid-to-Families-with-Dependent-Children, and second in managing the Food Stamp Program -- and this has been for three straight years. And I want to thank the department's hardworking employees, who, like all state workers, have done more with less.

"When I became governor three years ago, I took a long look ahead and set priorities. I set my sights on three areas. The first was exploiting the potentials of telecommunications. The second was what we call, broadly, quality of life. The third is the role education must play for our children in the future.

"Hawaii's relatively isolated location in the middle of the Pacific underscores the importance of a first-rate, state of the art telecommunications system. Without it, Hawaii's ability to grow as a hub for business, culture and education would be

greatly limited. Three years ago, we embraced deregulation -- we, you and I -- and the development of our telecommunication infrastructure and industry has been truly remarkable.

"We've gone from having only one wire-based monopoly to having nine major competitors. Moreover, more than 100 small vendors have been created, representing more than \$1 billion in investment.

"Today, Hawaii has more fiber optic cable per mile than any state in the nation. By September, Hawaii will be one of only five states with all-digital switching.

"The University of Hawaii has become a national leader in distance learning. And more than ever, the dream of the Western Governors' (Virtual) University stands to become a reality.

"The importance of telecommunications was highlighted two weeks ago when a timely exchange of medical information between Maui and Oahu saved the life of a prominent citizen, 'Pundy' Yokouchi.

"Also two weeks ago, Hawaii took a huge step forward when the Weinberg Foundation gave our hospitals a \$10 million grant for the purchase of telemedicine equipment. This grant will establish a telemedicine network, which will link all of our hospitals and clinics. It will allow the sharing of important medical services and resources throughout the state. And it will add greatly to our vision of establishing Hawaii as the premier healthcare center of the Pacific. When completed, this exciting network will be the first in the nation. I will submit legislation to you this session to make this happen.

"Let me quote to you from an article in today's Advertiser from Richard Parsons, President of Time Warner Inc., which owns Oceanic Cable. This is what he said: 'Hawaii is the most aggressive in terms of uptake of new technology, so I think Hawaii can be a leader, not only in the use of new technology, but in showing the rest of the nation how it can be used.' My friends, we are showing, right now, the rest of the nation how to use technology here in this state.

"Last year, two NASA astronauts came to Hawaii. From their spacecraft, they reaffirmed what we know to be true here on earth -- that Hawaii is the most beautiful place in the world.

"Protecting our environment has been a top priority for my administration. Last session I asked you to increase the budget for our ocean and maritime programs. In spite of revenue shortfalls, you demonstrated your commitment by coming through with more funding.

"Early this year, we will acquire Ka Iwi Beach, on Oahu's eastern shore, settling that issue once and for all.

"Last year, consistent with Hawaii the ocean state, I approved a five-year, conditional agreement with the federal government to expand our whale sanctuaries throughout the state.

"And to protect Hawaii for future generations, we developed a Sustainability Plan, targeting the long-term management of key resources such as drinking water, open space, coral, fisheries, forests, and beaches.

"You've heard a lot about economic development today, but let me take this opportunity to reaffirm here and now, that we will not pursue economic growth which destroys the environment which has made Hawaii the most beautiful place in the world.

"As an ocean state, Hawaii's waterfront, harbors and shoreline are important and critical resources.

"We are transforming the Kakaako Makai District into a park-like environment. The Children's Museum and Performing Arts Center will be coming up soon. We're looking at plans for a Hawaiian Music and Culture Center, and we're looking at a plan for a new aquarium.

"I've directed my staff to work with investors on incorporating high-tech systems in all business construction in Kakaako. Our vision here is to create an atmosphere much like that of the Microsoft campus in Seattle. Research and development firms will work on the technologies of the 21st Century in the greatest setting in the world.

"But although we've made progress, our attempts to manage, enhance and protect these resources have been hampered by the fact that those responsibilities lie in four different state agencies.

"As a result, prime resources such as Keehi Lagoon, for example, suffered from overlapping jurisdictions, sometimes conflicting goals and a lack of an integrated, comprehensive strategy for our waterfront, harbors and shoreline.

"To resolve this problem, I will send you legislation, which will consolidate four existing state agencies -- DOT's Harbors Division, the Hawaii Community Development Authority, the Aloha Tower Development Corporation and the State Small Boat Harbor Program -- into one quasi-public body.

"This body, the Hawaii Maritime Authority, will be run by a board of directors empowered to develop and finance projects of long-term benefit to our state. Such authorities have worked well on the mainland and I believe it will be a great improvement over the existing system and, therefore, I ask for your utmost consideration of this proposal.

"Just as we have with telecommunications and the environment, we're taking the long view on the entire subject of education.

"We gave our teachers a much deserved pay raise

"For a long time I've known that Hawaii students spend far less time in the classroom than their mainland counterparts. For example, when you add up the hours, students in Iowa spend twenty more days in the classroom than our students in the course of a school year.

"As a result, by the time a child in Hawaii gets to the ninth grade, that child will be a year behind the student in Iowa. Therefore, I was delighted when our teachers agreed to teach seven more days in schools. It was a step in the right direction, and I believe it will turn out to be our most significant education reform of the decade.

"Many proposals of the Economic Revitalization Task Force apply directly to our schools.

"We propose a private-public partnership that will enable all 8th grade students to be computer literate by the year 2000. Toward this end, the business people on the Task Force pledged to raise \$10 million for a computer fund to put 10,000 more computers in our schools.

"We also propose to decentralize our public school system by establishing four county boards of education appointed by the governor. We want the schools to be more accountable to the surrounding community, and we want parents and communities to take more responsibility for the education of their children.

"We propose to make the University of Hawaii a quasi-public institution, virtually a fourth branch of government. We want the university to become more entrepreneurial, of course, and to become a leading contributor to the growth of our economy. But most of all we want the university to have the freedom to become one of the great universities of the Pacific.

"The slogan, 'Think local, act global' has special meaning for us. Precisely because we cannot control external events in this global era, we must return again and again to what we can do for ourselves.

"People already work hard. We can't say to someone working two jobs, 'Work harder.' But we can set strategies as a community and work smarter.

"The stress and challenge of this new age falls not only on government employees but those in the private sector as well. Therefore, I want to salute the thousands of people in the private sector who have dedicated themselves to doing a better job and becoming more productive.

"For example, at the Kaanapali Beach hotel on Maui, everyone from custodians to the activity director studies Hawaiian culture, and all contribute to the whole with phenomenal results. Their losses to workers' compensation are 87 percent below the industry average, and the hotel's occupancy rate is 22 percent higher than the Maui average. The Kaanapali Beach Hotel just received recognition as one of the two best values among hotels in the entire world. Of course, the General Manager of this hotel just happens to be one of your colleagues, Representative Mike White.

"Over in Kalihi, the International Brotherhood of Electrical Workers Local 1186 is building on a long tradition of training programs sponsored jointly by the electrical contractors. They not only study blueprints for wiring, but blueprints for the most efficient approaches to work, such as critical path and minimizing rework as defined by Edward Deming. These are examples of creating our future, and it's something that must happen every day.

"Rather than look to one big solution, such as a new industry, we must take hope from a wide range of opportunities.

"I have hope when I hear that our new high-tech firms -- Square USA, Uniden and Buzzeo Inc. -- are hiring many of their new employees from the University of Hawaii's School of Engineering.

"I have hope when, despite our difficult economic times, national institutions continue to rank Hawaii as the healthiest state in the nation and one of the 10 best for working mothers and families.

"I have hope when I'm informed that we have 40 advance bookings for our new Convention Center.

"I have hope when I see our local farmers growing quality fruits and vegetables and selling all they can grow.

"I waived the airport landing fees for two years. And now I derive hope from the fact that Continental Airlines is launching new direct flights from New York and Houston to Honolulu. And United Airlines has renewed its direct flights to Kauai.

"During the summer of 1998, we will observe the 100th anniversary of America's annexation of Hawaii. Nineteen ninety-eight can be a year in which we advance the education process regarding the complex issues surrounding the history of Native Hawaiians. We can develop a greater shared understanding, and we can search for approaches to resolution.

"To those who are thinking, 'Enough! Let's wrap this all up,' I want to choose my words very carefully. I agree that resolving the status of Native Hawaiians is absolutely an overriding priority. But this process cannot be rushed.

"Discussion of annexing the nation of Hawaii began in the middle of the 19th Century. It was brought about in 1898 against the will of the vast majority of the Hawaiian people. Therefore, we cannot realistically hope to neatly wrap up all the

issues resulting from a hundred-plus years of history, after only a few years of discussion.

"Broadly based efforts are now under way within the Hawaiian community to develop a model for Hawaiian sovereignty. Today I urge the full spectrum of the Hawaiian community to join in this unique and historic undertaking.

"As governor, I do not possess the answer, nor should I. But as governor, I am steadfastly committed to a process that is full, that hears all opinions and educates all of our people. We should allow this process to take its course.

"The recovery of Hawaiian self-determination is not only an issue for Hawaii, but for America. As we pursue this process of education and dialogue, let all of us, Hawaiian and non-Hawaiian, work toward a common goal. Let us resolve that in the future we will all stand together, shoulder to shoulder, in Washington D.C., to advance a plan for Hawaiian sovereignty.

"I want to comment briefly on Kamehameha Schools/Bishop Estate. This dispute originated from the concerns of teachers, students, and alumni. It arose from a growing determination on the part of the school family to take responsibility for the institution they love.

"Recently, the news media finally got into focus that the quality of education and the performance of students at Kamehameha Schools has improved significantly. I salute all who contributed.

"I asked my Attorney General to conduct an investigation because of the seriousness of the allegations. This clearly is in the public interest. And I must tell you that we will perform our work with fairness, but with conviction, and with a keen awareness that Hawaiians are engaged in bringing new life to their own kuleana.

"Before I close, I want to say something simple and fundamental about the future. It comes from the vantage point of my privilege of serving as your governor.

"And that is this: We still have a tendency to look upward to some lofty authority, creating a demand that government solve all of society's ills. In terms of our history, I think we still suffer a bit from the heritage of territorial and plantation times. Jack Burns referred to it as a 'subtle' sense of inferiority.

"And in our family life, we sometimes fear that our children will move away when, in this day and age, we should be proud to equip them to compete and live anywhere. In the business world, we see that money generated in Hawaii too often is invested elsewhere, while outsiders continue to believe in Hawaii and invest here.

"My friends, we must believe in ourselves. We can do it. We have so much to offer the world, and all of us together are the answer.

"In 1974, I sat in this House as a freshman representative. (I had a different haircut then.) During my twenty-four years in public office, I've seen your predecessors rise again and again to meet the challenges of their time. In the process, past legislators and governors have helped build a Hawaii which became one of the great societies on the face of this earth.

"As we head into the 21st Century, how we meet the challenge we now face -- perhaps the most difficult since statehood -- will be the defining moment of leadership for all of us.

"We see where we must go, and what we must do. The choices are not easy, but they are clear.

"Winston Churchill once said, 'All my past life has been but a preparation for this hour.' My friends, we are prepared. Now is the hour. Let us seize it.

"Thank you very much. Aloha."

Senate President Norman Mizuguchi then rose and stated:

"Governor, thank you for sharing your thoughts and vision with us today.

"We agree with you that strong measures are needed -- and needed right now to get our economy moving again.

"I was privileged to work with you, the Speaker of the House, and the Economic Revitalization Task Force in recommending a comprehensive agenda for economic change that you mentioned today.

"Continuing in the spirit of collaboration and positive political engagement, we pledge to give your administration's proposals every consideration and our fullest attention.

"It will take political courage. And I am confident that this Legislature will do the right thing for all of our people.

"Governor, I'd like to again say mahalo for your thoughtful -- and most certainly challenging -- state-of-the-state address.

"If there is no further business by the members of the Senate and the House of Representatives, I now declare this Joint Session adjourned."

At 10:52 o'clock a.m., President Mizuguchi declared the Joint Session adjourned.

#### INTRODUCTION OF SENATE BILLS

On motion by Senator Ihara, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 4:30 o'clock p.m. In consequence thereof, the following bills passed First Reading by Title and were deferred:

Senate Bill

No. 2718 "A BILL FOR AN ACT PRIVATE COURT REPORTERS."

Introduced by: Senator Anderson.

No. 2719 "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A PILOT PROGRAM OF THREE SCHOOLS, KINDERGARTEN THROUGH GRADE TWELVE, CONDUCTED IN THE HAWAIIAN LANGUAGE AT KEKAHA, KAUA'I, AND WAIMEA AND KEA'AU, HAWAI'I."

Introduced by: Senators Aki, Tam.

No. 2720 "A BILL FOR AN ACT RELATING TO THE CONSTRUCTION AND LEASE OF STATE PRISONS."

Introduced by: Senator Slom.

No. 2721 "A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCT AND COMMODITY PROMOTION."

Introduced by: Senator Tanaka.

No. 2722 "A BILL FOR AN ACT RELATING TO INTERGOVERNMENTAL AGREEMENTS."

Introduced by: Senators Slom, Solomon.

No. 2723 "A BILL FOR AN ACT RELATING TO PRIVATELY FUNDED INDUSTRIAL HEMP RESEARCH TEST PLOTS."

Introduced by: Senator Slom.

No. 2724 "A BILL FOR AN ACT RELATING TO LABELING."

Introduced by: Senator Solomon.

No. 2725 "A BILL FOR AN ACT RELATING TO ALIEN AQUATIC ORGANISMS."

Introduced by: Senator Solomon.

No. 2726 "A BILL FOR AN ACT RELATING TO DISASTER RELIEF."

Introduced by: Senator Iwase.

No. 2727 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator McCartney.

No. 2728 "A BILL FOR AN ACT RELATING TO CIVIL LIABILITY."

Introduced by: Senator McCartney.

No. 2729 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator McCartney.

No. 2730 "A BILL FOR AN ACT RELATING TO HEALTHCARE PROVIDER EXCHANGE PROGRAM."

Introduced by: Senator Levin.

No. 2731 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."

Introduced by: Senator Levin.

No. 2732 "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL."

Introduced by: Senator Levin.

No. 2733 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."

Introduced by: Senator Levin.

No. 2734 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE FOR PAPAYA INDUSTRY RESEARCH."

Introduced by: Senator Levin.

No. 2735 "A BILL FOR AN ACT RELATING TO HOLIDAYS."

Introduced by: Senator Baker.

No. 2736 "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT."

Introduced by: Senators Chumbley, Matsunaga, Bunda, McCartney.

No. 2737 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR AN AGRICULTURE

WATER SYSTEM IN THE KA'U DISTRICT OF THE COUNTY OF HAWAII."

Introduced by: Senators Chumbley, Levin, Metcalf.

No. 2738 "A BILL FOR AN ACT RELATING TO STATE WARRANTS."

Introduced by: Senator Matsunaga.

No. 2739 "A BILL FOR AN ACT RELATING TO THE COLLECTION OF FINES."

Introduced by: Senators Matsunaga, Chumbley.

No. 2740 "A BILL FOR AN ACT RELATING TO TRUSTS."

Introduced by: Senator Matsunaga.

No. 2741 "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS."

Introduced by: Senator Matsunaga, by request.

No. 2742 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EARLY EDUCATION AND CHILD CARE TUITION ASSISTANCE."

Introduced by: Senators Chun Oakland, Chumbley, Kanno, Matsunaga.

No. 2743 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EARLY EDUCATION AND CHILD CARE."

Introduced by: Senators Chun Oakland, Chumbley, Kanno, Matsunaga.

No. 2744 "A BILL FOR AN ACT RELATING TO YOUTH."

Introduced by: Senators Chun Oakland, Kanno, Chumbley, Baker, Fukunaga, Kawamoto, Matsunaga.

No. 2745 "A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING."

Introduced by: Senator Fukunaga.

No. 2746 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Senators Fukunaga, Chun Oakland, Baker.

No. 2747 "A BILL FOR AN ACT RELATING TO BANKS AND FINANCIAL INSTITUTIONS."

Introduced by: Senator Ige, D.

No. 2748 "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS."

Introduced by: Senators Ige, D., Metcalf, Tam.

No. 2749 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Ige, D., Metcalf, Tam, Chumbley, McCartney.

No. 2750 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE HEARINGS OFFICERS."

Introduced by: Senator Metcalf.

No. 2751 "A BILL FOR AN ACT RELATING TO WORKING HOURS OF STUDENTS."

Introduced by: Senator Metcalf.

No. 2752 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN IMMERSION PROGRAM."

Introduced by: Senators Baker, Tam.

No. 2753 "A BILL FOR AN ACT RELATING TO MINOR TEEN VICTIMS OF DOMESTIC VIOLENCE."

Introduced by: Senators Baker, Fukunaga.

No. 2754 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Tam, McCartney.

No. 2755 "A BILL FOR AN ACT RELATING TO BOXING."

Introduced by: Senators Tam, Kanno, Chun Oakland, Baker, Kawamoto, Matsunaga.

No. 2756 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A SCIENCE LAB ASSISTANT PILOT PROJECT."

Introduced by: Senators Tam, Aki, McCartney.

No. 2757 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL ASSESSMENTS."

Introduced by: Senators Tam, Kawamoto.

No. 2758 "A BILL FOR AN ACT RELATING TO ADULT COMMUNITY SCHOOLS."

Introduced by: Senators Tam, McCartney.

No. 2759 "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE."

Introduced by: Senators Kawamoto, Metcalf, Sakamoto, Tam.

No. 2760 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Senators Kawamoto, Sakamoto.

No. 2761 "A BILL FOR AN ACT RELATING TO MOTORCYCLE INSURANCE."

Introduced by: Senators Kawamoto, Sakamoto, Anderson, Metcalf.

No. 2762 "A BILL FOR AN ACT RELATING TO TOBACCO."

Introduced by: Senators Kanno, Chun Oakland.

No. 2763 "A BILL FOR AN ACT RELATING TO MEDICAL EXAMINATIONS REQUIRED BY THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD."

Introduced by: Senator Kanno.

No. 2764 "A BILL FOR AN ACT RELATING TO POST RETIREMENT ALLOWANCES FOR RETIRANTS OF THE EMPLOYEES' RETIREMENT SYSTEM WHO ARE AT LEAST SIXTY-FIVE YEARS OF AGE."

Introduced by: Senator Kanno.

No. 2765 "A BILL FOR AN ACT RELATING TO TORT LIABILITY."

Introduced by: Senators Chun Oakland, Chumbley, Sakamoto, Ihara, Kawamoto, Matsunaga, McCartney.

No. 2766 "A BILL FOR AN ACT RELATING TO FAMILY CARE TAX POLICY."

Introduced by: Senators Chun Oakland, Kanno, Chumbley, Kawamoto, Matsunaga.

No. 2767 "A BILL FOR AN ACT RELATING TO CLAIMANT'S ATTORNEY'S FEES IN WORKERS' COMPENSATION CASES."

Introduced by: Senator Kanno.

No. 2768 "A BILL FOR AN ACT RELATING TO PAYMENTS TO HEALTH CARE PROVIDERS FOR WORKERS' COMPENSATION CLAIMS."

Introduced by: Senator Kanno.

#### ADJOURNMENT

At 4:30 o'clock p.m., the Senate adjourned until 9:30 o'clock a.m., Tuesday, January 27, 1998.



FIFTH DAY

Tuesday, January 27, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 9:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Alan Urasaki, Aiea Honpa Hongwanji, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fourth Day.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 21 to 23) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 21 "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO SUBMIT LEGISLATION TO IMPLEMENT ELECTRIC COMPETITION IN THE STATE OF HAWAII."

Offered by: Senator Mizuguchi, by request.

No. 22 "SENATE CONCURRENT RESOLUTION THE HAWAII STATE LEGISLATURE URGES THE U.S. CONGRESS, THE PRESIDENT OF THE UNITED STATES, AND THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT THE HAWAII CONGRESSIONAL DELEGATION'S EFFORT TO AMEND THE SOCIAL SECURITY ACT TO INCREASE HAWAII'S FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP)."

Offered by: Senator Mizuguchi, by request.

No. 23 "SENATE CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF BOTH FAST AND SUBMERGED LANDS AT ALA WAI SMALL BOAT HARBOR FOR REDEVELOPMENT, MANAGEMENT, AND OPERATION BY QUALIFIED PRIVATE ENTITIES FOR MARINA AND YACHT CLUB PURPOSES."

Offered by: Senator Mizuguchi, by request.

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Friday, January 23, 1998:

Senate Bill	Referred to:
No. 2308	Committee on Commerce, Consumer Protection, and Information Technology
No. 2309	Committee on Commerce, Consumer Protection, and Information Technology
No. 2310	Committee on Education, then to the Committee on Judiciary
No. 2311	Committee on Judiciary
No. 2312	Committee on Judiciary
No. 2313	Committee on Judiciary

No. 2314	Committee on Judiciary, then to the Committee on Ways and Means
No. 2315	Committee on Judiciary, then to the Committee on Ways and Means
No. 2316	Committee on Judiciary, then to the Committee on Ways and Means
No. 2317	Committee on Judiciary, then to the Committee on Ways and Means
No. 2318	Committee on Judiciary
No. 2319	Committee on Judiciary, then to the Committee on Ways and Means
No. 2320	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2321	Committee on Human Resources, then to the Committee on Ways and Means
No. 2322	Committee on Human Resources, then to the Committee on Judiciary
No. 2323	Committee on Judiciary
No. 2324	Committee on Judiciary
No. 2325	Committee on Human Resources, then to the Committee on Judiciary
No. 2326	Jointly to the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2327	Committee on Government Operations and Housing
No. 2328	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2329	Committee on Judiciary, then to the Committee on Ways and Means
No. 2330	Committee on Transportation and Intergovernmental Affairs
No. 2331	Committee on Human Resources
No. 2332	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 2333	Committee on Health and Environment, then to the Committee on Ways and Means
No. 2334	Committee on Commerce, Consumer Protection, and Information Technology
No. 2335	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2336	Committee on Human Resources, then to the Committee on Ways and Means
No. 2337	Committee on Health and Environment, then to the Committee on Ways and Means
No. 2338	Jointly to the Committee on Human Resources and the Committee on Commerce, Consumer

Protection, and Information Technology, then to the Committee on Ways and Means	No. 2363	Committee on Ways and Means
No. 2339 Committee on Transportation and Intergovernmental Affairs	No. 2364	Committee on Ways and Means
No. 2340 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2365	Committee on Human Resources, then to the Committee on Ways and Means
No. 2341 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2366	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2342 Committee on Judiciary, then to the Committee on Ways and Means	No. 2367	Committee on Judiciary, then to the Committee on Ways and Means
No. 2343 Committee on Economic Development, then to the Committee on Ways and Means	No. 2368	Committee on Ways and Means
No. 2344 Committee on Commerce, Consumer Protection, and Information Technology	No. 2369	Committee on Ways and Means
No. 2345 Committee on Health and Environment	No. 2370	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2346 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2371	Committee on Commerce, Consumer Protection, and Information Technology
No. 2347 Committee on Health and Environment	No. 2372	Committee on Health and Environment, then to the Committee on Judiciary
No. 2348 Committee on Health and Environment, then to the Committee on Ways and Means	No. 2373	Committee on Human Resources, then to the Committee on Judiciary
No. 2349 Committee on Health and Environment, then to the Committee on Ways and Means	No. 2374	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2350 Committee on Health and Environment, then to the Committee on Ways and Means	No. 2375	Committee on Judiciary
No. 2351 Jointly to the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2376	Committee on Judiciary
No. 2352 Committee on Judiciary, then to the Committee on Ways and Means	No. 2377	Committee on Judiciary
No. 2353 Committee on Judiciary	No. 2378	Committee on Judiciary
No. 2354 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2379	Committee on Judiciary
No. 2355 Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2380	Committee on Human Resources, then to the Committee on Ways and Means
No. 2356 Committee on Economic Development, then to the Committee on Ways and Means	No. 2381	Committee on Economic Development, then to the Committee on Ways and Means
No. 2357 Committee on Ways and Means	No. 2382	Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
No. 2358 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2383	Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
No. 2359 Committee on Commerce, Consumer Protection, and Information Technology	No. 2384	Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
No. 2360 Committee on Economic Development, then to the Committee on Ways and Means	No. 2385	Jointly to the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2361 Committee on Ways and Means	No. 2386	Committee on Human Resources, then to the Committee on Ways and Means
No. 2362 Committee on Human Resources, then to the Committee on Ways and Means		

- No. 2387 Committee on Health and Environment, then to the Committee on Transportation and Intergovernmental Affairs
- No. 2388 Committee on Education, then to the Committee on Health and Environment
- No. 2389 Committee on Health and Environment, then to the Committee on Judiciary
- No. 2390 Committee on Health and Environment
- No. 2391 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2392 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2393 Committee on Economic Development, then to the Committee on Judiciary
- No. 2394 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2395 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2396 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2397 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2398 Committee on Judiciary
- No. 2399 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2400 Committee on Judiciary
- No. 2401 Committee on Judiciary
- No. 2402 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2403 Committee on Judiciary
- No. 2404 Committee on Judiciary
- No. 2405 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2406 Committee on Education, then to the Committee on Ways and Means
- No. 2407 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2408 Committee on Human Resources, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 2409 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2410 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, then to the Committee on Judiciary
- No. 2411 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
- No. 2412 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2413 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2414 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2415 Committee on Judiciary
- No. 2416 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2417 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2418 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2419 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2420 Committee on Human Resources, then to the Committee on Judiciary
- No. 2421 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2422 Committee on Health and Environment
- No. 2423 Committee on Human Resources, then to the Committee on Judiciary
- No. 2424 Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 2425 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2426 Jointly to the Committee on Government Operations and Housing and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 2427 Committee on Government Operations and Housing, then to the Committee on Judiciary
- No. 2428 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2429 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2430 Committee on Human Resources, then to the Committee on Judiciary
- No. 2431 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2432 Committee on Ways and Means
- No. 2433 Committee on Ways and Means
- No. 2434 Committee on Ways and Means
- No. 2435 Committee on Education, then to the Committee on Ways and Means

- No. 2436 Committee on Education, then to the Committee on Ways and Means
- No. 2437 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2438 Committee on Health and Environment, then to the Committee on Judiciary
- No. 2439 Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 2440 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 2441 Committee on Judiciary
- No. 2442 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2443 Committee on Education, then to the Committee on Ways and Means
- No. 2444 Committee on Education, then to the Committee on Ways and Means
- No. 2445 Committee on Education, then to the Committee on Ways and Means
- No. 2446 Committee on Education, then to the Committee on Ways and Means
- No. 2447 Committee on Education, then to the Committee on Ways and Means
- No. 2448 Committee on Education, then to the Committee on Ways and Means
- No. 2449 Jointly to the Committee on Education and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2450 Committee on Ways and Means
- No. 2451 Committee on Education, then to the Committee on Ways and Means
- No. 2452 Committee on Education, then to the Committee on Ways and Means
- No. 2453 Committee on Education, then to the Committee on Ways and Means
- No. 2454 Committee on Human Resources
- No. 2455 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2456 Committee on Economic Development, then to the Committee on Ways and Means
- No. 2457 Jointly to the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2458 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2459 Committee on Health and Environment, then to the Committee on Judiciary
- No. 2460 Committee on Health and Environment, then to the Committee on Judiciary
- No. 2461 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2462 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2463 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2464 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2465 Committee on Judiciary
- No. 2466 Committee on Judiciary
- No. 2467 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2468 Committee on Education, then to the Committee on Ways and Means
- No. 2469 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2470 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 2471 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2472 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
- No. 2473 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2474 Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary
- No. 2475 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 2476 Committee on Transportation and Intergovernmental Affairs
- No. 2477 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2478 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2479 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2480 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2481 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2482 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2483 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2484 Committee on Ways and Means
- No. 2485 Committee on Health and Environment, then to the Committee on Ways and Means

No. 2486	Committee on Education, then to the Committee on Ways and Means	No. 2510	Committee on Human Resources, then to the Committee on Ways and Means
No. 2487	Committee on Economic Development	No. 2511	Committee on Judiciary
No. 2488	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2512	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2489	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2513	Committee on Judiciary
No. 2490	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology	No. 2514	Committee on Judiciary
No. 2491	Committee on Government Operations and Housing	No. 2515	Committee on Judiciary
No. 2492	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2516	Committee on Commerce, Consumer Protection, and Information Technology
No. 2493	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2517	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2494	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2518	Committee on Judiciary, then to the Committee on Ways and Means
No. 2495	Committee on Human Resources, then to the Committee on Ways and Means	No. 2519	Committee on Judiciary
No. 2496	Jointly to the Committee on Government Operations and Housing and the Committee on Human Resources, then to the Committee on Ways and Means	No. 2520	Committee on Judiciary
No. 2497	Committee on Ways and Means	No. 2521	Committee on Judiciary
No. 2498	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, then to the Committee on Ways and Means	No. 2522	Committee on Judiciary
No. 2499	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2523	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2500	Jointly to the Committee on Government Operations and Housing and the Committee on Human Resources, then to the Committee on Ways and Means	No. 2524	Committee on Judiciary
No. 2501	Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2525	Committee on Commerce, Consumer Protection, and Information Technology
No. 2502	Committee on Judiciary	No. 2526	Committee on Judiciary
No. 2503	Committee on Economic Development, then to the Committee on Ways and Means	No. 2527	Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2504	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2528	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2505	Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means	No. 2529	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, then to the Committee on Judiciary
No. 2506	Committee on Health and Environment, then to the Committee on Ways and Means	No. 2530	Committee on Judiciary
No. 2507	Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2531	Committee on Judiciary
No. 2508	Committee on Judiciary	No. 2532	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2509	Committee on Education	No. 2533	Committee on Judiciary
		No. 2534	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
		No. 2535	Committee on Judiciary

No. 2536	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary	No. 2562	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
No. 2537	Committee on Judiciary	No. 2563	Committee on Education, then to the Committee on Ways and Means
No. 2538	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2564	Committee on Commerce, Consumer Protection, and Information Technology
No. 2539	Committee on Judiciary	No. 2565	Committee on Judiciary
No. 2540	Committee on Transportation and Intergovernmental Affairs	No. 2566	Committee on Health and Environment, then to the Committee on Judiciary
No. 2541	Committee on Judiciary, then to the Committee on Ways and Means	No. 2567	Committee on Transportation and Intergovernmental Affairs
No. 2542	Committee on Judiciary	No. 2568	Committee on Education, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 2543	Committee on Judiciary, then to the Committee on Ways and Means	No. 2569	Committee on Government Operations and Housing, then to the Committee on Ways and Means
No. 2544	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary	No. 2570	Committee on Economic Development, then to the Committee on Judiciary
No. 2545	Committee on Judiciary	No. 2571	Committee on Commerce, Consumer Protection, and Information Technology
No. 2546	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2572	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 2547	Committee on Judiciary	No. 2573	Committee on Judiciary, then to the Committee on Ways and Means
No. 2548	Committee on Judiciary	No. 2574	Committee on Judiciary
No. 2549	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2575	Committee on Commerce, Consumer Protection, and Information Technology
No. 2550	Committee on Judiciary	No. 2576	Committee on Commerce, Consumer Protection, and Information Technology
No. 2551	Committee on Judiciary	No. 2577	Committee on Education, then to the Committee on Ways and Means
No. 2552	Committee on Judiciary	No. 2578	Committee on Commerce, Consumer Protection, and Information Technology
No. 2553	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 2579	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2554	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary	No. 2580	Committee on Education
No. 2555	Committee on Economic Development	No. 2581	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2556	Committee on Transportation and Intergovernmental Affairs	No. 2582	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2557	Committee on Judiciary, then to the Committee on Ways and Means	No. 2583	Committee on Commerce, Consumer Protection, and Information Technology
No. 2558	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2584	Committee on Education, then to the Committee on Ways and Means
No. 2559	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, then to the Committee on Ways and Means	No. 2585	Committee on Education, then to the Committee on Ways and Means
No. 2560	Committee on Human Resources, then to the Committee on Ways and Means		
No. 2561	Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Commerce, Consumer Protection, and Information Technology		

- No. 2586 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2587 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 2588 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2589 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2590 Committee on Education
- No. 2591 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2592 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2593 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 2594 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2595 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2596 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2597 Committee on Education, then to the Committee on Ways and Means
- No. 2598 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2599 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2600 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 2601 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2602 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2603 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 2604 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2605 Committee on Judiciary
- No. 2606 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
- No. 2607 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 2608 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2609 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2610 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2611 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2612 Committee on Ways and Means
- No. 2613 Committee on Ways and Means
- No. 2614 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2615 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2616 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2617 Committee on Judiciary
- No. 2618 Jointly to the Committee on Human Resources and the Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2619 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2620 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Judiciary
- No. 2621 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2622 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2623 Jointly to the Committee on Human Resources and the Committee on Education, then to the Committee on Ways and Means
- No. 2624 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 2625 Committee on Education
- No. 2626 Committee on Health and Environment, then to the Committee on Judiciary
- No. 2627 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2628 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2629 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2630 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2631 Committee on Human Resources, then to the Committee on Judiciary
- No. 2632 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2633 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2634 Committee on Ways and Means
- No. 2635 Committee on Human Resources, then to the Committee on Ways and Means

No. 2636	Committee on Economic Development, then to the Committee on Ways and Means	No. 2659	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2637	Jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2660	Committee on Transportation and Intergovernmental Affairs
No. 2638	Committee on Health and Environment, then to the Committee on Ways and Means	No. 2661	Committee on Transportation and Intergovernmental Affairs
No. 2639	Committee on Commerce, Consumer Protection, and Information Technology	No. 2662	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2640	Committee on Commerce, Consumer Protection, and Information Technology	No. 2663	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2641	Committee on Health and Environment, then to the Committee on Ways and Means	No. 2664	Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means
No. 2642	Committee on Human Resources, then to the Committee on Ways and Means	No. 2665	Jointly to the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Economic Development
No. 2643	Committee on Ways and Means	No. 2666	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2644	Committee on Commerce, Consumer Protection, and Information Technology	No. 2667	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, then to the Committee on Judiciary
No. 2645	Committee on Economic Development, then to the Committee on Ways and Means	No. 2668	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Judiciary
No. 2646	Jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2669	Committee on Water, Land, and Hawaiian Affairs
No. 2647	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2670	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2648	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2671	Committee on Water, Land, and Hawaiian Affairs
No. 2649	Committee on Health and Environment, then to the Committee on Ways and Means	No. 2672	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Government Operations and Housing
No. 2650	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2673	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2651	Committee on Human Resources	No. 2674	Jointly to the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2652	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2675	Committee on Human Resources, then to the Committee on Ways and Means
No. 2653	Committee on Transportation and Intergovernmental Affairs	No. 2676	Committee on Human Resources, then to the Committee on Ways and Means
No. 2654	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2677	Committee on Human Resources, then to the Committee on Ways and Means
No. 2655	Committee on Transportation and Intergovernmental Affairs	No. 2678	Committee on Human Resources, then to the Committee on Ways and Means
No. 2656	Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2679	Committee on Human Resources
No. 2657	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2680	Committee on Human Resources
No. 2658	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2681	Committee on Human Resources



No. 2682 Committee on Human Resources, then to the Committee on Ways and Means

No. 2683 Committee on Human Resources, then to the Committee on Ways and Means

No. 2684 Jointly to the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2685 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Human Resources

No. 2686 Committee on Human Resources, then to the Committee on Ways and Means

No. 2687 Committee on Human Resources, then to the Committee on Ways and Means

No. 2688 Committee on Human Resources

No. 2689 Committee on Human Resources, then to the Committee on Ways and Means

No. 2690 Committee on Human Resources, then to the Committee on Ways and Means

No. 2691 Committee on Judiciary

No. 2692 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2693 Committee on Judiciary

No. 2694 Committee on Judiciary

No. 2695 Committee on Judiciary

No. 2696 Committee on Judiciary

No. 2697 Committee on Judiciary

No. 2698 Committee on Judiciary

No. 2699 Committee on Judiciary

No. 2700 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2701 Committee on Judiciary

No. 2702 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2703 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary

No. 2704 Committee on Judiciary

No. 2705 Committee on Judiciary, then to the Committee on Ways and Means

No. 2706 Committee on Judiciary

No. 2707 Committee on Judiciary

No. 2708 Committee on Judiciary

No. 2709 Committee on Judiciary

No. 2710 Committee on Judiciary

No. 2711 Committee on Judiciary

No. 2712 Committee on Judiciary

No. 2713 Committee on Judiciary

No. 2714 Committee on Judiciary

No. 2715 Committee on Judiciary

No. 2716 Committee on Judiciary

No. 2717 Committee on Judiciary

**MISCELLANEOUS COMMUNICATION**

Misc. Com. No. 6, "Report of the Senate President Concerning the Matter of Senator James Aki," dated January 27, 1998, was read by the Clerk and, by unanimous consent, was adopted and placed on file. (The Report of the Senate President is identified as ATTACHMENT "A" to the Journal of this day.)

At 9:42 o'clock a.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate stood in recess subject to the call of the Chair to meet in Joint Session with the House of Representatives, in accordance with Senate Concurrent Resolution No. 1, to receive the Chief Justice's state of the judiciary address.

**JOINT SESSION**

The Joint Session of the Senate and the House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, was called to order at 10:04 o'clock a.m. by the Honorable Norman Mizuguchi, President of the Senate.

At this time, Senate President Mizuguchi welcomed and introduced the following distinguished guests to the members of the Nineteenth Legislature:

The Honorable Benjamin J. Cayetano, Governor of the State of Hawaii. He was presented a lei by Senator Carol Fukunaga;

The Honorable Mazie Hirono, Lieutenant Governor of the State of Hawaii. She was presented a lei by Representative Tom Okamura;

Mrs. Stella Moon, wife of Chief Justice Moon. She was presented a lei by Senator Les Ihara, Jr.; and

The Honorable William Richardson, former Chief Justice of the Hawaii Supreme Court.

The President then appointed Senators Avery Chumbley, Matt Matsunaga and Whitney Anderson, on behalf of the Senate, and Representatives Terrance Tom, Brian Yamane and Quentin Kawanakoa, on behalf of the House of Representatives, to escort the Honorable Ronald T.Y. Moon, Chief Justice of the Hawaii Supreme Court, to the rostrum.

Senator Suzanne Chun Oakland and Representative Lei Ahu Isa presented Chief Justice Moon with maile and ilima leis.

Senate President Mizuguchi then presented the Honorable Ronald T.Y. Moon, Chief Justice of the Hawaii Supreme Court, to the members of the Nineteenth Legislature.

The Chief Justice addressed the Joint Session as follows:

"Governor Cayetano, President Mizuguchi, Speaker Souki, Lieutenant Governor Hirono, distinguished members of the Nineteenth Legislature, fellow Judges and Judiciary employees, former Chief Justice Richardson, members of the federal bench, other special guests, ladies and gentlemen:

"It is again a great honor and privilege to deliver my second State of the Judiciary address to a joint session of the Hawai'i State Legislature.

"As we were walking over here from the Supreme Courthouse with the members of my family and friends, my wife Stella offered me some sage advice. She said, 'Ron, remember now, like last year's state of the judiciary address, don't try to be charming, witty or intellectual -- just be yourself.' (Laughter.) And I looked at my mom who was walking next to me, and she said, 'Ditto.' (More laughter.)

"Before I proceed, I want to thank the Legislature for its support of the Judiciary's budget requests and legislative proposals at the last session. Without your commitment, the Judiciary could not have achieved its many accomplishments, some of which I will share with you today.

"Last year, a significant portion of my remarks addressed the basic, but critical principle that the Judiciary is a separate, independent, and equal branch of government. Over the last year, a course of events has unfolded nationally, and locally, that reflects a continuing misunderstanding of this basic principle of democratic governance.

"Nationally, we have witnessed high level threats to impeach certain judges, as well as the targeting and defeat of elected judges, because of their unpopular decisions, emotional reactions to those decisions, or both. We have also seen proposed federal legislation to limit the authority and reach of the federal courts and congressional hearings on so-called judicial activism.

"On the local front, a concerned legislator invited me to participate in a summit on the public's reactions to certain court decisions, apparently hoping that the experience would, or should, cause the court to rethink certain judicial decisions and perhaps even persuade the court to accommodate current public sentiment on certain issues. This invitation, coupled with what's been happening on the national front, exemplifies the serious misunderstandings about the judicial process and its role in our representative government -- one that successfully blends majority will, the rule of law, and protection of the rights of those who are out of political favor or are otherwise classified as minorities. If we are to maintain the delicate balance in our law and the even more delicate relationship between our respective branches, it is imperative that we correct any misunderstandings about the judicial decision-making process. Thus, I would like to revisit the issue of judicial independence again this year, specifically as it relates to the decision-making process.

"Independent judicial decision-making does not mean that judges may do as they please, based on whim, personal preference, or even majority will. Although the majority's will is the driving force in the legislative process and is appropriate for legislators to consider when deciding public policy issues, it cannot and it should not be considered by judges when deciding disputes. Judicial decisions are the result of a structured, analytical process based on traditional principles. These principles allow all parties to present evidence and argument about the law and its application to a particular dispute in a forum that is free from any influence other than the evidence, the law, and the advocacy of the parties. These principles are as old as this nation and as necessary to freedom as the individual rights set forth in our federal and state constitutions. They have made our legal system a model of fairness that is emulated by all who cherish liberty.

"While we judges must keep in mind that our decisions will affect the lives of the individuals who appear before us, we are obliged to set aside our emotions and concerns about our popularity and render our decisions based on the facts in evidence and the laws in effect at that time. Over the years, and most especially in recent years, the Hawai'i State Judiciary has

been called upon to rule on several controversial cases, and, at times, public criticism has been severe. Please -- don't misunderstand me -- I am not saying that criticizing judges or their rulings is wrong. On the contrary, criticism that is constructive and reasoned, based in fact and law, is appropriate and useful, particularly to the Judicial Selection Commission when it assesses judges seeking retention. However, when judges are perceived as formulating their decisions in response to political pressure or the perceived majority opinion of the moment, our system of government is placed in serious jeopardy. Judges must be free to rule in accordance with the law, and we must be able to make decisions without fear of reprisal, especially when the law requires a decision that is viewed as against the public will. Courts, in stark contrast to the Legislative and Executive Branches, are not, and indeed must not, be beholden to the will of the majority. The majority's will has no place in the judicial process for the simple reasons, among others, that the populace does not hear all of the evidence and does not view the law in the context of the specific events at issue.

"Imagine, if you will, a judge inviting interested members of the general public to cast 'yes' or 'no' votes by calling a 1-800 number and pressing number one or number two on a touch tone telephone, then ruling in accordance with the desires of the voting majority. This, ladies and gentlemen, is my nightmare; and, I submit, your nightmare, and, ultimately, the nightmare for your constituents. When the Judiciary rises above partisan politics and is not swayed by the political passions of the moment, justice prevails -- one classical example being the case of Brown v. Board of Education which abolished school segregation.

"It is necessary that the Judiciary, the Executive, and the Legislature work together to maintain public confidence in our judicial system by addressing popular misconceptions of the courts because, without public confidence in an independent Judiciary, court orders and judgments would be rendered meaningless, legislative intent would be undermined, chaos would reign, and our system of government would surely deteriorate. I therefore see us engaged in a mutual quest for excellence in government -- a quest that includes improving the law and the overall administration of our system of justice.

"Last year, I believe the Legislature took positive steps in this quest for excellence with the passage of a judicial salary bill. On behalf of all of our judges, I sincerely thank you -- the members of the Legislature -- for your efforts and support. Indeed, we were profoundly disappointed that the bill did not become law.

"Additionally, last year, you adopted a concurrent resolution, directing the Legislative Reference Bureau to study and make recommendations regarding an appropriate salary structure for all state judges. Senate Concurrent Resolution No. 2 sets forth two basic assumptions. First, because of the absence of an objective, statutorily established mechanism that requires fair and adequate compensation, Hawai'i's judges are continuously drawn into the potentially compromising task of lobbying the Legislature for salary increases and improvements in benefits; and, second, such lobbying is inconsistent with the traditional role of the courts as an independent and separate branch of government.

"In its report issued two weeks ago, the Legislative Reference Bureau recognized the subtle, but critical, fact that 'the pay issue extends beyond the connection between compensation and judicial excellence, striking at the very heart of judicial independence.' The bureau's report, at pages 34 and 35, explains that, '[t]he danger posed by inadequate compensation to the judiciary's independence is real indeed. . . . [A]bsent specific constitutional authority, one branch of government may not be controlled by, subjected either directly or indirectly to the coercive influences of, or even embarrassed by another branch of government. It may be arguable that the failure of the legislative or executive branch to provide fair and

reasonable judicial compensation is an indirect attempt to control, influence, or embarrass the Judiciary and, as such, constitutes a menace to judicial independence.'

"The Legislative Reference Bureau as well as the Judicial Salary Commission -- both impartial, non-partisan bodies -- have concluded, independently, that Hawaii's judges are significantly underpaid when compared to federal and other state judges. The Bureau's report notes that, since the last increase in 1990, judges' purchasing power has decreased by 25 percent as a result of inflation and the rising cost of living, and, that, since 1992, nine seasoned and experienced judges have left the bench. Within the last few weeks, a 58-year-old judge, with over 13 years of experience, advised me that, although he loves his job, he, too, will be leaving in the next few months for a higher paying position. Ladies and gentlemen -- no one, no one, attains excellence in the art of judging overnight. Losing judges far-before retirement age is truly a waste of valuable assets, especially after having invested substantial amounts of time and monies in their training, and, after years of hands-on experience.

"Why are judges passed over year after year, while virtually all other government employees have received multiple increases in their compensation during the same period? The answer, I submit, is obvious -- the Judiciary is the weakest branch of government. Judges number only seventy-three and are bound by the Code of Judicial Conduct. They cannot participate in politics; they cannot unionize; they cannot strike; and they cannot -- no, they will not -- consider political consequences of their decisions in the hope of receiving favorable legislative or executive action. As a result of going eight years without a pay increase, some may be left wondering whether applying the strict principles of judging in any particular case will mean another year without a raise. It comes as no surprise that one federal judge on the mainland has, in fact, publicly stated that he knew it was time to resign when he found himself, for the first time in his judicial career, considering the political implications of his rulings. Our judges recognize, all too well, the economic realities of the day; however, as I said last year and I emphasize today -- 'fairness alone dictates that a judicial pay raise is appropriate.' The Legislative Reference Bureau agrees. Among other actions, the Bureau recommends that the legislature again enact a judicial salary increase as proposed in last year's House Bill No. 1393, C.D. 1. With respect to judges' retirement benefits, the Bureau concluded that any steps towards adjusting such benefits should be preceded by a comprehensive review by qualified retirement-benefit specialists. I once again request your support and favorable consideration of this critical issue.

"Improving the public's confidence in the judicial process by their understanding of the Judiciary's role and function is, in large part, the responsibility of the Judiciary. I believe the Judiciary is meeting its part of that responsibility.

"The Judiciary has initiated programs designed to inform and educate the public about the workings of their state court system. These programs operate at no additional cost to the taxpayers and target many segments of our community, including elementary, intermediate, and high school students, law students, the public at large, and you, our legislators. Examples include: the Judges Speakers Bureau, the Afternoon with a Judge Program, the Lunch 'N Learn the Law series, and the Legislators' Day-in-Court.

"Last year, you opened some juvenile proceedings and case records to the public. In the spirit of that law, and in an unprecedented effort to increase public understanding about the juvenile justice system, the Judiciary recently granted two major daily newspapers access to family court juvenile proceedings and case records usually kept confidential. We believe that, by allowing these journalists to observe firsthand what goes on in a system historically shrouded in secrecy, the public would develop a better understanding of the complexity of the issues that are brought before us and the daily struggles

facing our judges, staff, and families, as well as help to identify those areas needing reform.

"We continue to work to establish better rapport between our employees and the public because we firmly believe that confidence in the courts is enhanced when the public is served courteously, promptly, and efficiently. To that end, our Judicial Education Division has developed and is conducting training in these areas. In the past year, more than half of the Judiciary's entire work force has participated in such training.

"We also recognize that the public -- as the users of the judicial system -- are in a position to help us identify problem areas. We therefore intend to systematically gather statewide public input through a variety of methods, including town hall meetings, focus groups, and exit surveys. No such effort has ever been initiated by the Judiciary. The input we receive from your constituents will assist us in assessing changes to improve the system.

"Adequate resources, however, are often required to implement changes to improve the system. We are fortunate to have been awarded federal grants that have been used to: (1) establish a court-based educational outpatient treatment program for adult misdemeanants; (2) improve the litigation process on behalf of children in foster care and adoption proceedings; (3) expand the family visitation program to include non-custodial fathers; (4) enable state courts to conduct video arraignment and plea hearings; and (5) provide statewide training in domestic violence for judges and probation officers. These grants save state general fund appropriations and allow the Judiciary to undertake innovative approaches to improve court operations.

"The Judiciary also continues to search for alternative methods to manage its growing caseload, without expending additional costs. And, although we are currently doing relatively well, there are certain areas that are in critical need of your support.

"Last year, I noted that the Supreme Court had implemented emergency measures to deal with the growing appellate backlog. These emergency measures, most notably the use of summary dispositions, that is, a brief statement or order setting forth our decision, are enabling the appellate courts to enter more timely dispositions and reduce the backlog of appeals. Between September 1996, and November 1997, we reduced the number of pending appeals by 490 cases. This is significant progress. We plan to continue to use this valuable tool as it assists us in moving closer to our goal of resolving more appeals within one year.

"I am also pleased to report that our circuit court's criminal and civil caseloads are presently at relatively manageable levels due to the tireless efforts of our judges, both full-time and per diem, and their support staff. In order to achieve these current levels, however, we have had to shuffle our judges around to handle critical situations in certain areas. For example, in June of 1997, we faced a very serious backlog of domestic violence cases caused by the increase in demands for jury trials. In order to handle the 372 domestic violence jury trial cases pending at that time, I established a temporary First Circuit Family Court trial division, but had to 'borrow' a much-needed criminal circuit judge to staff the temporary division. With the assistance of the temporary division, the number of pending domestic violence jury cases dropped from 372 to 139 as of December 1997.

"Although yielding positive results, moving judges around to handle such critical situations is a band-aid solution and analogous to turning one's attention away from one fire to put out a bigger fire. Upon returning to the original fire, it is burning out of control. We simply cannot continue to just keep 'putting out fires.' We need more judges.

"Over the past four years, our criminal caseload in the Circuit Courts has increased by over four hundred cases. Civil filings are increasing at a more modest rate, except for foreclosure actions, which have increased by more than 30 percent just in the last year. These circuit court increases are significant as they actually represent the annual work of, at least, one additional judge. At the family court level, the number of filings have steadily increased since 1993, which means that our judges can reasonably expect to have a perennial backlog of cases year after year. Moreover, in addition to 'borrowing' a circuit judge to handle domestic violence jury cases, we have also had to regularly call upon our per diem judges for assistance.

"With the growing criminal, civil, and family court caseloads, our judges, despite their most diligent efforts, cannot prevent the backlog and accompanying delays in resolving your constituents' cases from increasing without additional help. Justice delayed is justice denied. Consequently, we are asking that funds for two additional judges and attendant staff be appropriated to the Family Court of the First Circuit.

"We continue to emphasize the importance of children and family as demonstrated by the various programs and projects currently ongoing within the family court. For example, this past year, the juvenile division of the Family Court introduced a 'one judge/one family' initiative in which the same judge in child abuse cases handles all matters pertaining to a particular family. We are encouraged by the results -- as families and children benefit from the court's more comprehensive, intimate knowledge of the issues and factors affecting that particular family. As a direct result of this initiative, the number of children in foster custody has decreased by 20 percent while the number of children eligible for adoption has increased by 25 percent.

"Thanks to the bill that you passed last year, the Judiciary now collects a \$35 surcharge from parents who file for divorce or separation. These monies support the family court's statewide Kids First Program, which teaches parents how to minimize the negative effects of divorce on their children. We are indeed proud of the fact that an American Bar Association committee has selected Hawaii's Kids First Program as one of 25 projects across the country that 'Makes a Difference in a Child's Life.'

"At the district court level, our judges continue to see the great majority of individuals who pass through our court system. Over the past five years, we have averaged approximately 24,500 civil cases a year in the District Courts throughout the state. In the criminal area, roughly 46,000 criminal cases were filed last fiscal year. To give you a sense of the growth in these numbers, this represents a 35 percent increase from 1987. Even in the traffic division, the trend is turning upward, where our filings for the last fiscal year increased by approximately 25 percent.

"We are working with the National Center for State Courts to determine how we can better and more efficiently handle the enormous number of cases filed in our district courts each year.

"In addition to the growing number of cases, we are also experiencing, at all court levels, a growing number of court users who are representing themselves or are non-English speaking. The increase in litigants representing themselves is consistent with the national trend, but is even more prevalent in Hawai'i because of our economic downturn. The Judiciary is addressing this situation through public education -- in both English and other languages -- as well as by simplifying court procedures.

"We have produced two videos that will air regularly on public access channels and be available in public libraries. These videos, focus on our small claims and traffic courts, explain court options and procedures step by step in language

that is understandable to the lay person. In the future, the videos will also be closed-captioned for the hearing impaired as well as dubbed in additional languages.

"We are also simplifying court forms and expanding the number of information packets that are available to the public to assist them with the various types of family and district court proceedings. As we plan to do with our District Court videos, we hope to expand these educational materials to other languages.

"In the courtroom environment, we must depend on court interpreters to assist us in administering justice because justice surely cannot be served if, for example, a non-English speaking defendant says, in his own language: 'I was so mad that I COULD have killed him,' and the interpreter translates: 'I was so mad that I killed him.' Thus, we have made the court interpreter issue a priority within the Judiciary. In the last twelve months, we implemented a statewide interpreter registration process and held a series of two-day orientation sessions that reached over two hundred interpreters. As the result of a judges' workshop, as well as one for staff, the Judiciary is more aware of and better able to handle cases involving interpreters.

"The Judiciary has stretched existing resources to accomplish much over the past year in this area; however, an interpreter certification program cannot be created and maintained without additional help. Last year, you responded to our request by authorizing a court interpreter coordinator position. This year, we hope you will join in our efforts to service our growing non-English speaking population by funding this position so that this important work may continue.

"The Judiciary continues to: (1) promote alternative dispute resolution or ADR options at every level of our courts; (2) assist in the development of programs in other government sectors; and (3) educate our young people regarding such options.

"As I shared with you in my address last year, our appellate mediation program has been quite successful, with approximately 50 percent of the cases referred to it being settled -- either in full or in part. Unfortunately, over a two-and-a-half year period, only 135 cases have been referred to this program due to the lack of a full-time program administrator. We believe that a full-time administrator is critical, if we are to maximize the potential of this important dispute resolution program. We are therefore seeking your support to fund an administrator position for the appellate medication program.

"Also, this past year, the Judiciary, together with the Hawai'i State Bar Association, began the School Mediator-Mentor Program -- a program designed to promote a culture of personal responsibility and peaceful problem-solving among Hawai'i's youth. Volunteers, many of them attorneys, serve as mentors to student peer mediation programs at twenty-two schools. The volunteers also mediate adult school-based disputes and coordinate workshops for parents, teachers, administrators, and students. By providing Hawai'i's youth with peaceful problem-solving tools, we hope to pave the way for future generations to be less litigious, more responsible, and better oriented toward resolving disputes, without violence or costly litigation.

"In October of 1997, a local newspaper and television station conducted a survey on making our community a better place to live. When asked the question, 'How much improvement do you think is needed in Hawai'i with respect to 13 different areas?' -- which included the economy, education, and the environment -- drug abuse ranked number one, and public safety ranked number four. Both issues are tied directly to the business of our courts.

"I am pleased to report that, thus far, the Drug Court's success has surpassed all initial expectations. Since its inception, Drug Court has processed approximately 210

individuals with more than 400 criminal cases among them. The average daily cost of Drug Court is \$14 per participant compared to \$79 for incarceration. To date, only 18 percent have failed the program, and forty participants have graduated, with only two having been charged with new criminal offenses.

"Without the Legislature's funding, many Drug Court participants would not have had the incentive, guidance, or support to kick their habits and become productive members of our community. On behalf of the Judiciary, and on behalf of these participants and their families, I thank you for your support.

"Because of Drug Court's success on O'ahu, we are now looking at expanding the program to Maui, where drug use is also a growing community problem. I hope that we can count on the Legislature's continued support for this exciting, successful, and innovative program.

"I turn now to the issue of public safety. Judging by recent media reports regarding the serious problem of prison overcrowding and the possibility that prisoners may have to be released, I suspect that the fourth place ranking in the October 1997 survey -- if taken today -- would be higher. The issue of prison overcrowding is not new and is not one that will be easily solved, especially in these difficult economic times. And, therefore, yesterday, I was pleased to hear the Governor's proposal to build a new prison.

"The Judiciary, in attempting to assist in addressing this long-standing problem, continues to explore alternative sentencing procedures to the extent we can do so within the bounds of the current law. As you may know, since October 1996, one of the Circuit Court trial divisions on Maui has offered defendants the option of 'sign holding' instead of incarceration. Essentially, defendants who select this option are required to hold a sign and wear a name tag along the roadside for four hours, four days per week. They must follow written terms and conditions set by the judge. The option is limited to offenders whose sentence includes probation. Offenders given prison sentences are not eligible.

"Public response has been very positive, and our statistics show a lower rate of recidivism among defendants willing to publicly acknowledge their wrongdoing. During the one year of the programs's operation, we estimate the savings in prison costs to the state to be approximately \$372,000. It is a 'win-win' situation where the sentences have the desired punitive effect and help to reform the defendant, while avoiding the expense of incarceration.

"Respect for the judicial system and confidence in its procedures are also products of a secure courthouse environment. Certainly, we cannot expect the public to have confidence in the Judiciary -- if people do not feel safe in our courts.

"Experience has shown that no court is immune to violence by virtue of its size or its geographic location. Across the country, and here in Hawai'i, court security has moved to the top of the list of concerns. The Hawai'i State Judiciary has had more bomb threats on O'ahu in the last two years than we have had in the past ten years. Just this past year: (1) a pipe bomb was brought into the Ewa District Court; (2) a press photographer was assaulted on Maui's court premises; (3) the Hilo District Court building was broken into and the safe stolen; and, (4) there were several fights on court premises that required deputy sheriffs to intervene. These bomb threats and acts of violence resulted in evacuations of court facilities and lengthy interruptions in the delivery of court services. More importantly, they endangered the public and public employees and threatened the public's confidence in our ability to protect them on court property.

"With your help, we have taken steps to address the security concerns. In the last two years, we have purchased X-ray

machines, metal detectors, and hand-held scanners for a number of court buildings. Unfortunately, the Department of Public Safety has not had enough deputy sheriffs to operate all of this equipment. Consequently, the Judiciary has had to hire private security guards. This session, we are seeking appropriations for additional private security guard positions for our rural and neighbor island courts. We are also seeking appropriations for surveillance cameras to replace outdated equipment at the District Court.

These measures, however, do not address all of our security needs. Effective court security requires specialized security staffing by deputy sheriffs. At present, we are far below the adequate sheriff staffing level. In short, the Judiciary needs additional deputy sheriff positions funded for the Sheriff's Division in the Department of Public Safety.

Ladies and gentlemen -- the Judiciary recognizes that it must do its part to address the ever-increasing budget shortfall. The State Auditor recently acknowledged our efforts in the past few years to increase the collections of fines and restitution. The Auditor also identified ways we can further improve our collections. We take the Auditor's recommendations seriously, and, although we have already begun to take additional steps, certain of our initiatives will require legislative action. With your support, we will continue to make progress and help add to the state's general revenues.

"As for our 1998-99 budget request, we are seeking an estimated \$91.6 million. Although our budget request is approximately one million dollars less than our current legislative appropriation, \$91.6 million is indeed a lot of money. But, I ask you to keep the Judiciary's budget in proper perspective by taking note of the fact that, since fiscal year 1990, the Judiciary's total share of the state pie has remained at less than 3 percent. Further, despite the fact that, over the past two years, the Judiciary's workforce has been reduced by 7 percent or 131 fewer Judiciary employees, we continue to seek ways to maximize the precious dollars you appropriate to us.

"Moreover, in full cooperation with the Governor's recent efforts, I have ordered a Judiciary hiring freeze and placed severe limits on out-of-state travel, overtime, and training. I have also directed Judiciary officials to study and consider recommending additional reforms, including a reduction in operating expenses, withdrawing certain of our budget requests, and more systemic changes, such as combining programs, job sharing, and a 10-hour workday/4-day workweek. Again, the Judiciary is fully aware that it has the identical responsibility as the Legislative and Executive Branches to take affirmative steps to address our economic concerns. However, it is apparent that, unless you are able to help us in those critical areas I've mentioned, we will simply have too few resources to serve your constituents.

"It is equally apparent that the Judiciary's workforce needs sufficient space in order to operate efficiently. Space has become a critical issue for the Judiciary across the state. I want to reaffirm my commitment to the Family Court Center and the Juvenile Detention Center at Kapolei. We thank you for your support last session regarding this project, and we ask for your further support this session to include the Judiciary in the statutory provisions relating to financing agreements. By allowing the Judiciary, like the Executive Branch, to enter into creative financing arrangements for major construction projects, the state can preserve scarce capital improvements project monies.

"Ladies and gentlemen -- the state of the Judiciary remains sound -- but it is fragile. Although we judges must remain independent in our decision-making in order to adhere to our constitutional responsibilities and obligations, the Judiciary is wholly dependent upon you to strengthen its infrastructure in order to maintain the concept of three separate, independent, co-equal branches of government. Without your help, our form

of government with its built in system of checks and balances will surely fail

"I thank the leadership and members of the Nineteenth Legislature for giving me the opportunity and honor of addressing you today on behalf of all of the employees of the Judiciary. We look forward to working with you to help maintain a justice system for the people of Hawaii of which we all can be justifiably proud. Mahalo."

Speaker Souki then rose and stated:

"Governor Cayetano, President Mizuguchi, Lt. Governor Hirono, Chief Justice Moon, former Chief Justice Richardson, members of the bench and staff, members of the House and guests:

"In short rebuttal to our Chief Justice, I want to thank you for addressing the Nineteenth Legislature and for your comprehensive remarks to this body.

"The Legislature is appreciative of your proactive community outreach programs that you have initiated and which are providing a great service to the people of the state.

"Also, we have noted and we have seen, in a time of growing caseloads, that you have succeeded in streamlining your branch of government. These efforts are very essential in these times of revenue shortfalls.

"Also, under your guidance, Chief Justice Moon, the Judiciary Branch remains a strong, independent branch of state government, a co-equal body with the Executive and the Legislative. In that spirit, we ask that the court and the bench, when reviewing cases, that you consider the legislative intent and the constitutional intent of the respective cases that you are looking at.

"The Legislature has faith in your leadership and extends deep gratitude for all of your work. Thank you very much and aloha.

"I declare the Joint Session be adjourned."

At 10:57 o'clock a.m., the Speaker declared the Joint Session adjourned.

#### INTRODUCTION OF SENATE BILLS

On motion by Senator McCartney, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 6:00 o'clock p.m. In consequence thereof, the following bills passed First Reading by title and were deferred:

Senate Bill

No. 2769 "A BILL FOR AN ACT RELATING TO IRRIGATION PROJECTS."

Introduced by: Senator Mizuguchi, by request.

No. 2770 "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS."

Introduced by: Senator Mizuguchi, by request.

No. 2771 "A BILL FOR AN ACT RELATING TO MILK."

Introduced by: Senator Mizuguchi, by request.

No. 2772 "A BILL FOR AN ACT RELATING TO PORK."

Introduced by: Senator Mizuguchi, by request.

No. 2773 "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE."

Introduced by: Senator Mizuguchi, by request.

No. 2774 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2775 "A BILL FOR AN ACT RELATING TO THE KING KAMEHAMEHA CELEBRATION COMMISSION."

Introduced by: Senator Mizuguchi, by request.

No. 2776 "A BILL FOR AN ACT RELATING TO SALARY PERIODS."

Introduced by: Senator Mizuguchi, by request.

No. 2777 "A BILL FOR AN ACT RELATING TO SALARY PAYMENTS TO NEW EMPLOYEES."

Introduced by: Senator Mizuguchi, by request.

No. 2778 "A BILL FOR AN ACT RELATING TO POOLED INSURANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2779 "A BILL FOR AN ACT RELATING TO THE STATE PARKING REVOLVING FUND."

Introduced by: Senator Mizuguchi, by request.

No. 2780 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE."

Introduced by: Senator Mizuguchi, by request.

No. 2781 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2782 "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR."

Introduced by: Senator Mizuguchi, by request.

No. 2783 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2784 "A BILL FOR AN ACT RELATING TO EXECUTIVE MEETINGS OF STATE AND COUNTY BOARDS."

Introduced by: Senator Mizuguchi, by request.

No. 2785 "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)."

Introduced by: Senator Mizuguchi, by request.

No. 2786 "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION."

Introduced by: Senator Mizuguchi, by request.

No. 2787 "A BILL FOR AN ACT RELATING TO RESTITUTION."

- Introduced by: Senator Mizuguchi, by request.
- No. 2788 "A BILL FOR AN ACT RELATING TO ORGANIZED CRIME."  
Introduced by: Senator Mizuguchi, by request.
- No. 2789 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW."  
Introduced by: Senator Mizuguchi, by request.
- No. 2790 "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT."  
Introduced by: Senator Mizuguchi, by request.
- No. 2791 "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT."  
Introduced by: Senator Mizuguchi, by request.
- No. 2792 "A BILL FOR AN ACT RELATING TO REPEAT OFFENDERS."  
Introduced by: Senator Mizuguchi, by request.
- No. 2793 "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS."  
Introduced by: Senator Mizuguchi, by request.
- No. 2794 "A BILL FOR AN ACT RELATING TO HABITUAL CRIMINAL BEHAVIOR."  
Introduced by: Senator Mizuguchi, by request.
- No. 2795 "A BILL FOR AN ACT RELATING TO STATES OF MIND."  
Introduced by: Senator Mizuguchi, by request.
- No. 2796 "A BILL FOR AN ACT RELATING TO ROBBERY IN THE FIRST DEGREE."  
Introduced by: Senator Mizuguchi, by request.
- No. 2797 "A BILL FOR AN ACT RELATING TO MENTAL AND MEDICAL EXAMINATION OF CONVICTED DEFENDANTS."  
Introduced by: Senator Mizuguchi, by request.
- No. 2798 "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT."  
Introduced by: Senator Mizuguchi, by request.
- No. 2799 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CLEAN HAWAII CENTER."  
Introduced by: Senator Mizuguchi, by request.
- No. 2800 "A BILL FOR AN ACT RELATING TO AUTHORITY OF THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ISSUE ECONOMIC DEVELOPMENT GRANTS."  
Introduced by: Senator Mizuguchi, by request.
- No. 2801 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."  
Introduced by: Senator Mizuguchi, by request.
- No. 2802 "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER."  
Introduced by: Senator Mizuguchi, by request.
- No. 2803 "A BILL FOR AN ACT RELATING TO HAWAII SMALL BUSINESS REGULATORY FLEXIBILITY ACT."  
Introduced by: Senator Mizuguchi, by request.
- No. 2804 "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII."  
Introduced by: Senator Mizuguchi, by request.
- No. 2805 "A BILL FOR AN ACT RELATING TO APPEALS FROM THE PUBLIC UTILITIES COMMISSION."  
Introduced by: Senator Mizuguchi, by request.
- No. 2806 "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS."  
Introduced by: Senator Mizuguchi, by request.
- No. 2807 "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS."  
Introduced by: Senator Mizuguchi, by request.
- No. 2808 "A BILL FOR AN ACT RELATING TO THE UNIVERSAL SERVICE FUND."  
Introduced by: Senator Mizuguchi, by request.
- No. 2809 "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII."  
Introduced by: Senator Mizuguchi, by request.
- No. 2810 "A BILL FOR AN ACT RELATING TO STATE FINANCES."  
Introduced by: Senator Mizuguchi, by request.
- No. 2811 "A BILL FOR AN ACT RELATING TO MANAGEMENT OF STATE FUNDS."  
Introduced by: Senator Mizuguchi, by request.
- No. 2812 "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII."  
Introduced by: Senator Mizuguchi, by request.
- No. 2813 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE UNCLAIMED PROPERTY PROGRAM."  
Introduced by: Senator Mizuguchi, by request.
- No. 2814 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."  
Introduced by: Senator Mizuguchi, by request.

No. 2815 "A BILL FOR AN ACT RELATING TO COMPOSITION OF THE BOARD OF THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Mizuguchi, by request.

No. 2816 "A BILL FOR AN ACT RELATING TO COMPOSITION OF THE BOARD OF THE HAWAII PUBLIC EMPLOYEES' HEALTH FUND."

Introduced by: Senator Mizuguchi, by request.

No. 2817 "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS FOR PART-TIME, TEMPORARY, AND SEASONAL OR CASUAL EMPLOYEES."

Introduced by: Senator Mizuguchi, by request.

No. 2818 "A BILL FOR AN ACT RELATING TO BISHOP MUSEUM."

Introduced by: Senator Mizuguchi, by request.

No. 2819 "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES."

Introduced by: Senator Mizuguchi, by request.

No. 2820 "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2821 "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2822 "A BILL FOR AN ACT RELATING TO LEMON LAW DISCLOSURE COMPLIANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2823 "A BILL FOR AN ACT RELATING TO TIME SHARE IDENTIFICATION BADGES."

Introduced by: Senator Mizuguchi, by request.

No. 2824 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF THE PROFESSIONAL AND VOCATIONAL LICENSING LAWS."

Introduced by: Senator Mizuguchi, by request.

No. 2825 "A BILL FOR AN ACT RELATING TO SENIOR PSYCHOLOGISTS."

Introduced by: Senator Mizuguchi, by request.

No. 2826 "A BILL FOR AN ACT RELATING TO POWERS OF THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO ENFORCE CHAPTER 462A, HAWAII REVISED STATUTES."

Introduced by: Senator Mizuguchi, by request.

No. 2827 "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE EXAMINATIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2828 "A BILL FOR AN ACT RELATING TO PHARMACIES."

Introduced by: Senator Mizuguchi, by request.

No. 2829 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIRS."

Introduced by: Senator Mizuguchi, by request.

No. 2830 "A BILL FOR AN ACT RELATING TO SPECIALTY ELECTRICIANS."

Introduced by: Senator Mizuguchi, by request.

No. 2831 "A BILL FOR AN ACT RELATING TO NATUROPATHY."

Introduced by: Senator Mizuguchi, by request.

No. 2832 "A BILL FOR AN ACT RELATING TO INVESTIGATIVE SUBPOENAS."

Introduced by: Senator Mizuguchi, by request.

No. 2833 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LEASE DISCLOSURE."

Introduced by: Senator Mizuguchi, by request.

No. 2834 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2835 "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES."

Introduced by: Senator Mizuguchi, by request.

No. 2836 "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD."

Introduced by: Senator Mizuguchi, by request.

No. 2837 "A BILL FOR AN ACT RELATING TO PROHIBITED MOTOR VEHICLE INSURANCE PRACTICES."

Introduced by: Senator Mizuguchi, by request.

No. 2838 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2839 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2840 "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2841 "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE."

Introduced by: Senator Mizuguchi, by request.

No. 2842 "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL MALPRACTICE UNDERWRITING PLAN."

Introduced by: Senator Mizuguchi, by request.

No. 2843 "A BILL FOR AN ACT RELATING TO RATEMAKING PROCEDURES FOR REGULATED WATER CARRIERS."



- Introduced by: Senator Mizuguchi, by request.
- No. 2844 "A BILL FOR AN ACT RELATING TO ISSUANCE OF UTILITY VOTING STOCK."  
Introduced by: Senator Mizuguchi, by request.
- No. 2845 "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH."  
Introduced by: Senator Mizuguchi, by request.
- No. 2846 "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS."  
Introduced by: Senator Mizuguchi, by request.
- No. 2847 "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS."  
Introduced by: Senator Mizuguchi, by request.
- No. 2848 "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION."  
Introduced by: Senator Mizuguchi, by request.
- No. 2849 "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS."  
Introduced by: Senator Mizuguchi, by request.
- No. 2850 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."  
Introduced by: Senator Mizuguchi, by request.
- No. 2851 "A BILL FOR AN ACT RELATING TO IMMUNIZATION."  
Introduced by: Senator Mizuguchi, by request.
- No. 2852 "A BILL FOR AN ACT RELATING TO THE VOLUNTARY RESPONSE PROGRAM."  
Introduced by: Senator Mizuguchi, by request.
- No. 2853 "A BILL FOR AN ACT RELATING TO SMALL ESTATES."  
Introduced by: Senator Mizuguchi, by request.
- No. 2854 "A BILL FOR AN ACT RELATING TO GRANDPARENTS' VISITATION RIGHTS."  
Introduced by: Senator Mizuguchi, by request.
- No. 2855 "A BILL FOR AN ACT RELATING TO TELEHEALTH."  
Introduced by: Senator Mizuguchi, by request.
- No. 2856 "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION."  
Introduced by: Senator Mizuguchi, by request.
- No. 2857 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION."  
Introduced by: Senator Mizuguchi, by request.
- No. 2858 "A BILL FOR AN ACT RELATING TO NURSE MIDWIVES."  
Introduced by: Senator Mizuguchi, by request.
- No. 2859 "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION."  
Introduced by: Senator Mizuguchi, by request.
- No. 2860 "A BILL FOR AN ACT RELATING TO THE CHRONIC RENAL DISEASE PROGRAM."  
Introduced by: Senator Mizuguchi, by request.
- No. 2861 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EMERGENCY MEDICAL SERVICES."  
Introduced by: Senator Mizuguchi, by request.
- No. 2862 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH ADULT MENTAL HEALTH DIVISION."  
Introduced by: Senator Mizuguchi, by request.
- No. 2863 "A BILL FOR AN ACT RELATING TO AUTOMATION OF HAWAIIAN GENEALOGICAL RECORDS."  
Introduced by: Senator Mizuguchi, by request.
- No. 2864 "A BILL FOR AN ACT RELATING TO HOSPITAL REVENUE BONDS FOR THE HAWAII HEALTH SYSTEMS CORPORATION."  
Introduced by: Senator Mizuguchi, by request.
- No. 2865 "A BILL FOR AN ACT RELATING TO SERVICES FOR DEVELOPMENTAL DISABILITIES."  
Introduced by: Senator Mizuguchi, by request.
- No. 2866 "A BILL FOR AN ACT RELATING TO PERSONNEL FOR MENTAL HEALTH."  
Introduced by: Senator Mizuguchi, by request.
- No. 2867 "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION."  
Introduced by: Senator Mizuguchi, by request.
- No. 2868 "A BILL FOR AN ACT RELATING TO FEES COLLECTED BY THE DEPARTMENT OF HEALTH."  
Introduced by: Senator Mizuguchi, by request.
- No. 2869 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."  
Introduced by: Senator Mizuguchi, by request.
- No. 2870 "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION."  
Introduced by: Senator Mizuguchi, by request.
- No. 2871 "A BILL FOR AN ACT RELATING TO SCHOOL ATTENDANCE."  
Introduced by: Senator Mizuguchi, by request.

No. 2872 "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE."

Introduced by: Senator Mizuguchi, by request.

No. 2873 "A BILL FOR AN ACT RELATING TO YOUTH FACILITY."

Introduced by: Senator Mizuguchi, by request.

No. 2874 "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES."

Introduced by: Senator Mizuguchi, by request.

No. 2875 "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2876 "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE."

Introduced by: Senator Mizuguchi, by request.

No. 2877 "A BILL FOR AN ACT RELATING TO PERSONAL CARE SERVICES PAYMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2878 "A BILL FOR AN ACT RELATING TO MEDICAID OVERPAYMENT RECOVERY."

Introduced by: Senator Mizuguchi, by request.

No. 2879 "A BILL FOR AN ACT RELATING TO LONG-TERM CARE."

Introduced by: Senator Mizuguchi, by request.

No. 2880 "A BILL FOR AN ACT RELATING TO THE COMPENSATION PLAN."

Introduced by: Senator Mizuguchi, by request.

No. 2881 "A BILL FOR AN ACT RELATING TO THE RECRUITMENT OF EMPLOYEES FOR STATE SERVICE."

Introduced by: Senator Mizuguchi, by request.

No. 2882 "A BILL FOR AN ACT RELATING TO THE COMPENSATION PLAN FOR MANAGERIAL POSITIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2883 "A BILL FOR AN ACT RELATING TO HEARINGS OF THE PUBLIC EMPLOYEES COMPENSATION APPEALS BOARD."

Introduced by: Senator Mizuguchi, by request.

No. 2884 "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS."

Introduced by: Senator Mizuguchi, by request.

No. 2885 "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS."

Introduced by: Senator Mizuguchi, by request.

No. 2886 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Mizuguchi, by request.

No. 2887 "A BILL FOR AN ACT RELATING TO AMUSEMENT RIDES, INCLUDING BUNGEE JUMPING."

Introduced by: Senator Mizuguchi, by request.

No. 2888 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Senator Mizuguchi, by request.

No. 2889 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2890 "A BILL FOR AN ACT RELATING TO FIRE PROTECTION INSPECTIONS."

Introduced by: Senator Mizuguchi, by request.

No. 2891 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Senator Mizuguchi, by request.

No. 2892 "A BILL FOR AN ACT RELATING TO OCEAN LEASING."

Introduced by: Senator Mizuguchi, by request.

No. 2893 "A BILL FOR AN ACT RELATING TO THE SPECIAL LAND AND DEVELOPMENT FUND."

Introduced by: Senator Mizuguchi, by request.

No. 2894 "A BILL FOR AN ACT RELATING TO RESOURCE VALUE LANDS."

Introduced by: Senator Mizuguchi, by request.

No. 2895 "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES."

Introduced by: Senator Mizuguchi, by request.

No. 2896 "A BILL FOR AN ACT RELATING TO THE FOREST STEWARDSHIP PROGRAM."

Introduced by: Senator Mizuguchi, by request.

No. 2897 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."

Introduced by: Senator Mizuguchi, by request.

No. 2898 "A BILL FOR AN ACT RELATING TO DISPOSITION OF SUBMERGED LANDS."

Introduced by: Senator Mizuguchi, by request.

No. 2899 "A BILL FOR AN ACT RELATING TO FORESTRY."

Introduced by: Senator Mizuguchi, by request.

No. 2900 "A BILL FOR AN ACT RELATING TO CONSERVATION OF THREATENED AND ENDANGERED SPECIES."

Introduced by: Senator Mizuguchi, by request.

No. 2901 "A BILL FOR AN ACT RELATING TO STATE PARKS."

- Introduced by: Senator Mizuguchi, by request.
- No. 2902 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION FEES."
- Introduced by: Senator Mizuguchi, by request.
- No. 2903 "A BILL FOR AN ACT RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN."
- Introduced by: Senator Mizuguchi, by request.
- No. 2904 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES."
- Introduced by: Senator Mizuguchi, by request.
- No. 2905 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."
- Introduced by: Senator Mizuguchi, by request.
- No. 2906 "A BILL FOR AN ACT RELATING TO DEPARTMENT OF PUBLIC SAFETY."
- Introduced by: Senator Mizuguchi, by request.
- No. 2907 "A BILL FOR AN ACT RELATING TO AIRPORTS."
- Introduced by: Senator Mizuguchi, by request.
- No. 2908 "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS."
- Introduced by: Senator Mizuguchi, by request.
- No. 2909 "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS."
- Introduced by: Senator Mizuguchi, by request.
- No. 2910 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."
- Introduced by: Senator Mizuguchi, by request.
- No. 2911 "A BILL FOR AN ACT RELATING TO RIDING BICYCLES ON ROADWAYS."
- Introduced by: Senator Mizuguchi, by request.
- No. 2912 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
- Introduced by: Senator Mizuguchi, by request.
- No. 2913 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
- Introduced by: Senator Mizuguchi, by request.
- No. 2914 "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING."
- Introduced by: Senator Mizuguchi, by request.
- No. 2915 "A BILL FOR AN ACT RELATING TO DONATIONS TO GOVERNMENT AGENCIES."
- Introduced by: Senator Mizuguchi, by request.
- No. 2916 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS."
- Introduced by: Senator Mizuguchi, by request.
- No. 2917 "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE UNIVERSITY OF HAWAII."
- Introduced by: Senator Mizuguchi, by request.
- No. 2918 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE UNIVERSITY OF HAWAII."
- Introduced by: Senator Mizuguchi, by request.
- No. 2919 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CREATION OF AN OUTDOOR LEARNING ENVIRONMENT FOR ENCHANTED LAKE ELEMENTARY SCHOOL."
- Introduced by: Senator Anderson.
- No. 2920 "A BILL FOR AN ACT RELATING TO LEGAL REPRESENTATION."
- Introduced by: Senator Aki.
- No. 2921 "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE EDUCATION."
- Introduced by: Senators Aki, Solomon, Iwase, Tam.
- No. 2922 "A BILL FOR AN ACT RELATING TO GOVERNMENT."
- Introduced by: Senators Baker, Fukunaga, McCartney, Ige, D., Ihara.
- No. 2923 "A BILL FOR AN ACT RELATING TO THE OMBUDSMAN."
- Introduced by: Senators Baker, Fukunaga, Chumbley, Chun Oakland, Ige, D., Levin.
- No. 2924 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR A PRISON IN KA'U, HAWAII."
- Introduced by: Senator Solomon.
- No. 2925 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."
- Introduced by: Senators Sakamoto, Kawamoto.
- No. 2926 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX EXEMPTIONS."
- Introduced by: Senators Sakamoto, Slom, Aki, Kawamoto, Bunda, Chumbley, Chun Oakland, Iwase.
- No. 2927 "A BILL FOR AN ACT RELATING TO TAXATION."
- Introduced by: Senators Sakamoto, Bunda, Iwase, Kawamoto.
- No. 2928 "A BILL FOR AN ACT RELATING TO THE BUDGET."
- Introduced by: Senators Kanno, Kawamoto.
- No. 2929 "A BILL FOR AN ACT RELATING TO TOURISM."
- Introduced by: Senator Tanaka.

No. 2930 "A BILL FOR AN ACT RELATING TO UNDERWATER ATTRACTIONS."

Introduced by: Senator Tanaka.

No. 2931 "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARK LEASES."

Introduced by: Senator Tanaka.

No. 2932 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR VARIOUS PROJECTS IN MAUI COUNTY."

Introduced by: Senator Tanaka.

No. 2933 "A BILL FOR AN ACT RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES."

Introduced by: Senator Solomon.

No. 2934 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION CLAIMS ARISING FROM DISCIPLINARY ACTIONS FOR JUST CAUSE."

Introduced by: Senators Kanno, Chun Oakland.

No. 2935 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."

Introduced by: Senators Kanno, Chun Oakland.

No. 2936 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CENTER FOR CONSERVATION RESEARCH AND TRAINING."

Introduced by: Senator Mizuguchi, by request.

No. 2937 "A BILL FOR AN ACT RELATING TO CRIME LABORATORY SERVICE ASSESSMENT FEE."

Introduced by: Senator Mizuguchi, by request.

No. 2938 "A BILL FOR AN ACT RELATING TO PUBLIC TRUST LANDS."

Introduced by: Senator Mizuguchi, by request.

No. 2939 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XI, SECTION 7, OF THE HAWAII CONSTITUTION, CONCERNING WATER RESOURCES MANAGEMENT."

Introduced by: Senator Mizuguchi, by request.

No. 2940 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION OF NONPROFIT HOMEOWNERS OR COMMUNITY ASSOCIATIONS."

Introduced by: Senator Iwase.

No. 2941 "A BILL FOR AN ACT RELATING TO LIQUOR."

Introduced by: Senator Solomon.

No. 2942 "A BILL FOR AN ACT RELATING TO POLITICAL PARTIES."

Introduced by: Senator McCartney.

No. 2943 "A BILL FOR AN ACT RELATING TO KANEOHE BAY REGIONAL COUNCIL."

Introduced by: Senator McCartney.

No. 2944 "A BILL FOR AN ACT RELATING TO HAWAIIAN FISH PONDS."

Introduced by: Senator McCartney.

No. 2945 "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT."

Introduced by: Senator McCartney.

No. 2946 "A BILL FOR AN ACT RELATING TO FEDERAL IMPACT AID."

Introduced by: Senators Aki, Tam.

No. 2947 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Senator Levin.

No. 2948 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Senator Levin.

No. 2949 "A BILL FOR AN ACT RELATING TO THE HAWAII MARITIME COMMUNITY AUTHORITY."

Introduced by: Senators Kawamoto, Sakamoto.

No. 2950 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A NATIONAL MEMORIAL TO HONOR AMERICA'S SERVICE WOMEN."

Introduced by: Senators Kawamoto, Baker, Fukunaga.

No. 2951 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS."

Introduced by: Senators Kawamoto, Sakamoto.

No. 2952 "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY EDUCATION."

Introduced by: Senators Kawamoto, Kanno, Tam.

No. 2953 "A BILL FOR AN ACT RELATING TO CENTRAL AUDITORY PROCESSING DEFICITS."

Introduced by: Senators Kawamoto, Chun Oakland, Kanno, Tam.

No. 2954 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Senators Tam, Kanno, Aki, Anderson, Chun Oakland, Fukunaga, Ihara, Iwase, Kawamoto, Matsunaga, McCartney, Metcalf, Slom, Solomon.

No. 2955 "A BILL FOR AN ACT RELATING TO ASSAULT."

Introduced by: Senators Tam, Kanno, Anderson, Chun Oakland, Fukunaga, Ihara, Iwase, Kawamoto, Levin, Matsunaga, McCartney, Metcalf, Slom, Solomon, Taniguchi.

No. 2956 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Tam, Aki, Chumbley, Chun Oakland, Fukunaga, Kawamoto, McCartney, Metcalf, Slom, Solomon.

No. 2957 "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING."

Introduced by: Senator Tam.

No. 2958 "A BILL FOR AN ACT RELATING TO PLATINUM JEWELRY."

Introduced by: Senators Tam, Fukunaga, Chun Oakland, Ihara.

No. 2959 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A PURCHASE OF SERVICES FOR 'ANO'ANO ALOHA'S 'NATIVE SEEDS: COMMUNITY MAPPING' PROJECT."

Introduced by: Senators Bunda, Aki, Baker, Chun Oakland, Fukunaga, Ige, D., Iwase, Kanno, Kawamoto, McCartney, Tam, Tanaka.

No. 2960 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."

Introduced by: Senators Bunda, Aki, Baker, Chun Oakland, Ige, D., Iwase, Kanno, Kawamoto, McCartney, Sakamoto, Solomon, Tam, Tanaka.

No. 2961 "A BILL FOR AN ACT RELATING TO FOREIGN CAPITAL DEPOSITORIES."

Introduced by: Senators Bunda, Aki, Baker, Chun Oakland, Ige, D., Kanno, McCartney, Sakamoto, Tam, Tanaka, Taniguchi.

No. 2962 "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Senators Baker, Chumbley.

No. 2963 "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE."

Introduced by: Senators Baker, Chumbley.

No. 2964 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES HEALTH FUND."

Introduced by: Senators Baker, Kanno, Fukunaga.

No. 2965 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HANA COMMUNITY HEALTH CENTER."

Introduced by: Senators Chumbley, Baker, Levin.

No. 2966 "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION."

Introduced by: Senators Matsunaga, Chumbley.

No. 2967 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KIDS VOTING HAWAII."

Introduced by: Senators McCartney, Tam.

No. 2968 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EAST-WEST CENTER."

Introduced by: Senators Fukunaga, Ige, D.

No. 2969 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."

Introduced by: Senator Fukunaga.

No. 2970 "A BILL FOR AN ACT RELATING TO NOISE."

Introduced by: Senators Fukunaga, Ihara, Taniguchi.

No. 2971 "A BILL FOR AN ACT RELATING TO ATTORNEYS."

Introduced by: Senator Fukunaga, by request.

No. 2972 "A BILL FOR AN ACT RELATING TO THE PREPAID HEALTH CARE ACT."

Introduced by: Senator Sakamoto.

No. 2973 "A BILL FOR AN ACT RELATING TO ABORTION."

Introduced by: Senators Sakamoto, Aki, Anderson, Slom, Tanaka.

No. 2974 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Metcalf.

No. 2975 "A BILL FOR AN ACT RELATING TO LIABILITY."

Introduced by: Senator Metcalf.

No. 2976 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Metcalf.

No. 2977 "A BILL FOR AN ACT RELATING TO GOVERNMENT CONTRACTS."

Introduced by: Senator Metcalf, by request.

No. 2978 "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES."

Introduced by: Senator Metcalf.

No. 2979 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Kanno.

No. 2980 "A BILL FOR AN ACT RELATING TO DEGREE-GRANTING INSTITUTIONS."

Introduced by: Senator Ige, D., by request.

No. 2981 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Senator Ige, D.

No. 2982 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Ige, D., Fukunaga.

No. 2983 "A BILL FOR AN ACT RELATING TO OFFICE OF INFORMATION PRACTICES."

Introduced by: Senators Ihara, Ige, D., McCartney, Metcalf.

No. 2984 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TENTH SENATORIAL DISTRICT."

Introduced by: Senator Ihara.

No. 2985 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Ihara, Baker, Fukunaga, Ige, D., McCartney.

No. 2986 "A BILL FOR AN ACT RELATING TO A MEDICAID LONG-TERM CARE DEMONSTRATION PROJECT."

Introduced by: Senators Chun Oakland, Kanno.

No. 2987 "A BILL FOR AN ACT RELATING TO CHILD PROTECTION."

Introduced by: Senator Chun Oakland.

No. 2988 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW."

Introduced by: Senators Chun Oakland, Kanno.

No. 2989 "A BILL FOR AN ACT RELATING TO THE DISABLED."

Introduced by: Senators Chun Oakland, Bunda.

No. 2990 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT."

Introduced by: Senators Chun Oakland, Kanno, Metcalf, Chumbley, Taniguchi, Ihara, McCartney, Kawamoto, Sakamoto, Matsunaga, Levin, Baker, Solomon, Tam, Ige, D., Aki, Fukunaga, Slom, Anderson, Bunda.

No. 2991 "A BILL FOR AN ACT RELATING TO A COMMUNITY-BASED INTEGRATED SOCIAL SERVICE PILOT PROJECT."

Introduced by: Senator Kanno, Kawamoto.

No. 2992 "A BILL FOR AN ACT RELATING TO THE CONSERVATION DISTRICT."

Introduced by: Senator Mizuguchi, by request.

No. 2993 "A BILL FOR AN ACT RELATING TO KAWAINUI MARSH."

Introduced by: Senator Mizuguchi, by request.

No. 2994 "A BILL FOR AN ACT RELATING TO THE CAMPAIGN SPENDING COMMISSION."

Introduced by: Senator Mizuguchi, by request.

No. 2995 "A BILL FOR AN ACT RELATING TO IRRIGATION."

Introduced by: Senator Mizuguchi, by request.

No. 2996 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR PUBLIC SAFETY."

Introduced by: Senator Mizuguchi, by request.

No. 2997 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Mizuguchi, by request.

No. 2998 "A BILL FOR AN ACT RELATING TO WITNESS AND DEFENDANT EXPENSES."

Introduced by: Senator Mizuguchi, by request.

No. 2999 "A BILL FOR AN ACT RELATING TO INVESTMENTS OF THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Mizuguchi, by request.

No. 3000 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Mizuguchi, by request.

No. 3001 "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS."

Introduced by: Senator Mizuguchi, by request.

No. 3002 "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE."

Introduced by: Senator Mizuguchi, by request.

No. 3003 "A BILL FOR AN ACT RELATING TO CHILD CARE FACILITIES."

Introduced by: Senator Mizuguchi, by request.

No. 3004 "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE."

Introduced by: Senator Mizuguchi, by request.

No. 3005 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senator Mizuguchi, by request.

No. 3006 "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES."

Introduced by: Senator Mizuguchi, by request.

No. 3007 "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT CORPORATIONS."

Introduced by: Senator Mizuguchi, by request.

No. 3008 "A BILL FOR AN ACT RELATING TO TAX CREDITS TO FACILITATE REGULATORY OVERSIGHT BY THE INSURANCE COMMISSIONER."

Introduced by: Senator Mizuguchi, by request.

No. 3009 "A BILL FOR AN ACT RELATING TO THE INCOME TAX DEDUCTION FOR DIVIDENDS."

Introduced by: Senator Mizuguchi, by request.

No. 3010 "A BILL FOR AN ACT RELATING TO TAX RELIEF FOR HEALTH CARE."

Introduced by: Senator Mizuguchi, by request.

No. 3011 "A BILL FOR AN ACT RELATING TO THE INCOME TAXATION OF NONRESIDENTS."

Introduced by: Senator Mizuguchi, by request.

No. 3012 "A BILL FOR AN ACT RELATING TO THE USE TAX."

Introduced by: Senator Mizuguchi, by request.

No. 3013 "A BILL FOR AN ACT RELATING TO THE CIGARETTE TAX."

- Introduced by: Senator Mizuguchi, by request.
- No. 3014 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX SUBLEASE DEDUCTION."
- Introduced by: Senator Mizuguchi, by request.
- No. 3015 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX EXEMPTION FOR AIRCRAFT SERVICE AND MAINTENANCE FACILITIES."
- Introduced by: Senator Mizuguchi, by request.
- No. 3016 "A BILL FOR AN ACT RELATING TO THE USE TAXATION OF USED MOTOR VEHICLES."
- Introduced by: Senator Mizuguchi, by request.
- No. 3017 "A BILL FOR AN ACT RELATING TO CAPITOL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE ELEVENTH SENATORIAL DISTRICT."
- Introduced by: Senator Taniguchi.
- No. 3018 "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE."
- Introduced by: Senator Taniguchi.
- No. 3019 "A BILL FOR AN ACT RELATING TO TOURISM."
- Introduced by: Senator Taniguchi.
- No. 3020 "A BILL FOR AN ACT RELATING TO SCHOOL SAFETY."
- Introduced by: Senator Taniguchi.
- No. 3021 "A BILL FOR AN ACT RELATING TO SCHOOL SAFETY."
- Introduced by: Senator Taniguchi.
- No. 3022 "A BILL FOR AN ACT RELATING TO IRRIGATION AND WATER UTILIZATION PROJECTS."
- Introduced by: Senator Mizuguchi, by request.
- No. 3023 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- Introduced by: Senator Mizuguchi, by request.
- No. 3024 "A BILL FOR AN ACT RELATING TO QUARANTINE."
- Introduced by: Senator Mizuguchi, by request.
- No. 3025 "A BILL FOR AN ACT RELATING TO MILK CONTROL."
- Introduced by: Senator Mizuguchi, by request.
- No. 3026 "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION."
- Introduced by: Senator Mizuguchi, by request.
- No. 3027 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
- Introduced by: Senator Mizuguchi, by request.
- No. 3028 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."
- Introduced by: Senator Mizuguchi, by request.
- No. 3029 "A BILL FOR AN ACT RELATING TO THE CIVIL IDENTIFICATION PROGRAM."
- Introduced by: Senator Mizuguchi, by request.
- No. 3030 "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES."
- Introduced by: Senator Mizuguchi, by request.
- No. 3031 "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC."
- Introduced by: Senator Mizuguchi, by request.
- No. 3032 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY DEVELOPMENT."
- Introduced by: Senator Mizuguchi, by request.
- No. 3033 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM MARKETING."
- Introduced by: Senator Mizuguchi, by request.
- No. 3034 "A BILL FOR AN ACT RELATING TO THE HAWAII MARITIME AUTHORITY."
- Introduced by: Senator Mizuguchi, by request.
- No. 3035 "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII."
- Introduced by: Senator Mizuguchi, by request.
- No. 3036 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Senator Mizuguchi, by request.
- No. 3037 "A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS."
- Introduced by: Senator Mizuguchi, by request.
- No. 3038 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO REPEAL CERTAIN PROVISIONS RELATING TO JUDICIAL COMPENSATION TO PERMIT JUDICIAL COMPENSATION TO BE ADMINISTERED IN CONFORMITY WITH OTHER EXEMPT SALARIED OFFICERS OF THE STATE."
- Introduced by: Senator Mizuguchi, by request.
- No. 3039 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."
- Introduced by: Senator Mizuguchi, by request.
- No. 3040 "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION."
- Introduced by: Senator Mizuguchi, by request.
- No. 3041 "A BILL FOR AN ACT RELATING TO PUBLICATION OF NOTICES BY GOVERNMENT AGENCIES."
- Introduced by: Senator Mizuguchi, by request.

No. 3042 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Senator Mizuguchi, by request.

No. 3043 "A BILL FOR AN ACT RELATING TO GOVERNMENT COMPUTER SYSTEMS WHICH ARE NOT YEAR 2000 COMPLIANT."

Introduced by: Senator Mizuguchi, by request.

No. 3044 "A BILL FOR AN ACT RELATING TO SETTLEMENTS OF CLAIMS AGAINST THE STATE."

Introduced by: Senator Mizuguchi, by request.

No. 3045 "A BILL FOR AN ACT RELATING TO LAND COURT."

Introduced by: Senator Mizuguchi, by request.

No. 3046 "A BILL FOR AN ACT RELATING TO MISCONDUCT BY PUBLIC OFFICERS OR EMPLOYEES."

Introduced by: Senator Mizuguchi, by request.

No. 3047 "A BILL FOR AN ACT RELATING TO THE REORGANIZATION OF THE DEPARTMENTS OF ACCOUNTING AND GENERAL SERVICES, BUDGET AND FINANCE, AND HUMAN RESOURCES DEVELOPMENT."

Introduced by: Senator Mizuguchi, by request.

No. 3048 "A BILL FOR AN ACT RELATING TO THE REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE AND OTHER EXECUTIVE BRANCHES OF STATE GOVERNMENT."

Introduced by: Senator Mizuguchi, by request.

No. 3049 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."

Introduced by: Senator Mizuguchi, by request.

No. 3050 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED."

Introduced by: Senator Mizuguchi, by request.

No. 3051 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Senator Mizuguchi, by request.

No. 3052 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

Introduced by: Senator Mizuguchi, by request.

#### ADJOURNMENT

At 6:00 o'clock p.m., the Senate adjourned until 11:00 o'clock a.m., Wednesday, January 28, 1998.



ATTACHMENT "A"

MISC. COMM. NO. 6

REPORT OF THE SENATE PRESIDENT  
CONCERNING THE MATTER OF  
SENATOR JAMES AKI

Honolulu, Hawaii

January 27, 1998

The Senate  
Nineteenth State Legislature  
Regular Session of 1998  
State of Hawaii

Members of the Senate:

In my capacity as President of the Senate of the Nineteenth State Legislature, I have taken certain steps before the commencement of the session to resolve matters regarding Senator James Aki. I anticipate a very difficult legislative session, and believe that it would be in our best interest that I resolve this matter expeditiously.

The purpose of this report is to report on my actions and to present the facts and issues in Senator Aki's case, the conclusions and result of my review of the facts and my meetings with Senator Aki, to recommend sanctions, if appropriate, and to conclude this matter administratively.

The facts and issues have been found and determined by the Judiciary Committee. In addition Senator Aki has provided additional information to supplement the Judiciary Committee's report. I have reviewed these facts and issues and have discussed them with Senator Aki.

On January 21, 1998, after my meeting with Senator Aki, I received a report by members of the Judiciary Committee who referred to themselves as dissenting members of the Judiciary Committee. I have taken their report into consideration in my deliberation on this matter.

I want to note that Mr. Desmond Byrne of Common Cause Hawaii filed a complaint with my office on this matter. I did not discuss my actions with Mr. Byrne; however, I wish to thank him for his commitment to the goals of Common Cause Hawaii. As members of the Senate, we have to represent the public's interest in this matter, and deal with public accusations against our members, and do so in the interest of the public. The complaint by Common Cause reminds us of our obligations.

I. Procedural Basis.

I am mindful of the questions by our members on whether my appointment of the Judiciary Committee to find the facts in an open forum was proper in light of our Senate Rules. The report by the dissenting members of the Judiciary Committee argues that the Judiciary Committee lacks jurisdiction to fact find "involving possible discipline against a member of the Senate," and that Rule 72 was violated.

My appointment of the Judiciary Committee to find and determine the facts in this matter was intended to assist me in performing my duties in a way that is consistent with the spirit and intent of Rule 72. In light of the public nature of the charges against Senator Aki, the Committee was asked to find the facts in an open and fair manner.

I appointed the Committee to only find the facts, not to judge nor make any recommendations as to discipline. Contrary to the dissenting members of the Committee, the Committee was not appointed as a special investigative committee. Under Chapter 21 of the Hawaii Revised Statutes, I do not have that authority without the consent of the Senate.

Under our Senate Rule 3(12), I believe that I am authorized to take actions and perform duties as are required by law or by our rules or as may properly pertain to the office of the Senate President. I believe that the Senate President may request the assistance of any of the committees to assist the President in performing the duties of the office. The Judiciary Committee appears to me to be the most appropriate one to fact find in the case before us.

Rule 72 as amended in 1995, included a provision requiring that the Senate President, upon receipt of a charge against a Senator, administratively resolve the charge before a special investigative committee is appointed. It is this intent, the administrative resolution, contained in Rule 72 that I wished to pursue. As I envisioned a difficult session, I believe that it was necessary to resolve this matter administratively. A special investigative committee with subpoena powers would have been the last resort.

I admit that the public charges against Senator Aki do not neatly fall into the language of Rule 72. The criminal indictments against one of our members were made publicly, and can not be easily ignored by those of us in the Senate. With the knowledge that one of our members had been publicly processed in the criminal courts, I could not ignore the language of the Constitution on our obligations to judge the qualifications of our members.

Article III, Section 12 of our Constitution states:

[The Senate] shall be the judge of the . . . qualifications of its own members and shall have for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure, or, upon a two-thirds vote of all the members [of the Senate], by suspension or expulsion of such member.

The constitutional provision is self-executing and does not require a rule or law to implement. I believe however, that Rule 72 provides us with a workable process to judge a member's qualifications in a manner that is fair to the member and consistent with due process.

I do not believe that I violated any of the rules of the Senate. But if it appears that I did, I did so to conform our actions to our constitutional obligations.

#### Background.

On July 18, 1996, the Grand Jury of the State of Hawaii charged Senator Aki with two felony counts relating to gambling activities. The activities allegedly took place two years earlier in February and March 1994.

Senator Aki publicly stated that he has not done anything wrong. He has and will continue to act in the best interest of the community and particularly the interest of the children in his community. He denied that he committed any crime. Nevertheless, criminal proceedings commenced against Senator Aki and ended on November 26, 1997. On that date, Judge Wilfred Watanabe accepted Senator Aki's request for a deferral of his no contest (DANC) pleas to the two charges. Judge Watanabe's acceptance of Senator Aki's DANC pleas concluded the criminal proceedings against Senator Aki on the condition that he pay a fine of \$1,000.00 to the general fund and does not violate the law.

On December 22, 1997, I appointed the Judiciary Committee to find and determine the facts involving Senator Aki's two felony gambling charges.

On January 19, 1998, the Committee submitted its report to me. The report noted that Senator Aki, on the advice of counsel, refused to testify.

According to Senator Aki's counsel, Senator Aki was advised not to testify because the Committee lacked jurisdiction to perform this fact-finding, and that the appointment of the Judiciary Committee violated Senator Aki's due process rights. Senator Aki did not wish to waive any rights that he may have had by testifying before the Committee.

On the date of the hearing on January 14, 1998, Senator Aki appeared before the Committee and submitted written comments.

After receipt of the report, I met with Senator Aki and his counsel. At Senator Aki's request, I agreed to give him and his counsel time to submit a written statement in his favor to be considered along with the Judiciary Committee's report.

#### Reasons for the Selection of Judiciary Committee.

There were several reasons why I decided to use the Judiciary Committee.

All of the information that I had on the case against Senator Aki came from television, newspaper, and unsubstantiated rumors. I needed more than that to determine whether Senator Aki committed a misconduct under the Constitution that would justify the Senate's imposition of punishment. I needed to see facts that were independently and impartially obtained. An established bi-partisan committee would best serve that purpose. The scope of the Judiciary Committee's responsibilities made it the committee of my choice.

Also, despite my personal belief that I would have been able to find the facts myself without any bias, I also believe that avoiding the appearance of bias in this matter was important. I was elected as President of the Senate succeeding Senator Aki. I did not feel comfortable in the role of a fact-finder under these circumstances.

#### Reasons for an Open Hearing.

My decision to allow the hearing to be open was not made in haste. The charges against Senator Aki were serious and publicly made. Senator Aki also expressed a desire to have a full and fair hearing. In light of the public nature of the charges against the Senator, and the need for a full and fair process, an open hearing was the only clear alternative.

An open hearing would have also provided Senator Aki a forum to state his case and express his views to be added to the Committee's report.

#### Findings of the Judiciary Committee.

On January 19, 1998, the Judiciary Committee submitted its report. I have supplemented the Findings with relevant facts provided by Senator Aki. I have also considered the dissenting members report. In summary, the report and Senator Aki's additions provide the following relevant facts:

On July 18, 1996, Senator James Aki was indicted by the grand jury on two counts: (1) promoting gambling in the first degree, and (2) unlawful operation of a business in violation of State racketeering laws.

The indictment by the grand jury is not a reliable basis for determining whether the Senator's conduct was in fact criminal.

The charges were the result of an undercover police investigation that began with an anonymous telephone call to the Honolulu Police Department (HPD) in January 1994. The caller stated that illegal gambling was taking place in Nanakuli.

The HPD commenced a sting operation in February and March 1994. Undercover police officers were on the premises on 12 different days and witnessed gambling in the form of bingo being operated by the United Parents and Children of Polynesia, Inc. (UPCOP) on property that was owned by Senator Aki.

At no time during the 12 days of the sting operation was Senator Aki ever observed as being on the premises.

The Police observed that payments of \$20.00 to \$40.00 were required to play bingo, and approximately 250 to 350 individuals participated in the bingo games during each of the days that the HPD were on the premises.

According to the HPD, UPCOP had workers collecting monies from and making change for participants, parking cars, selling bingo cards, and serving food and drinks. Waitresses took orders and delivered food and drink from Nanakuli Inn. The restaurant was owned by Senator Aki. Senator Aki does not himself operate the restaurant.

HPD did not have any specific evidence that food and drink were purchased from Nanakuli Inn. Senator Aki stated that UPCOP used the kitchen facilities, materials and supplies, and actually owes more than \$2,000.00 to Nanakuli Inn.

HPD estimated that UPCOP collected \$20,650.00 per day and the State Department of Taxation calculations indicted that in 1994, UPCOP realized an income of \$83,960.00.

After the last raid by the Police on March 12, 1994, HPD discovered \$23,273.00 in a back room of the property, and documents that revealed that Senator Aki was made an honorary officer of UPCOP.

Senator Aki had no knowledge of his being named as an honorary officer of UPCOP.

UPCOP was a church based nonprofit organization to raise money for community projects, educational scholarships and to assist members in the community to become self-sufficient. Senator Aki knew the pastor of the church, and through that relationship was introduced to the principals of UPCOP.

Senator Aki was informed that the principals of UPCOP were church members and parents of children living in his senatorial district.

In 1993, UPCOP contacted the manager of the property that was owned by Senator Aki to rent and to use it for UPCOP's fundraising purposes. At that time, Senator Aki did not know, nor did he ask how the money would be raised by UPCOP's use of his property. He agreed to let UPCOP use 5,000 square feet of his property, but because he was intending to sell the property, he did not want to enter into a long term lease and tie up his property.

UPCOP commenced occupancy of the property in November 1993. It hired a contractor to renovate the bathrooms, install concrete slabs, paint the building, and do other miscellaneous carpentry work. The work performed was poorly done and of no benefit to Senator Aki.

UPCOP paid the \$100.00 rent for November 1993. Senator Aki did not personally collect or receive any of the rental payments. Rental payments were collected on his behalf by the manager of the property, and deposited into his bank account. He believes that UPCOP made lease payments through March 1994.

Senator Aki first visited the leased premises in December 1993. At that time he saw about 50 individuals playing bingo. Senator Aki made two more visits to the site. During these visits, he did not see any exchange of monies, or selling of bingo cards, nor any drinking of alcoholic beverages. He observed a large number of members playing bingo in a well-behaved manner.

Senator Aki questioned UPCOP as to whether the property was being used illegally. He was assured by UPCOP that they were simply playing bingo, and that there were no profits being made by UPCOP and all proceeds that were collected went to community services, scholarships and assistance to members. Senator Aki, without further inquiry, accepted UPCOP's explanation.

In 1994, UPCOP requested more space as its activities on the property were increasing. Senator Aki agreed to let UPCOP use more of the property. He never discussed money matters with UPCOP. All money matters were discussed with the property manager, who agreed with UPCOP that \$500.00 would be a fair lease amount. Senator Aki did not visit the site during the period of UPCOP's heightened use of the premises.

Senator Aki admits that he knew that the reason for UPCOP's need for more space was that there were more and more people attending the bingo games.

Senator Aki denies that he received any monies from UPCOP, but acknowledges that his property manager may have collected rent. The total amount of rent received by Senator Aki's property manager during the period November 1993 to March 1994 was \$800.00.

Senator Aki denies that the Nanakuli Inn sold food and beverages to UPCOP.

In March 1994, HPD conducted a raid of the premises. Senator Aki was not present at the premises when the raid occurred.

When Senator Aki was informed of the raid, he immediately terminated the lease with UPCOP and refused to accept any further lease payments.

Senator Aki did not have a bad motive. In fact his motives in working with UPCOP were entirely based on his desire to help his community, and all the children that were in need of assistance and education. He believed in UPCOP and its charitable purposes.

Senator Aki was first elected to the State House of Representatives in 1970 and served in the 1971 State Legislature. He has been a member of the Hawaii State Legislature since then.

He has been a member of the State Senate since 1982 and currently represents the 21st Senatorial District. He was a public school teacher for 10 years, served in the United States Army Reserves, 100th Battalion from 1957 until 1967. He is currently a shareholder in Nanakuli Investments, Inc.

He has chaired numerous committees, including Education, Higher Education, Water, Land, and Hawaiian Affairs. He was elected by his peers to serve as the Senate President in the 1993-1994 Legislature.

Senator Aki's term will expire, and he will, if he so chooses, again run for office this year.

#### No Contest Pleas, Deferred Acceptance of No Contest Pleas and other Legal Issues.

The Judiciary Committee explained the no contest pleas, the deferred acceptance of no contest (DANC) plea process and its underlying principles, and other legal issues.

Deputy Prosecutor Randall Lee clarified that when a defendant pleads no contest, the accused is stating that he is aware of all the evidence presented and that he will not contest the charges. This is different from a guilty plea whereby a defendant expressly admits to a violation of the law and all the elements involved in the charge. A no contest plea is not the same as an admission of guilt because it cannot be used against Senator Aki in any civil action.

Senator Aki's attorney, Mr. Michael Green, stated that a no contest plea means that Senator Aki neither admitted nor denied the charges.

The acceptance of Senator Aki's DANC plea by the court means that he is no longer subject to a formal proceeding based on the same facts in the criminal case. The purpose behind the DANC plea process is to allow individuals, who make a mistake or an error in judgment, to continue their lives without a blemish on their otherwise good record.

According to Mr. Green, the court's acceptance of the DANC plea means that there has been no adjudication and therefore no judgment of any kind against Senator Aki.

#### Administrative Proceedings.

I first discussed my intentions to proceed with a peer review with Senator Aki in November 1997, soon after the conclusion of the criminal proceedings. I met with Senator Aki to discuss the findings made by the Judiciary Committee and my own preliminary findings and recommendations.

Senator Aki has agreed with my final report and has agreed to conclude this matter administratively and to accept my recommendations.

#### Appraisal of the Situation.

The court has reviewed the very same facts that we have before us and has deferred making a judgment in this case. Its decision in the criminal proceeding was made without regard to Senator Aki's social or political status. It has both the expertise and procedures to properly and fairly make the call.

I did not judge Senator Aki according to our criminal laws and procedures. We are obligated by our Constitution to determine if the Senator, in light of the public charges that were made against him, his conduct, and the facts as we know them, should be judged by us, and if misconduct, disorderly behavior or neglect of duty is found, punished by expulsion, suspension, or by censure or other penalty, or not at all.

In our judgment, we must be mindful that Senator Aki has served the public well and long. It is not necessary to list his years of service in the Legislature or his accomplishments in service. Suffice it to say that in all the prior years of his legislative service he has faithfully performed the duties of his office.

While the charges against him have cast a cloud on the Senate, it will not be wise for us to allow this issue to linger. We are faced with daunting legislative tasks, and must settle this matter quickly.

#### Misconduct, Disorderly Behavior, and Neglect of Duty.

Under Article III, Section 12, we are given the power to judge the qualifications of our members and to punish a member for misconduct, disorderly behavior, and neglect of duty. Our authority to judge the qualifications of our own members has been defined as absolute and the courts have no power to control, direct, supervise or forbid our exercise of this power. The power to discipline is inherent in all legislative bodies. The power is used to respond to official misconduct, as well as private misconduct, particularly when it reflects upon a member's loyalty or integrity in general and tends to diminish public confidence in the legislator's capacities.

Our Constitution does not specify the grounds for which a lawmaker may be disciplined. We are given the flexibility to view censure, expulsion and other disciplinary actions as points on a continuum for responding to member misconduct.

The provisions of Article III, Section 12 were formed in the 1950 Constitutional Convention. The meaning of "misconduct" is found in a brief statement in Standing Committee Report No. 92 of the Constitutional Convention of 1950. The report stated that "[t]he grounds for punishment have been enlarged to include misconduct, which term is to be taken in its broadest sense." (Page 252 of the 1950 Constitutional Convention Journal.)

In the recent past, the term "misconduct" has been applied so that it includes activity outside of the Legislature. Recent examples include the Senate's review of the activities of ex-Senators Steve Cobb and Milton Holt.

#### Expulsion or Suspension from Office.

I do not recommend expulsion or suspension from office. The facts before me do not justify this extraordinary measure.

Also, Senator Aki was elected to serve his Senatorial district for four years. Except in cases of extraordinary circumstances, we should not interfere with the choice made by the voters. I do not find such extraordinary circumstances in the Judiciary Committee's report.

I do not recommend suspension from office for similar reasons. The facts do not support suspension. To suspend Senator Aki would temporarily disenfranchise the people in his district that elected him to represent their interest.

#### Resignation from Office.

There is no good reason for Senator Aki to resign his office.

Resignation from office is a decision to be made by the Senator. He wants to remain in office to continue serving his constituency. He should be allowed to do so.

#### Recommendations.

Before taking action on my recommendations, I wish to thank the Judiciary Committee for its assistance in this difficult matter. It took on this task with short notice and did an outstanding job of gathering, analyzing, and reporting the facts.

I thank all of the members for their input and their opinions in this matter.

My recommendations are based on the foregoing, the Judiciary Committee's findings, supplemented by Senator Aki's submittal and the submittal by the dissenting members of the Judiciary Committee, my meetings with Senator Aki, and his counsel, and my own deliberations on this matter.

I have taken into consideration Senator Aki's long and faithful commitment to public service, the high standards of conduct that we are expected to maintain, our obligations to uphold the Constitution, and our fiduciary responsibility to the people of the State of Hawaii.

Senator Aki has accepted my recommendations.

It is my recommendation that Senator Aki be retained as a Co-chair of the Committee on Education. His background as an educator and his prior service in that committee will serve the Senate well. He has accepted the challenges that are before us in both higher and lower education matters. Also, the basic organizational structure and the co-chair concepts we initiated this Legislature should continue and be allowed to function as we envisioned before we began this Legislature in 1997.

After full discussion, Senator Aki agreed to voluntarily step down as a member of the Committees on Commerce, Consumer Protection, and Information Technology, and Transportation and Intergovernmental Affairs.

His stepping down as a member of the Committee on Commerce, Consumer Protection, and Information Technology makes him the only member of the Senate who is not a member of one of the top three committees in the Senate. He will nevertheless be allowed and expected to vote on all matters relating to these subject matters.

I also recommend that the Senator be disqualified from traveling out of State at the expense of the State Senate for the duration of the Nineteenth State Legislature.

Finally, I recommend that the Senator be required to submit a formal letter of explanation to the Senate and the people of Hawaii.

#### Conclusions.

These recommendations of Senate actions are necessary. They express our concern with Senator Aki's actions, and inform all of us that we must be vigilant and committed to maintaining the high standards of our office at all times. We cannot ignore the public and private failures of our members and are obligated to take steps by fair and certain punishments to prevent future occurrences.

We need to now put this matter to rest, committing our energies to our legislative tasks.

I hereby recommend that this report be accepted by the members of the Senate. Acceptance means that the Senate approves my recommendations as agreed to by Senator Aki as stated herein.

This report will be entered in the Journal of the Senate, upon its acceptance.

Very truly yours,

/s/ Norman Mizuguchi  
NORMAN MIZUGUCHI  
President of the Senate.

## SIXTH DAY

Wednesday, January 28, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:13 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Major Ed Covert, The Salvation Army, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifth Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 123 to 133) were read by the Clerk and were placed on file:

Gov. Msg. No. 123, dated January 5, 1998, transmitting the Report of the Hawaii Historic Preservation Fund for Fiscal Year 1996-1997, prepared by the Department of Land and Natural Resources, State Historic Preservation Division, pursuant to Section 6E-3, HRS.

Gov. Msg. No. 124, dated January 12, 1998, transmitting the 1997 Annual Report on the State Department of Defense, Hawaii National Guard, prepared by the Department of Defense, Public Affairs Office, pursuant to Section 373F-6, HRS.

Gov. Msg. No. 125, dated January 14, 1998, transmitting the 1997 report prepared by the Department of Agriculture pursuant to Sections 155-14 and 219-4, HRS.

Gov. Msg. No. 126, dated January 15, 1998, transmitting a report prepared by the Department of Agriculture pursuant to Act 328, SLH 1997, on the progress of funding of research projects.

Gov. Msg. No. 127, dated January 15, 1998, transmitting the 1997 Report of the Commission to Promote Uniform Legislation, prepared by the Department of the Attorney General.

Gov. Msg. No. 128, dated January 16, 1998, transmitting the Independent Accountant's Report and Funds Report, prepared by Grant Thornton, Certified Public Accountants, and the Housing Finance and Development Corporation, pursuant to Section 201E-40, HRS.

Gov. Msg. No. 129, dated January 16, 1998, transmitting a report prepared by the Department of Health, Alcohol and Drug Abuse Division, on the implementation of the state plan for substance abuse.

Gov. Msg. No. 130, dated January 16, 1998, transmitting the PASH - Kohanaiki Study Group Report prepared by the Office of Planning, in response to H.R. No. 197 (1997).

Gov. Msg. No. 131, dated January 21, 1998, transmitting the Annual Report of the Small Business Task Force on Regulatory Relief, prepared by the Department of Business, Economic Development and Tourism pursuant to Act 348, SLH 1997.

Gov. Msg. No. 132, dated January 16, 1998, transmitting a report prepared by the Department of Agriculture pursuant to Act 328, Section 11, SLH 1997, on the progress of eradication of banana bunchy top virus in Kona and justification for continued funding for this purpose.

Gov. Msg. No. 133, letter dated January 22, 1998, requesting assistance and support in the passage of Administration

Proposal CCA-24 (97) introduced as H.B. No. 1868, relating to the Hawaii Hurricane Relief Fund.

## ORDER OF THE DAY

## REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Monday, January 26, and Tuesday, January 27, 1998:

Senate Bill	Referred to:
No. 2718	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
No. 2719	Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Education, then to the Committee on Ways and Means
No. 2720	Committee on Judiciary, then to the Committee on Ways and Means
No. 2721	Committee on Economic Development, then to the Committee on Ways and Means
No. 2722	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2723	Jointly to the Committee on Economic Development and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2724	Committee on Commerce, Consumer Protection, and Information Technology
No. 2725	Committee on Economic Development, then to the Committee on Ways and Means
No. 2726	Jointly to the Committee on Education and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2727	Committee on Ways and Means
No. 2728	Committee on Judiciary
No. 2729	Committee on Commerce, Consumer Protection, and Information Technology
No. 2730	Jointly to the Committee on Education and the Committee on Health and Environment, then to the Committee on Ways and Means
No. 2731	Jointly to the Committee on Health and Environment and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2732	Committee on Health and Environment, then to the Committee on Water, Land, and Hawaiian Affairs
No. 2733	Jointly to the Committee on Health and Environment and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2734	Committee on Economic Development, then to the Committee on Ways and Means
No. 2735	Committee on Human Resources, then to the Committee on Judiciary

No. 2736	Committee on Judiciary	No. 2761	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 2737	Committee on Economic Development, then to the Committee on Ways and Means	No. 2762	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2738	Committee on Ways and Means	No. 2763	Committee on Human Resources, then to the Committee on Ways and Means
No. 2739	Committee on Judiciary, then to the Committee on Ways and Means	No. 2764	Committee on Human Resources, then to the Committee on Ways and Means
No. 2740	Committee on Judiciary	No. 2765	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, then to the Committee on Judiciary
No. 2741	Committee on Commerce, Consumer Protection, and Information Technology	No. 2766	Committee on Human Resources, then to the Committee on Ways and Means
No. 2742	Committee on Human Resources, then to the Committee on Ways and Means	No. 2767	Committee on Human Resources, then to the Committee on Ways and Means
No. 2743	Committee on Human Resources, then to the Committee on Ways and Means	No. 2768	Committee on Human Resources, then to the Committee on Ways and Means
No. 2744	Committee on Human Resources, then to the Committee on Ways and Means	No. 2769	Jointly to the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2745	Committee on Health and Environment, then to the Committee on Ways and Means	No. 2770	Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
No. 2746	Committee on Human Resources, then to the Committee on Ways and Means	No. 2771	Committee on Economic Development
No. 2747	Committee on Commerce, Consumer Protection, and Information Technology	No. 2772	Committee on Economic Development
No. 2748	Committee on Education, then to the Committee on Commerce, Consumer Protection, and Information Technology	No. 2773	Committee on Economic Development
No. 2749	Committee on Education, then to the Committee on Ways and Means	No. 2774	Committee on Government Operations and Housing, then to the Committee on Ways and Means
No. 2750	Committee on Judiciary, then to the Committee on Ways and Means	No. 2775	Committee on Education
No. 2751	Committee on Human Resources, then to the Committee on Judiciary	No. 2776	Committee on Human Resources, then to the Committee on Ways and Means
No. 2752	Committee on Education, then to the Committee on Ways and Means	No. 2777	Committee on Human Resources, then to the Committee on Ways and Means
No. 2753	Committee on Human Resources, then to the Committee on Ways and Means	No. 2778	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2754	Committee on Education, then to the Committee on Ways and Means	No. 2779	Committee on Government Operations and Housing, then to the Committee on Ways and Means
No. 2755	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology	No. 2780	Committee on Human Resources, then to the Committee on Ways and Means
No. 2756	Committee on Education, then to the Committee on Ways and Means	No. 2781	Committee on Government Operations and Housing
No. 2757	Committee on Health and Environment	No. 2782	Committee on Judiciary, then to the Committee on Ways and Means
No. 2758	Committee on Education, then to the Committee on Ways and Means	No. 2783	Jointly to the Committee on Government Operations and Housing and the Committee on Judiciary, then to the Committee on Ways and Means
No. 2759	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 2784	Committee on Judiciary
No. 2760	Committee on Economic Development, then to the Committee on Ways and Means		

No. 2785	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary	No. 2810	Committee on Government Operations and Housing, then to the Committee on Ways and Means
No. 2786	Committee on Judiciary	No. 2811	Committee on Ways and Means
No. 2787	Committee on Judiciary, then to the Committee on Ways and Means	No. 2812	Committee on Government Operations and Housing, then to the Committee on Ways and Means
No. 2788	Committee on Judiciary	No. 2813	Committee on Ways and Means
No. 2789	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2814	Committee on Human Resources, then to the Committee on Ways and Means
No. 2790	Committee on Judiciary	No. 2815	Committee on Human Resources, then to the Committee on Ways and Means
No. 2791	Committee on Economic Development, then to the Committee on Judiciary	No. 2816	Committee on Human Resources, then to the Committee on Ways and Means
No. 2792	Committee on Judiciary	No. 2817	Committee on Human Resources, then to the Committee on Ways and Means
No. 2793	Committee on Judiciary, then to the Committee on Ways and Means	No. 2818	Committee on Education, then to the Committee on Ways and Means
No. 2794	Committee on Judiciary	No. 2819	Committee on Commerce, Consumer Protection, and Information Technology
No. 2795	Committee on Judiciary	No. 2820	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2796	Committee on Judiciary	No. 2821	Committee on Commerce, Consumer Protection, and Information Technology
No. 2797	Committee on Judiciary, then to the Committee on Ways and Means	No. 2822	Committee on Commerce, Consumer Protection, and Information Technology
No. 2798	Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs	No. 2823	Committee on Commerce, Consumer Protection, and Information Technology
No. 2799	Jointly to the Committee on Economic Development and the Committee on Health and Environment, then to the Committee on Ways and Means	No. 2824	Committee on Commerce, Consumer Protection, and Information Technology
No. 2800	Committee on Economic Development, then to the Committee on Ways and Means	No. 2825	Committee on Commerce, Consumer Protection, and Information Technology
No. 2801	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2826	Committee on Commerce, Consumer Protection, and Information Technology
No. 2802	Committee on Economic Development	No. 2827	Committee on Commerce, Consumer Protection, and Information Technology
No. 2803	Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2828	Committee on Commerce, Consumer Protection, and Information Technology
No. 2804	Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2829	Committee on Commerce, Consumer Protection, and Information Technology
No. 2805	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary	No. 2830	Committee on Commerce, Consumer Protection, and Information Technology
No. 2806	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2831	Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 2807	Committee on Commerce, Consumer Protection, and Information Technology	No. 2832	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
No. 2808	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 2833	Committee on Commerce, Consumer Protection, and Information Technology
No. 2809	Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 2834	Committee on Commerce, Consumer Protection, and Information Technology



- No. 2835 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 2836 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
- No. 2837 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2838 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2839 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2840 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2841 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 2842 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2843 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2844 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2845 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2846 Committee on Health and Environment, then to the Committee on Judiciary
- No. 2847 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 2848 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2849 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2850 Committee on Health and Environment, then to the Committee on Judiciary
- No. 2851 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2852 Committee on Health and Environment
- No. 2853 Committee on Judiciary
- No. 2854 Committee on Judiciary
- No. 2855 Jointly to the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 2856 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2857 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2858 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 2859 Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 2860 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2861 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2862 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2863 Jointly to the Committee on Health and Environment and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2864 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2865 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2866 Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 2867 Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 2868 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2869 Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2870 Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 2871 Committee on Education, then to the Committee on Ways and Means
- No. 2872 Committee on Education
- No. 2873 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2874 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2875 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2876 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2877 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2878 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2879 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2880 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2881 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2882 Committee on Human Resources, then to the Committee on Ways and Means

No. 2883	Committee on Human Resources, then to the Committee on Ways and Means	No. 2909	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2884	Committee on Human Resources	No. 2910	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2885	Committee on Human Resources	No. 2911	Committee on Transportation and Intergovernmental Affairs
No. 2886	Committee on Human Resources, then to the Committee on Ways and Means	No. 2912	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 2887	Committee on Human Resources	No. 2913	Committee on Transportation and Intergovernmental Affairs
No. 2888	Committee on Human Resources, then to the Committee on Ways and Means	No. 2914	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2889	Committee on Human Resources	No. 2915	Committee on Education, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 2890	Committee on Transportation and Intergovernmental Affairs	No. 2916	Committee on Education
No. 2891	Committee on Judiciary	No. 2917	Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
No. 2892	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2918	Committee on Education, then to the Committee on Ways and Means
No. 2893	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2919	Committee on Education, then to the Committee on Ways and Means
No. 2894	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2920	Committee on Education, then to the Committee on Ways and Means
No. 2895	Committee on Economic Development	No. 2921	Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Education, then to the Committee on Ways and Means
No. 2896	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2922	Committee on Ways and Means
No. 2897	Committee on Economic Development, then to the Committee on Ways and Means	No. 2923	Committee on Ways and Means
No. 2898	Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means	No. 2924	Committee on Judiciary, then to the Committee on Ways and Means
No. 2899	Jointly to the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means	No. 2925	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 2900	Committee on Health and Environment, then to the Committee on Judiciary	No. 2926	Committee on Ways and Means
No. 2901	Committee on Economic Development, then to the Committee on Ways and Means	No. 2927	Committee on Economic Development, then to the Committee on Ways and Means
No. 2902	Committee on Education, then to the Committee on Ways and Means	No. 2928	Committee on Education, then to the Committee on Ways and Means
No. 2903	Committee on Human Resources	No. 2929	Committee on Economic Development, then to the Committee on Ways and Means
No. 2904	Committee on Judiciary, then to the Committee on Ways and Means	No. 2930	Committee on Economic Development, then to the Committee on Ways and Means
No. 2905	Committee on Judiciary	No. 2931	Committee on Economic Development, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 2906	Committee on Judiciary, then to the Committee on Ways and Means	No. 2932	Committee on Ways and Means
No. 2907	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary		
No. 2908	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means		

No. 2933 Committee on Water, Land, and Hawaiian Affairs

Senator Sam Slom

**REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Monday, January 26, 1998:

Senate  
Concurrent  
Resolution Referred to:

No. 19 Jointly to the Committee on Human Resources and the Committee on Commerce Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 20 Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

Senate Bill Referred to:

No. 2015 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Health and Environment

No. 2229 Jointly to the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

At 11:22 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:21 o'clock p.m.

The following Majority leadership assignments were announced by Senate President Mizuguchi:

Majority Leaders:  
Senator Les Ihara, Jr.  
Senator Mike McCartney

The President also announced the following standing committees of the Senate:

Commerce, Consumer Protection, and Information Technology

Senator David Ige, Co-Chair  
Senator Wayne Metcalf, Co-Chair  
Senator Suzanne Chun Oakland  
Senator Brian Kanno  
Senator Andrew Levin  
Senator Malama Solomon  
Senator Joe Tanaka  
Senator Sam Slom

Economic Development

Senator Joe Tanaka, Co-Chair  
Senator Brian Taniguchi, Co-Chair  
Senator Rosalyn H. Baker  
Senator Robert Bunda  
Senator Avery Chumbley  
Senator Cal Kawamoto  
Senator Andrew Levin  
Senator Matt Matsunaga  
Senator Mike McCartney

Education

Senator James Aki, Co-Chair  
Senator Rod Tam, Co-Chair  
Senator Lehua Fernandes Salling  
Senator David Ige  
Senator Marshall Ige  
Senator Randy Iwase  
Senator Malama Solomon  
Senator Sam Slom

Government Operations and Housing

Senator Robert Bunda, Co-Chair  
Senator Marshall Ige, Co-Chair  
Senator Matt Matsunaga  
Senator Whitney Anderson

Health and Environment

Senator Lehua Fernandes Salling, Co-Chair  
Senator Andrew Levin, Co-Chair  
Senator Suzanne Chun Oakland  
Senator Wayne Metcalf  
Senator Rod Tam  
Senator Sam Slom

Human Resources

Senator Suzanne Chun Oakland, Co-Chair  
Senator Brian Kanno, Co-Chair  
Senator Carol Fukunaga  
Senator Wayne Metcalf  
Senator Norman Sakamoto  
Senator Whitney Anderson

Judiciary

Senator Avery Chumbley, Co-Chair  
Senator Matt Matsunaga, Co-Chair  
Senator Robert Bunda  
Senator Les Ihara, Jr.  
Senator Mike McCartney  
Senator Norman Sakamoto  
Senator Whitney Anderson

Transportation and Intergovernmental Affairs

Senator Cal Kawamoto, Co-Chair  
Senator Norman Sakamoto, Co-Chair  
Senator Avery Chumbley  
Senator Lehua Fernandes Salling  
Senator Les Ihara, Jr.  
Senator Brian Kanno  
Senator Sam Slom

Water, Land, and Hawaiian Affairs

Senator Randy Iwase, Co-Chair  
Senator Malama Solomon, Co-Chair  
Senator Rosalyn H. Baker  
Senator Carol Fukunaga  
Senator David Ige  
Senator Joe Tanaka  
Senator Brian Taniguchi  
Senator Whitney Anderson

Ways and Means

Senator Rosalyn H. Baker, Co-Chair  
Senator Carol Fukunaga, Co-Chair  
Senator Suzanne Chun Oakland  
Senator Lehua Fernandes Salling  
Senator Marshall Ige

Senator Les Ihara, Jr.  
 Senator Randy Iwase  
 Senator Cal Kawamoto  
 Senator Andrew Levin  
 Senator Mike McCartney  
 Senator Rod Tam  
 Senator Brian Taniguchi  
 Senator Whitney Anderson

#### APPOINTMENT OF CONFEREES

S.B. No. 1285, S.D. 1 (H.D. 2):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Metcalf as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1285, S.D. 1.

#### INTRODUCTION OF SENATE BILLS

On motion by Senator Ihara, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 6:00 o'clock p.m.

At 12:22 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate stood in recess until 6:00 o'clock p.m. In consequence thereof, the following bills passed First Reading by title and were deferred:

Senate Bill

No. 3053 "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF PUBLIC LANDS."

Introduced by: Senator Solomon.

No. 3054 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Slom, Aki, Tam.

No. 3055 "A BILL FOR AN ACT RELATING TO HARBORS."

Introduced by: Senator Anderson.

No. 3056 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A FLIGHT TRAINER SIMULATOR."

Introduced by: Senator Fernandes Salling.

No. 3057 "A BILL FOR AN ACT RELATING TO HARBOR FEES."

Introduced by: Senator Fernandes Salling.

No. 3058 "A BILL FOR AN ACT RELATING TO WORKING HOURS OF STUDENTS."

Introduced by: Senators Aki, Tam.

No. 3059 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE NINETEENTH SENATORIAL DISTRICT."

Introduced by: Senators Kawamoto, Kanno, Aki, Bunda, Iwase, Tam.

No. 3060 "A BILL FOR AN ACT RELATING TO FELONY DRIVING."

Introduced by: Senators Kawamoto, Sakamoto.

No. 3061 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR."

Introduced by: Senator Kawamoto.

No. 3062 "A BILL FOR AN ACT RELATING TO VEHICLES."

Introduced by: Senators Kawamoto, Sakamoto.

No. 3063 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF DRUGS."

Introduced by: Senators Kawamoto, Sakamoto.

No. 3064 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY."

Introduced by: Senators Solomon, Levin, Metcalf.

No. 3065 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TWENTY-FIRST SENATORIAL DISTRICT."

Introduced by: Senator Aki.

No. 3066 "A BILL FOR AN ACT RELATING TO THE COMPUTATION OF AVERAGE WEEKLY WAGES FOR PART-TIME EMPLOYEES ON WORKERS' COMPENSATION."

Introduced by: Senator Kanno.

No. 3067 "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE FACILITIES."

Introduced by: Senators Tam, Anderson, Fukunaga, Kanno.

No. 3068 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SCHOOL/COMMUNITY-BASED MANAGEMENT."

Introduced by: Senators Tam, Aki.

No. 3069 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE IN-SERVICE TRAINING FOR SPECIALIZED POSITIONS IN THE DEPARTMENT OF EDUCATION."

Introduced by: Senators Tam, Aki.

No. 3070 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senators Tam, Aki, Baker, Fukunaga, Ige, M., Iwase, Solomon.

No. 3071 "A BILL FOR AN ACT RELATING TO INCREMENTAL INCREASES."

Introduced by: Senators Tam, Aki.

No. 3072 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLES III AND V OF THE HAWAII CONSTITUTION TO PROVIDE FOR AN ELECTIVE INSURANCE COMMISSIONER."

Introduced by: Senator Fernandes Salling.

No. 3073 "A BILL FOR AN ACT RELATING TO BINGO GAMES."

- Introduced by: Senator Fernandes Salling.
- No. 3074 "A BILL FOR AN ACT RELATING TO INSURANCE."
- Introduced by: Senator Fernandes Salling.
- No. 3075 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."
- Introduced by: Senator Baker, by request.
- No. 3076 "A BILL FOR AN ACT RELATING TO EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS."
- Introduced by: Senators Baker, Fukunaga.
- No. 3077 "A BILL FOR AN ACT RELATING TO RISK RETENTION."
- Introduced by: Senator Metcalf.
- No. 3078 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII AT HILO."
- Introduced by: Senator Metcalf.
- No. 3079 "A BILL FOR AN ACT RELATING TO EXPANSION OF ADMINISTRATION OF JUSTICE PROGRAMS AT THE UNIVERSITY OF HAWAII AT HILO AND HAWAII COMMUNITY COLLEGE."
- Introduced by: Senator Metcalf.
- No. 3080 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 4, OF THE HAWAII CONSTITUTION, TO ESTABLISH LEGISLATIVE TERM LIMITS."
- Introduced by: Senator Aki.
- No. 3081 "A BILL FOR AN ACT RELATING TO BUDGETING."
- Introduced by: Senators Fukunaga, Baker.
- No. 3082 "A BILL FOR AN ACT RELATING TO EMPLOYEE PROTECTION UNDER THE WHISTLEBLOWER LAW."
- Introduced by: Senators Fukunaga, Ihara.
- No. 3083 "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS."
- Introduced by: Senators Chumbley, Matsunaga.
- No. 3084 "A BILL FOR AN ACT RELATING TO HEALTH CARE INFORMATION CONFIDENTIALITY."
- Introduced by: Senators Chumbley, Matsunaga.
- No. 3085 "A BILL FOR AN ACT RELATING TO CIVIL REMEDIES AND DEFENSES."
- Introduced by: Senators Chumbley, Matsunaga.
- No. 3086 "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION TAX CREDITS."
- Introduced by: Senator Matsunaga.
- No. 3087 "A BILL FOR AN ACT RELATING TO DRIVING WHILE INTOXICATED."
- Introduced by: Senator Matsunaga, by request.
- No. 3088 "A BILL FOR AN ACT RELATING TO JOB REFERENCE LIABILITY."
- Introduced by: Senator McCartney.
- No. 3089 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR 23RD SENATORIAL DISTRICT."
- Introduced by: Senator McCartney.
- No. 3090 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."
- Introduced by: Senator McCartney.
- No. 3091 "A BILL FOR AN ACT RELATING TO REPAIRS AND MAINTENANCE."
- Introduced by: Senator McCartney.
- No. 3092 "A BILL FOR AN ACT RELATING TO THE REORGANIZATION OF STATE GOVERNMENT."
- Introduced by: Senators McCartney, Ihara, Levin, Mizuguchi.
- No. 3093 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."
- Introduced by: Senator Sakamoto.
- No. 3094 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."
- Introduced by: Senators Sakamoto, Anderson, Kawamoto, Siom, Tanaka.
- No. 3095 "A BILL FOR AN ACT RELATING TO PRIVATIZATION."
- Introduced by: Senator Sakamoto.
- No. 3096 "A BILL FOR AN ACT RELATING TO INDEPENDENT CONTRACTORS."
- Introduced by: Senator Sakamoto.
- No. 3097 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."
- Introduced by: Senator Sakamoto.
- No. 3098 "A BILL FOR AN ACT RELATING TO COURTS AND COURT OFFICERS."
- Introduced by: Senator Chumbley, by request.
- No. 3099 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE KAPAA HIGH SCHOOL STUDENT HEALTH SERVICES CENTER."
- Introduced by: Senator Chumbley.
- No. 3100 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TARO RESEARCH."
- Introduced by: Senators Chumbley, Levin, Solomon.
- No. 3101 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MALAMA FAMILY RECOVERY CENTER FOR A THERAPEUTIC HOME FOR WOMEN AND CHILDREN RECOVERING FROM SUBSTANCE ABUSE."

- Introduced by: Senator Chumbley.
- No. 3102 "A BILL FOR AN ACT RELATING TO AN ELECTED INSURANCE COMMISSIONER."
- Introduced by: Senator Solomon.
- No. 3103 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
- Introduced by: Senators Kanno, Iwase, Kawamoto.
- No. 3104 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR."
- Introduced by: Senators Kanno, Kawamoto, Sakamoto.
- No. 3105 "A BILL FOR AN ACT RELATING TO INSURANCE."
- Introduced by: Senator Metcalf.
- No. 3106 "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS."
- Introduced by: Senator Metcalf, by request.
- No. 3107 "A BILL FOR AN ACT RELATING TO ALTERNATIVE DISPUTE RESOLUTION."
- Introduced by: Senator Ihara.
- No. 3108 "A BILL FOR AN ACT RELATING TO THE PUBLIC PROCUREMENT CODE."
- Introduced by: Senator Ihara.
- No. 3109 "A BILL FOR AN ACT RELATING TO NOISE CONTROL."
- Introduced by: Senator Ihara, by request.
- No. 3110 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ALA WAI CANAL WATERSHED WATER QUALITY IMPROVEMENT PROJECT."
- Introduced by: Senator Ihara.
- No. 3111 "A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM THE CAPITAL GAINS TAX."
- Introduced by: Senators Bunda, Aki, Chumbley, Iwase, Kanno, Levin, Tanaka, Taniguchi.
- No. 3112 "A BILL FOR AN ACT RELATING TO REAL ESTATE SALESPERSONS AND BROKERS."
- Introduced by: Senator Bunda.
- No. 3113 "A BILL FOR AN ACT RELATING TO REAL PROPERTY."
- Introduced by: Senator Bunda.
- No. 3114 "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND."
- Introduced by: Senator Bunda.
- No. 3115 "A BILL FOR AN ACT RELATING TO RENTAL HOUSING TRUST FUND."
- Introduced by: Senator Bunda.
- No. 3116 "A BILL FOR AN ACT RELATING TO AQUARIUM FISH COLLECTING."
- Introduced by: Senator Levin, by request.
- No. 3117 "A BILL FOR AN ACT RELATING TO HOMELESS MENTALLY ILL PERSONS."
- Introduced by: Senator Levin.
- No. 3118 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE UPGRADE OF THE TELECOMMUNICATIONS SYSTEM OF THE HAWAII COUNTY POLICE DEPARTMENT."
- Introduced by: Senators Levin, Metcalf.
- No. 3119 "A BILL FOR AN ACT RELATING TO INCOME TAX."
- Introduced by: Senator Levin.
- No. 3120 "A BILL FOR AN ACT RELATING TO PRIVATE LAND MANAGEMENT TAX INCENTIVES."
- Introduced by: Senator Levin.
- No. 3121 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOMELESS SHELTERS AND SERVICES PROGRAMS."
- Introduced by: Senators Chun Oakland, Kanno, Levin, Matsunaga, Taniguchi.
- No. 3122 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."
- Introduced by: Senators Chun Oakland, Kanno.
- No. 3123 "A BILL FOR AN ACT RELATING TO QUEST."
- Introduced by: Senators Chun Oakland, Kanno.
- No. 3124 "A BILL FOR AN ACT RELATING TO PRENATAL AND PERINATAL HEALTH CARE."
- Introduced by: Senators Chun Oakland, Kanno.
- No. 3125 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH."
- Introduced by: Senators Chun Oakland, Kanno, Baker, Chumbley, Fukunaga, Levin, Matsunaga, Solomon, Tam, Taniguchi.
- No. 3126 "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS."
- Introduced by: Senator Mizuguchi.
- No. 3127 "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS."
- Introduced by: Senator Ige, M.
- No. 3128 "A BILL FOR AN ACT RELATING TO HAZARDOUS MEDICAL WASTE."
- Introduced by: Senator Ige, M.
- No. 3129 "A BILL FOR AN ACT RELATING TO THE REORGANIZATION OF THE PRINCIPAL EXECUTIVE DEPARTMENTS OF THE STATE GOVERNMENT."

Introduced by: Senator Ige, M.

No. 3130 "A BILL FOR AN ACT RELATING TO FILM PRODUCTION FUNDING."

Introduced by: Senators Fukunaga, Taniguchi.

No. 3131 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR CAPITAL IMPROVEMENT PROJECTS IN THE TWELFTH SENATORIAL DISTRICT."

Introduced by: Senators Fukunaga, Tam, Taniguchi, Chun Oakland.

No. 3132 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION, TO PROVIDE THE UNIVERSITY OF HAWAII WITH AUTONOMY IN ALL MATTERS RELATED TO THE UNIVERSITY."

Introduced by: Senators Ige, D., Metcalf, Chumbley, Ihara, Fukunaga, Baker, Matsunaga, Aki, McCartney.

No. 3133 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senators Ige, D., Baker, Chumbley, Aki, Ihara, Matsunaga, Metcalf, McCartney, Fukunaga.

No. 3134 "A BILL FOR AN ACT RELATING TO COMPUTER AND COMMUNICATION SYSTEMS."

Introduced by: Senators Ige, D., Fukunaga.

No. 3135 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR CAPITAL IMPROVEMENT PROJECTS IN THE 17TH SENATORIAL DISTRICT."

Introduced by: Senator Ige, D.

No. 3136 "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS."

Introduced by: Senator Ige, D.

No. 3137 "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS."

Introduced by: Senator Mizuguchi.

No. 3138 "A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS."

Introduced by: Senator Mizuguchi.

No. 3139 "A BILL FOR AN ACT RELATING TO STADIUMS."

Introduced by: Senator Mizuguchi.

No. 3140 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE BENEFIT OF THE FIFTEENTH SENATORIAL DISTRICT."

Introduced by: Senator Mizuguchi.

No. 3141 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senator Fukunaga.

No. 3142 "A BILL FOR AN ACT RELATING TO EMERGENCY WIRELESS TELEPHONE SERVICE."

Introduced by: Senators Taniguchi, Ige, D., Metcalf.

No. 3143 "A BILL FOR AN ACT RELATING TO UTILITY TRANSMISSION LINES."

Introduced by: Senators Taniguchi, Ige, D., Metcalf.

No. 3144 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX EXEMPTIONS."

Introduced by: Senators Taniguchi, Slom.

No. 3145 "A BILL FOR AN ACT RELATING TO HIRING RETIRED POLICE OFFICERS IN THE DEPARTMENT OF EDUCATION."

Introduced by: Senator Taniguchi.

No. 3146 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Taniguchi, by request.

No. 3147 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE V OF THE HAWAII CONSTITUTION, TO PROVIDE FOR AN ELECTED ATTORNEY GENERAL."

Introduced by: Senator Solomon.

#### EVENING SESSION

The Senate reconvened at 6:09 o'clock p.m.

#### ADJOURNMENT

At 6:10 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:00 o'clock a.m., Thursday, January 29, 1998.

## SEVENTH DAY

**Thursday, January 29, 1998**

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:00 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Lieutenant Shelly Hill, The Salvation Army, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Sixth Day.

**MESSAGE FROM THE GOVERNOR**

Gov. Msg. No. 134, dated January 16, 1998, transmitting the Annual Report on Intercollegiate Athletics' Exemption from the Procurement Code, prepared by the University of Hawaii pursuant to Act 186, SLH 1997, was read by the Clerk and was placed on file.

At 11:05 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:07 o'clock a.m.

**ORDER OF THE DAY**

**REFERRAL OF SENATE BILLS**

The President made the following committee assignments of bills introduced on Tuesday, January 27, and Wednesday, January 28, 1998:

Senate Bill            Referred to:

No. 2934            Committee on Human Resources, then to the Committee on Ways and Means

No. 2935            Committee on Human Resources, then to the Committee on Ways and Means

No. 2936            Committee on Education, then to the Committee on Ways and Means

No. 2937            Committee on Judiciary, then to the Committee on Ways and Means

No. 2938            Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means

No. 2939            Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2940            Jointly to the Committee on Government Operations and Housing and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 2941            Committee on Commerce, Consumer Protection, and Information Technology

No. 2942            Committee on Judiciary

No. 2943            Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means

No. 2944            Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2945            Committee on Judiciary, then to the Committee on Ways and Means

No. 2946            Committee on Education, then to the Committee on Ways and Means

No. 2947            Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Judiciary

No. 2948            Jointly to the Committee on Health and Environment, the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 2949            Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means

No. 2950            Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2951            Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2952            Jointly to the Committee on Education and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 2953            Jointly to the Committee on Health and Environment and the Committee on Education, then to the Committee on Ways and Means

No. 2954            Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2955            Committee on Judiciary

No. 2956            Committee on Human Resources, then to the Committee on Ways and Means

No. 2957            Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 2958            Committee on Commerce, Consumer Protection, and Information Technology

No. 2959            Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 2960            Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means

No. 2961            Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 2962            Committee on Health and Environment, then to the Committee on Ways and Means

No. 2963            Committee on Transportation and Intergovernmental Affairs, then to the Committee on Government Operations and Housing

No. 2964            Committee on Human Resources, then to the Committee on Ways and Means



- No. 2965 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2966 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2967 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2968 Committee on Education, then to the Committee on Ways and Means
- No. 2969 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 2970 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 2971 Jointly to the Committee on Judiciary and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 2972 Jointly to the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 2973 Committee on Health and Environment, then to the Committee on Judiciary
- No. 2974 Jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2975 Committee on Economic Development, then to the Committee on Judiciary
- No. 2976 Committee on Education, then to the Committee on Ways and Means
- No. 2977 Jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 2978 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2979 Committee on Ways and Means
- No. 2980 Committee on Education, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 2981 Committee on Commerce, Consumer Protection, and Information Technology
- No. 2982 Committee on Ways and Means
- No. 2983 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 2984 Committee on Ways and Means
- No. 2985 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2986 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2987 Jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2988 Jointly to the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2989 Jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 2990 Jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 2991 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2992 Committee on Water, Land, and Hawaiian Affairs
- No. 2993 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2994 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2995 Jointly to the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2996 Committee on Judiciary, then to the Committee on Ways and Means
- No. 2997 Committee on Human Resources, then to the Committee on Ways and Means
- No. 2998 Jointly to the Committee on Judiciary and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 2999 Committee on Human Resources, then to the Committee on Ways and Means
- No. 3000 Committee on Human Resources, then to the Committee on Ways and Means
- No. 3001 Committee on Ways and Means
- No. 3002 Committee on Human Resources, then to the Committee on Ways and Means
- No. 3003 Committee on Human Resources, then to the Committee on Ways and Means
- No. 3004 Committee on Ways and Means
- No. 3005 Committee on Human Resources, then to the Committee on Ways and Means
- No. 3006 Committee on Ways and Means
- No. 3007 Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3008 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3009 Committee on Ways and Means
- No. 3010 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3011 Committee on Ways and Means

No. 3012	Committee on Ways and Means	No. 3035	Committee on Government Operations and Housing, then to the Committee on Ways and Means
No. 3013	Committee on Ways and Means	No. 3036	Committee on Education, then to the Committee on Ways and Means
No. 3014	Committee on Ways and Means	No. 3037	Committee on Judiciary, then to the Committee on Ways and Means
No. 3015	Committee on Economic Development, then to the Committee on Ways and Means	No. 3038	Jointly to the Committee on Human Resources and the Committee on Ways and Means, then to the Committee on Judiciary
No. 3016	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 3039	Jointly to the Committee on Judiciary and the Committee on Human Resources, then to the Committee on Ways and Means
No. 3017	Committee on Ways and Means	No. 3040	Committee on Judiciary
No. 3018	Committee on Commerce, Consumer Protection, and Information Technology	No. 3041	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 3019	Committee on Economic Development, then to the Committee on Ways and Means	No. 3042	Jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means
No. 3020	Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means	No. 3043	Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary, then to the Committee on Ways and Means
No. 3021	Committee on Education, then to the Committee on Ways and Means	No. 3044	Committee on Judiciary, then to the Committee on Ways and Means
No. 3022	Jointly to the Committee on Economic Development and the Committee on Human Resources, then to the Committee on Ways and Means	No. 3045	Committee on Judiciary, then to the Committee on Ways and Means
No. 3023	Committee on Economic Development	No. 3046	Jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means
No. 3024	Committee on Economic Development, then to the Committee on Ways and Means	No. 3047	Jointly to the Committee on Government Operations and Housing and the Committee on Human Resources, then to the Committee on Ways and Means
No. 3025	Committee on Economic Development, then to the Committee on Ways and Means	No. 3048	Jointly to the Committee on Government Operations and Housing and the Committee on Human Resources, then to the Committee on Ways and Means
No. 3026	Committee on Economic Development, then to the Committee on Ways and Means	No. 3049	Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 3027	Committee on Economic Development, then to the Committee on Ways and Means	No. 3050	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 3028	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 3051	Committee on Health and Environment, then to the Committee on Ways and Means
No. 3029	Committee on Judiciary, then to the Committee on Ways and Means	No. 3052	Committee on Judiciary, then to the Committee on Ways and Means
No. 3030	Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary, then to the Committee on Ways and Means	No. 3053	Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 3031	Committee on Judiciary, then to the Committee on Ways and Means	No. 3054	Committee on Education
No. 3032	Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means	No. 3055	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, then to the Committee on Ways and Means
No. 3033	Committee on Economic Development, then to the Committee on Ways and Means		
No. 3034	Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means		

No. 3056	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means	No. 3079	Committee on Education, then to the Committee on Ways and Means
No. 3057	Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, then to the Committee on Ways and Means	No. 3080	Committee on Judiciary
No. 3058	Committee on Human Resources, then to the Committee on Judiciary	No. 3081	Committee on Ways and Means
No. 3059	Committee on Ways and Means	No. 3082	Committee on Human Resources, then to the Committee on Judiciary
No. 3060	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 3083	Jointly to the Committee on Judiciary and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 3061	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 3084	Committee on Health and Environment, then to the Committee on Judiciary
No. 3062	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 3085	Committee on Judiciary
No. 3063	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary	No. 3086	Committee on Economic Development, then to the Committee on Ways and Means
No. 3064	Committee on Economic Development, then to the Committee on Ways and Means	No. 3087	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
No. 3065	Committee on Ways and Means	No. 3088	Committee on Human Resources, then to the Committee on Judiciary
No. 3066	Committee on Human Resources, then to the Committee on Ways and Means	No. 3089	Committee on Ways and Means
No. 3067	Committee on Human Resources, then to the Committee on Ways and Means	No. 3090	Committee on Education, then to the Committee on Ways and Means
No. 3068	Committee on Education, then to the Committee on Ways and Means	No. 3091	Committee on Government Operations and Housing, then to the Committee on Ways and Means
No. 3069	Committee on Education, then to the Committee on Ways and Means	No. 3092	Jointly to the Committee on Government Operations and Housing and the Committee on Human Resources, then to the Committee on Ways and Means
No. 3070	Committee on Education, then to the Committee on Ways and Means	No. 3093	Committee on Human Resources, then to the Committee on Ways and Means
No. 3071	Committee on Human Resources, then to the Committee on Ways and Means	No. 3094	Committee on Transportation and Intergovernmental Affairs
No. 3072	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary	No. 3095	Jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means
No. 3073	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary	No. 3096	Committee on Human Resources, then to the Committee on Ways and Means
No. 3074	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary	No. 3097	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 3075	Committee on Economic Development, then to the Committee on Ways and Means	No. 3098	Committee on Judiciary, then to the Committee on Ways and Means
No. 3076	Jointly to the Committee on Health and Environment, the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means	No. 3099	Committee on Education, then to the Committee on Ways and Means
No. 3077	Committee on Commerce, Consumer Protection, and Information Technology	No. 3100	Committee on Economic Development, then to the Committee on Ways and Means
No. 3078	Committee on Education, then to the Committee on Ways and Means	No. 3101	Committee on Health and Environment, then to the Committee on Ways and Means
		No. 3102	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
		No. 3103	Jointly to the Committee on Education and the Committee on Economic Development, then to the Committee on Ways and Means

- No. 3104 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 3105 Committee on Commerce, Consumer Protection, and Information Technology
- No. 3106 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 3107 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3108 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3109 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3110 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 3111 Committee on Economic Development, then to the Committee on Ways and Means
- No. 3112 Committee on Commerce, Consumer Protection, and Information Technology
- No. 3113 Committee on Government Operations and Housing
- No. 3114 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3115 Jointly to the Committee on Government Operations and Housing and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 3116 Committee on Economic Development
- No. 3117 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3118 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3119 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3120 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 3121 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3122 Committee on Human Resources, then to the Committee on Ways and Means
- No. 3123 Committee on Human Resources, then to the Committee on Ways and Means
- No. 3124 Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 3125 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3126 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 3127 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3128 Committee on Health and Environment
- No. 3129 Jointly to the Committee on Government Operations and Housing and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 3130 Committee on Economic Development, then to the Committee on Ways and Means
- No. 3131 Committee on Ways and Means
- No. 3132 Jointly to the Committee on Education and the Committee on Ways and Means, then to the Committee on Judiciary
- No. 3133 Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 3134 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3135 Committee on Ways and Means
- No. 3136 Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Education, then to the Committee on Ways and Means
- No. 3137 Committee on Commerce, Consumer Protection, and Information Technology
- No. 3138 Jointly to the Committee on Government Operations and Housing and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 3139 Committee on Economic Development, then to the Committee on Ways and Means
- No. 3140 Committee on Ways and Means
- No. 3141 Committee on Ways and Means
- No. 3142 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3143 Committee on Commerce, Consumer Protection, and Information Technology
- No. 3144 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3145 Jointly to the Committee on Education, the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 3146 Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3147 Committee on Judiciary

**REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, January 27, 1998:

- Senate  
Concurrent  
Resolution            Referred to:
- No. 21                Committee on Commerce, Consumer  
Protection, and Information Technology
- No. 22                Committee on Human Resources, then to  
the Committee on Ways and Means
- No. 23                Jointly to the Committee on Water, Land,  
and Hawaiian Affairs and the Committee on Economic  
Development, then to the Committee on Ways and Means

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

- Senate Bill            Referred to:
- No. 2126             Committee on Judiciary, then to the  
Committee on Commerce, Consumer Protection, and  
Information Technology
- No. 2129             Committee on Judiciary, then to the  
Committee on Commerce, Consumer Protection, and  
Information Technology
- No. 2131             Jointly to the Committee on Human  
Resources and the Committee on Transportation and  
Intergovernmental Affairs, then to the Committee on Ways  
and Means
- No. 2179             Committee on Judiciary, then to the  
Committee on Commerce, Consumer Protection, and  
Information Technology
- No. 2181             Jointly to the Committee on  
Transportation and Intergovernmental Affairs and the  
Committee on Commerce, Consumer Protection, and  
Information Technology, then to the Committee on Ways  
and Means
- No. 2214             Jointly to the Committee on Government  
Operations and Housing and the Committee on Transportation  
and Intergovernmental Affairs, then to the Committee on Ways  
and Means
- No. 2244             Committee on Health and Environment,  
then to the Committee on Commerce, Consumer Protection,  
and Information Technology
- No. 2289             Committee on Health and Environment
- No. 2313             Committee on Judiciary, then to the  
Committee on Commerce, Consumer Protection, and  
Information Technology
- No. 2329             Committee on Judiciary
- No. 2386             Jointly to the Committee on Human  
Resources and the Committee on Commerce, Consumer  
Protection, and Information Technology, then to the Committee  
on Ways and Means
- No. 2410             Jointly to the Committee on  
Transportation and Intergovernmental Affairs and the  
Committee on Water, Land, and Hawaiian Affairs, then to the  
Committee on Judiciary
- No. 2497             Committee on Water, Land, and Hawaiian  
Affairs, then to the Committee on Ways and Means
- No. 2518             Committee on Judiciary

- No. 2525             Jointly to the Committee on Commerce,  
Consumer Protection, and Information Technology and the  
Committee on Judiciary
- No. 2555             Committee on Economic Development,  
then to the Committee on Judiciary
- No. 2562             Jointly to the Committee on Commerce,  
Consumer Protection, and Information Technology and the  
Committee on Water, Land, and Hawaiian Affairs, then to the  
Committee on Judiciary
- No. 2567             Committee on Transportation and  
Intergovernmental Affairs, then to the Committee on  
Commerce, Consumer Protection, and Information Technology
- No. 2572             Jointly to the Committee on  
Transportation and Intergovernmental Affairs and the  
Committee on Water, Land, and Hawaiian Affairs
- No. 2631             Committee on Human Resources, then to  
the Committee on Commerce, Consumer Protection, and  
Information Technology
- No. 2653             Committee on Transportation and  
Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2667             Jointly to the Committee on Human  
Resources and the Committee on Transportation and  
Intergovernmental Affairs, then to the Committee on Judiciary
- No. 2724             Committee on Economic Development,  
then to the Committee on Commerce, Consumer Protection,  
and Information Technology
- No. 2737             Jointly to the Committee on Water, Land,  
and Hawaiian Affairs and the Committee on Economic  
Development, then to the Committee on Ways and Means
- No. 2752             Jointly to the Committee on Education,  
the Committee on Water, Land, and Hawaiian Affairs and the  
Committee on Ways and Means

- No. 2896             Jointly to the Committee on Economic  
Development and the Committee on Water, Land, and  
Hawaiian Affairs, then to the Committee on Ways and Means
- No. 2917             Committee on Human Resources, then to  
the Committee on Ways and Means

**RE-REFERRAL OF  
SENATE CONCURRENT RESOLUTION**

The Chair re-referred the following concurrent resolution that was offered:

- Senate  
Concurrent  
Resolution            Referred to:
- No. 16                Jointly to the Committee on Commerce,  
Consumer Protection, and Information Technology and the  
Committee on Health and Environment, then to the Committee  
on Ways and Means

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

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

"On Tuesday, January 26, 1998, when the Senate took action on report no. 6, I believed that we had finally put to rest the matter regarding bingo on my family property in Nanakuli. But, unfortunately, I was wrong. It seems that the Senator from the 6th Senatorial district and the media strongly felt that I

should apologize. I am not clear as to what I must apologize for.

"Mr. President, for these past four years I have been subjected to numerous, erroneous, and negative press articles in the newspaper and on television. Ever since the bingo raid in March 1994, the city prosecutors indictment in August 1996 two years later, the circuit court proceedings in 1997, and now the Senate investigation in January of 1998, I have been subjected to much negative publicity in the media. All of this has produced a negative image of me in the public's eyes.

"Yesterday morning's Honolulu Advertiser news article contained a quote from the co-chairman of the Judiciary Committee suggesting that I should submit a letter of apology instead of a letter of explanation to this Senate body and the people of Hawaii, as was agreed upon earlier. This is the last straw.

"Mr. President, the facts are -- I was not convicted of the charges; there is absolutely no evidence that I was involved with the bingo operations and that I received monetary gains other than the agreed upon lease rent.

"One can only conclude that this whole matter should not have happened -- but it did. And now it leads me to believe that there must be some underlying reasons for something like this to happen. Someday the truth will come out and hopefully those responsible will be held accountable.

"Mr. President, if anyone needs to apologize, it is the very poor leadership shown in this matter. Let me quickly review your actions on this matter. On November 26, 1997, immediately after Judge Wilfred Watanabe's decision to accept my DANK motion, you announced to the press the formation of a Special Senate Committee headed by Senator Levin. I was in touch with Senator Levin via phone and nothing came out of this committee. Then on December 24, 1997, one month later, you announced the appointment of the Judiciary Committee to handle the investigation. What happened to the committee headed by Senator Levin?

"Mr. President, all you had to do was follow Senate Rule 72, which is very explicit. What you did instead was to delegate your personal responsibility to the Judiciary Committee. As it turned out, your Judiciary Committee was not prepared to undertake the task, nor did it have the time or legal expertise and experience to gather the facts -- the pertinent facts.

"The fact summary issued by the Senate Judiciary Committee report on January 19, 1998, was based on half-truths, inaccuracies, and uncontested comments without comments or the opportunity to question the facts. I then submitted my facts and summary on January 20, 1998. We then met on several occasions and I believe that a fair and accurate report was drafted along with recommendations. We brought that report to the caucus the next day and adopted it on January 26, 1998. That afternoon, I was shocked to see the comments by Senator Chumbley in the evening newspaper.

"While Senator Chumbley is entitled to his opinions, I do not believe that it was proper of him, as co-chair of the committee that did the investigation, to make such a statement after we had reached an agreement. Had Senator Chumbley such strong feelings, he should have expressed them in our caucus. Senator Chumbley's statements created a cloud over the report we adopted. I believe that for me to apologize as he wished, would only serve to confuse the public and in fact make me appear guilty.

"I state for the record again, I was not convicted of the charges brought against me and I was not involved with any illegal activities. Therefore, I will not apologize.

"Mr. President, the fact that the Judiciary Committee, in its investigation, leaked a confidential polygraph report to the

media is very serious. I must hold you and the Judiciary Committee accountable. If Senate Rule 72 had been implemented, this would not have happened. I am requesting a full investigation and a report on this matter.

"Mr. President, in closing, I accept the decision and recommendations of this body and will continue with my work on behalf of the community I represent.

"Lastly, I want to thank my family, my constituents, and the members of the Senate for their support. It was never my intention to embarrass or discredit the Senate body that I have served for 26 years. I have always been, and will always be devoted to improving the quality of life for those I serve.

"Thank you."

Senator Anderson also rose on a point of personal privilege and stated:

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

"Mr. President, I, too, am standing because of what happened to the Senator, but primarily because of the Advertiser, I believe, splattering irresponsible ink. They used the editorial in yesterday morning's paper, saying Senator Aki 'barely even slapped [on] his wrist.' But fair or not, Senator Aki was sanctioned by the Hawaii State Senate. That was our responsibility. He accepted the sanctions and publicly stated that it is time to get back to the business of the people.

"Mr. President, that should have been the end of the story, not an excuse to drum up new headlines. And that's what happened.

"While I'm in the mood, Mr. President, in the evening before last in section A-3 there was also an article on the sanctions for the Senate handed down to the Senator. But what fried me was the comments by Senator Chumbley. I read it and that's when I decided that I wanted to make sure that I said a few words.

"Many of you may or may not know, but from the very beginning, I read nothing, nothing about Rule 72, and I asked to sit on the rules committee but was told the majority party would work on it and send the reports down. We all voted on Senate rules and I thought that there was a rule we could use.

"I didn't read the report after it came out of your caucus because I figured the sanctions were by the majority party. There are only two minority members and we are not included in your caucuses, so I believed that the sanctions imposed were going to be fair and just, and upheld.

"There are only 25 of us. The public constantly attacks us, telling us we're irresponsible and we're everything else. We don't have to attack one another, and that's what we've been doing.

"I may have been around here for only twenty years, but this institution means a lot to me. Every member here -- I don't care what party you belong to -- I would speak up for you as readily as I can because that's my responsibility. I did that in the House and I'll do it in the Senate and for every employee. I've also said that the staff is one of the best that we've ever had, and I would sure as hell hate to see them think that we're irresponsible and not taking care of the business.

"For those reasons, Mr. President, I am standing and I wanted to make sure that my colleagues realize that in 1991 -- if you were here or not and if you like it or not -- there was a bingo bill passed by both Houses. And that meant that we thought it was a good idea and we sent it up to the governor and he vetoed it on the last day. I even sent him a copy of the former Governor Burn's reasons for allowing a bill to pass without his signature. And it said that if the people want it and we voted for it and if you oppose, then why not allow it to go

through without your signature and be a statesman like our former Governor Burns was. Unfortunately, it was vetoed, but we agreed to it. Now all of a sudden, we're saying what a terrible person this person is for allowing a church to have a bingo game on his property.

"So for those reasons, Mr. President, I'm standing, and I would hope, my colleagues and the news media, that this is the end of the story. As we have always said in Hawaii, 'Pau, already.' I think enough is enough. Thank you."

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

"Mr. President, I would like to rise on a point of personal privilege and I'd like to ask for the indulgence of the members. I know this is a very difficult matter. We're talking about the issues raised by the two previous speakers.

"Mr. President, I want to speak to the importance of strictly adhering to Rule 72 because I believe it must be emphasized. It is a rule which limits the initial investigation of a complaint against a Senator to a private inquiry conducted by the Senate President, and it is there to insure: fairness and responsible investigation; that there will not be a rush to judgment because of outside pressures from those who engage in a feeding frenzy to get public officials; that when we act in a judicial capacity in judging our colleagues under Rule 72, we will be guided, as must the courts and as emphasized by Chief Justice Moon in his speech to us this past Tuesday, by the principles of justice and fairness and due process, and not by a misguided desire to surrender to or to appease some perception of public opinion.

"When we act in a judicial capacity in disciplining members, we must remember the Chief Justice's words and I'll quote him: 'That when the Judiciary rises above partisan politics and is not swayed by political passions of the moment, justice prevails.' Because leadership ignored Rule 72, leadership ignored the modern political environment we are in, ignored the wisdom behind Rule 72, and has unfortunately exposed Senator Aki, and now all of us, to what writer Larry Sabato has labeled the 'feeding frenzy' -- where those in public life cannot get fair treatment; where we'd become obsessed with gossip, rather than governance; where we employ titillation, rather than scrutiny; and where political coverage produces trivialization rather than enlightenment.

"And with the members' indulgence, let me read you some pertinent parts of Mr. Sabato's book so you have a clear idea of what Mr. Sabato sees, and the tragedy for us in not following Rule 72. Mr. Sabato is a professor of government at the University of Virginia.

'From 1941 to 1966, journalists engaged in what I would call "lap dog" journalism, reporting that served and reinforced the political establishment. From 1966 to 1974 was a period of "watch dog" journalism when reporters scrutinized and checked the behavior of political elites by undertaking independent investigations into statements made by public officials.'

And he notes the Vietnam War and Watergate as examples.

'Since 1974 political reporters have engaged in what I would term "junk yard dog" journalism -- political reporting that is often harsh, aggressive and intrusive where feeding frenzies flourish and gossip reaches print. Every aspect of private life potentially becomes fair game for scrutiny as new "almost anything goes" philosophy takes hold.'

The results, the problems that arise from this and he talks about it.

'The second troubling consequence of modern media coverage for the political system has to do with the recruitment of candidates and public servants. Simply put,

the price of power has been raised dramatically, far too high for many outstanding potential office holders. An individual contemplating a run for office must now accept the possibility of almost unlimited intrusion into his or her financial and personal life -- every investment made, every affair conducted, every private sin committed, from college years to present, may one day wind up in a headline or on television. For a reasonably sane and moderately sensitive person, this is a daunting realization with potentially hurtful results, not just for the candidate but for his or her immediate family and friends. To have achieved a non-governmental position of respect and honor in one's community is a source of pride and security and the risk that it could all be destroyed by an unremitting and distorted assault on one's faults and foibles cannot be taken lightly. American society today is losing the services of many exceptionally talented individuals who could make outstanding contributions to the commonweal, but who, understandably, will not subject themselves and their loved ones to abusive, intrusive press coverage.

'All this leads not just to discouragement of candidates who possess a mixture of great virtue and hidden vices, but the encouragement of other kinds of politicians: those with a naive, saintly image, ideologically driven crusaders, psychologically unbalanced individuals, whose lust for power and craving for impersonal affection, overcome fear of the risk of public unmasking and comprehensively (un)conventional, uncreative contenders whose lack of vision is matched only by their dullness. Qualities of shrewdness, worldliness, balance and pragmatism, which are essential in governing, are sadly missing here.'

Closing with one final quote from the book, Mr. President, and with the members' indulgence, he talks about the public attitude of politics.

'The voter's cynicism about politics is at least equal to and reinforces journalists' similar malady, all too ready to believe any charge of corruption or moral turpitude against a politician, the public is often as unwilling as the press to view candidates and office holders in a balanced way, with vices weighed against virtues. The public refuses to take Matthew's advice.'

This is a different Matthew than our co-chair of our Judiciary Committee. (Laughter.) This is the biblical Matthew. No, he's biblical too. (More laughter.)

'Judge not that ye not be judged because they apparently do not fear judgment and believe themselves to be far superior to the equally human class of politicians.'

"Mr. President, that is why Rule 72 was there, is there, should be followed -- because we understand what's out there and we understand the need for fairness, for due process. And we did not follow that in this case, and we are here today in this sorry state, in this sorry situation, because you chose not to follow Rule 72. Corrective action must be taken, Mr. President. I know it's difficult, the office of president, but as Harry Truman said, 'the buck stops here,' and I look to you to have the courage and to have the leadership to correct the situation.

"Thank you."

Senator Chumbley then rose and stated:

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

"For the record, Mr. President, first I want to state that the content of my comments come from the Senate Miscellaneous Communication No. 6, which was unanimously adopted by this body and is public information.

"On Tuesday, I stated that the Senator from Waianae should include an apology in his formal letter of explanation to the

Senate and the people of Hawaii. I would like to explain why. The good Senator should not apologize for any sinister intent because I believe he did not have a bad motive. In fact his motives were entirely based on his desire to help his community, and all the children that were in need of assistance.

"However, whether the Senator intended to or not, he broke the law! He was caught. He was criminally charged. And he plead No Contest.

"He may not have known whether the activities taking place on his property were illegal or not, but he knew that gambling was going on. He may have thought that such gambling was social gambling (and hence legal), but ignorance of the law is no excuse. Mr. President and members, we should be lawmakers and not law-breakers! The Senator from Waianae knew enough to ask the people in charge whether playing bingo to raise funds was legal but apparently not enough to ask his attorney the same question.

"At the very least, Mr. President and members, he exercised poor judgement, in that he allowed the bingo games to continue and did not investigate the legality of such games. As a businessman, the good Senator should know it's much less expensive to ask your attorney for advice before you engage in potentially illegal conduct than after you are indicted and prosecuted. As a legislator, the good Senator should know that our fiduciary responsibility to the public dictates prudent behavior. He should show some remorse to the public.

"Constituents have expressed their concerns and would like to see the Senator held accountable for his actions. The general public feels that he is not apologetic and that the Senate is doing all that it can to 'protect one of its own.' They perceive that the good Senator is sorry -- 'sorry for the trouble this case has caused his family' and 'sorry for the threat the felony charge has presented to his membership in the Senate.' However, the public does not believe that the Senator is at all remorseful.

"We, as members of the Senate, should remember that as elected public officials we are held to a higher standard of conduct than ordinary men and women. The Senator's criminal charges have 'cast a cloud on the Senate.' His actions are a reflection upon the Senate at large. Official misconduct, whether private or public, reflects upon a member's loyalty and integrity. It tends to diminish the public confidence in the legislator's capacities.

"The good Senator's case has wasted valuable effort, resources, and time -- time that should have been spent on the people's business. This year we are faced with daunting legislative tasks, and an apology is an appropriate resolution to this issue.

"Three simple words, Mr. President, just three -- 'I am sorry' -- are not too much to ask for the people of Hawaii. Thank you."

Senator Anderson rose again and said:

"Mr. President, I rise on a point of personal privilege to answer some of the remarks.

"I first asked to be a part of a select committee, I guess, that Senator Levin was going to head. I did ask our research department to do some research for me. The law we looked at is so vague and it's not well-written; it's not well understood. I remember reading that Senator Matsunaga said had he really gone to court that he probably would have won the case. But over and above that, we got some statistics from the police department as to convictions for those people that promote gambling, and that means bringing in roulette wheels, crap tables, one-arm bandits. They confiscate them. And are they convicted? Almost nil.

"Yes, we should be held up to a higher standard. But let me tell you, when I go through ... because somebody asked us to look up a law ... half the time I don't even realize that I'm breaking a particular law that's been on the books, it's been amended so darn many times. We can't remember every law that's in there and how many times we ourselves have broken a law. If we're above everybody else, as you say, then that's what we're here for, to go into those closed doors, as you did, and you gave him a sanctioning and I read here that he apologized and he said let's move on -- not a permissive letter of apology, as it was stated in the newspaper. But he gave a public apology, and I remember.

"But those are the things, ladies and gentlemen. Let's look at what we have done ourselves, and if those who are promoting gambling are not even being charged, then why should we sit here, 'holier-than-thou,' saying that a person, one of our own colleagues, should get more than anybody else?

"And while we're at it, I have a hard time when I look at the people who come here and ask, for instance, why don't you folks do something about your being in office too long? Why don't you folks do this -- Common Cause, League of Women Voters, all different groups. I abide by their requests, law or not. I don't think that they turn around and endorse Whitney Anderson.

"What happens here is that we make laws because you folks have no guts and somebody comes in here and says they want a particular law passed, and for four or five people you'll pass it because they say we represent the people. I don't get that many calls, ladies and gentlemen, for all of the laws that we pass. So I have some problems when you say we have to do this because the people said. I don't know how many calls you've had, Senator Chumbley, regarding this issue but I haven't had one person tell me that they think that he's been irresponsible and he deserves to apologize to everybody. So that's why I'm standing. I thank you."

Senator Tam then rose on a point of personal privilege and stated:

"Mr. President, I rise for the purpose of personal privilege. It's in regard to inaccurate news reporting, not in regards to what we just discussed -- on a lighter side.

"Mr. President and fellow colleagues, yesterday the Education Committee had a public hearing on the State Auditor's report regarding the managerial audit of the Hawaii state library system. Channel 2 reported on the audit, for which I thank them, informing the public, but unfortunately an error occurred. For the record, I, as a co-chair of the Education Committee, did not state that an option in hiring a qualified state librarian to avoid the managerial problems stated in the managerial audit be done by the Legislature. I was quite surprised that they stated that.

"I stated that an option for us to discuss is for a qualified state librarian to be hired by the Governor of the State of Hawaii. That makes more sense in order for the state librarian to properly carry out his administrative duties.

"Thank you."

Senator Aki rose again and stated:

"Mr. President, I am not through.

"The comments made by the Senator from the 6th Senatorial District sounds good, but I think it opens a call for a question. I would like to ask the Senator from the 6th Senatorial District, What is it that I must apologize to?"

The President posed the question to Senator Chumbley and he responded:



"Thank you, Mr. President. Mr. President, I've already made my statement and I have nothing further to say. Thank you."

Senator Solomon rose and stated:

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

"I wish to speak as a concerned and committed native Hawaiian and as a citizen of this great state, privileged to represent my constituents and neighbors of all races.

"The House is reportedly poised to consider a bill relating to native Hawaiians entitled 'The Native Hawaiian Autonomy Act.' This bill, as we've all read, is eminently divisive. It is cynical in the extreme. Autonomy and sovereignty are synonymous. Certainly the drafters of this bill knew that states are prohibited by the U.S. Constitution from involvement in the establishment or recognition of any sovereign entity. They certainly knew, in that context, that federal Judge David Ezra admonished all of us in the Hawaii Sovereignty Election Plebiscite decision last year to avoid, as legislators, any involvement in furtherance of native Hawaiian sovereignty.

"I have long advocated that native Hawaiians must come together. We need to speak with a single voice directed to Washington. We cannot allow our legitimate goals and aspirations to be frustrated by those who would tantalize with futile, impractical, or just plain wrong headed ideas. If we do, we will remain divided and impotent. We need to speak with a voice that has no racial accent. All citizens of Hawaii have a pervasive interest in the just and effective resolution of native Hawaiian claims.

"We must secure a local consensus in order to approach the federal government with a focused plan of action.

"Thanks to the dedicated efforts of many, particularly Senators Akaka and Inouye, the federal government has explicitly, definitely, and finally, Mr. President, finally recognized the inherent sovereignty of the native Hawaiian people and the concomitant rights of native Hawaiians to self-determination.

"Mr. President, I urge all members of this legislature to commit ourselves to end division along ethnic lines and to bind all to a united front that the inescapable implications of that federal recognition can be realized.

"Mr. President, I am urging all my colleagues, although we will be in recess tomorrow, to support the march that the native Hawaiian organizations have put together to protest this bill that now rests in the House. Mahalo."

Senator M. Ige also rose on a point of personal privilege and said:

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

"Mr. President, I've known Senator Aki since first being elected to the House way back when. I was his vice-chairman on the Committee on Youth and Elderly Affairs. I'm not sure if he still remembers. And after he left, I had the privilege of serving as the chair of that committee and I learned a lot. Since then I've come to know Jimmy. On Sundays it isn't unusual to call his home and find out that he's in his farm picking flowers for lei making that evening for delivery on Monday. Mr. President, this is a decent man. He has no evil bone in his body. I have known him for a long time, and I'm sure many of us would stand up for him.

"I get concerned when a comment is made that this certain statement was inserted into the Senate Journal with unanimous consent. Mr. President, for the record I was with you right over there by the door expressing my concern to you when Jimmy told me, 'Enough, already. I want this issue to die. I'm tired, let it go. There was an agreement.' I agreed not to say

anything on this floor because I do not believe he has anything to apologize for.

"This is a decent man, Mr. President. In fact, the only evil that I see in his heart is to beat Senator Joe Tanaka on the golf course. I'm not sure if that will ever be possible, but to have that goal is, I think, a little bit shady, but I appreciate this man. And to see him go through what he has today -- over the newspapers and over the television -- it hurts me because I was brought up to believe that we are all going to be fair, that we're going to try to walk in that person's shoes before we make any kind of decision.

"Mr. President, today I just want to say that I am opposed to your statement in terms of the sanctions given to Senator Aki. And you know for a fact that I raised this the day it was inserted into the Journal. So if I could get that recorded I would deeply appreciate it. Could I have your response?"

The Chair inquired:

"You want to change your vote?"

Senator M. Ige responded: "That is correct."

The Chair stated:

"The vote stands."

Senator M. Ige continued:

"I don't know whether to say thank you or no thank you."

The Chair interjected:

"Well, you have made your concerns known."

Senator M. Ige then added:

"Mr. President, I do want to close by saying one thing. I served in the House for 16 years. Never did I have the privilege of coming onto the floor and expressing feelings about how we look at things on personal privilege and I do want to commend you and the members of this body for allowing any Senator to come and express his opinion on the point of personal privilege. I think it's very refreshing and I commend you and our colleagues.

"Thank you."

Senator Matsunaga then rose on a point of personal privilege as follows:

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

"Mr. President, first, let me thank the good Senator from Mililani for his existential comments and for quoting my biblical namesake. I appreciate that. Thank you.

"I just wanted to briefly respond to the Senator from Waianae. He remarked that the Judiciary Committee had leaked a confidential report. And I wanted to reassure the Senator from Waianae that, while I cannot speak for all the members of the Judiciary Committee, I can assure him that the co-chairs of the Judiciary Committee and the staff of the Judiciary Committee did not leak that confidential report.

"Thank you, Mr. President."

Senator Tam rose again on a point of personal privilege and stated:

"Mr. President, I rise for the purpose of personal privilege. It is in regard in terms of what is happening here this morning. It's one observation and comment, if I may.

"This House, as I know it when I first came in four years ago, I hold in very high esteem as compared to when I was across the hallway in the other House. I saw this House in terms of no name-calling, no back-stabbing, and so forth. I'd like to retain that credibility here although we all have personal thoughts in our minds. We must remember that we only add to the fire by letting the news media get involved. And they're using us, quite frankly. They use us to sell their newspapers and the news. So keep that in mind, please. And hopefully, we can end this issue in that respect. Thank you."

Senator Solomon rose and stated:

"Mr. President, may I request that the Senate adjourn today on a rising vote and observe a moment of silence for the late Monsignor Charles Kekumano and the late Billie Beamer."

The Chair thanked Senator Solomon for her request.

Senator McCartney then rose on a point of personal privilege and stated:

"Mr. President, I'd like to rise on a point of personal privilege.

"Mr. President, on the issues that have occurred today on the Senate floor, I think we've come to closure that there are many strongly held beliefs. There are many opinions on this matter. There's been a lot of dialogue. Those strongly held beliefs, as my colleague from Kaneohe said, have come out on the floor, and it's the appropriate forum for these beliefs to be articulated. And I do believe, Mr. President, that all of us want to move forward, and move forward to work on the big issues that face us -- the state, the economy and what needs to be done. And so I do believe that this body is ready to move forward and to work together to solve the problems of the people of Hawaii. Thank you."

#### INTRODUCTION OF SENATE BILLS

On motion by Senator McCartney, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive bills for introduction prior to 10:00 o'clock p.m. In consequence thereof and subsequent to its recessing at 11:49 o'clock a.m., the following bills passed First Reading by title and were deferred:

#### Senate Bill

No. 3148 "A BILL FOR AN ACT RELATING TO DEPARTMENT OF OCEAN AFFAIRS."

Introduced by: Senator Tanaka.

No. 3149 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PURCHASE THE HANAIEI BOATYARD, KAUAI."

Introduced by: Senator Tanaka.

No. 3150 "A BILL FOR AN ACT RELATING TO PLANNING."

Introduced by: Senator Iwase, by request.

No. 3151 "A BILL FOR AN ACT RELATING TO INSURANCE IN CREDIT SALES."

Introduced by: Senator Tanaka, by request.

No. 3152 "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION."

Introduced by: Senator Slom.

No. 3153 "A BILL FOR AN ACT RELATING TO GASOLINE."

Introduced by: Senator Anderson.

No. 3154 "A BILL FOR AN ACT RELATING TO SMALL BUSINESS TAXATION."

Introduced by: Senator Fernandes Salling.

No. 3155 "A BILL FOR AN ACT RELATING TO WASTEWATER."

Introduced by: Senator Tanaka.

No. 3156 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING AND INDUSTRIAL ENTERPRISES ON THE ISLAND OF HAWAII."

Introduced by: Senator Solomon.

No. 3157 "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS."

Introduced by: Senator Anderson.

No. 3158 "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Senators Fernandes Salling, Solomon.

No. 3159 "A BILL FOR AN ACT RELATING TO THE TIME SHARE LAW."

Introduced by: Senator Fernandes Salling.

No. 3160 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION, TO CHANGE FROM A BICAMERAL TO A UNICAMERAL LEGISLATURE SYSTEM."

Introduced by: Senator Aki.

No. 3161 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Senator Solomon.

No. 3162 "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES."

Introduced by: Senator Solomon.

No. 3163 "A BILL FOR AN ACT RELATING TO A REVOLVING LOAN PROGRAM FOR BUSINESS OPPORTUNITIES ON THE ISLAND OF HAWAII."

Introduced by: Senator Mizuguchi.

No. 3164 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR DETECTION OF ALIEN PEST SPECIES AT THE STATE'S PORTS OF ENTRY."

Introduced by: Senator Mizuguchi, by request.

No. 3165 "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE LEGISLATIVE REFERENCE BUREAU."

Introduced by: Senator Mizuguchi, by request.

No. 3166 "A BILL FOR AN ACT RELATING TO GEOGRAPHIC INFORMATION SYSTEM FUND."

Introduced by: Senator Mizuguchi, by request.

No. 3167 "A BILL FOR AN ACT RELATING TO COUNTY LIABILITY."

Introduced by: Senator Mizuguchi, by request.

No. 3168 "A BILL FOR AN ACT RELATING TO ELDERLY HOUSING."

Introduced by: Senators Iwase, Baker, Bunda, Sakamoto, Solomon.

No. 3169 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senator Aki.

No. 3170 "A BILL FOR AN ACT RELATING TO THE ADMISSIBILITY OF PAID BILLS IN COURT."

Introduced by: Senator Taniguchi.

No. 3171 "A BILL FOR AN ACT RELATING TO MEDICAL, DENTAL, OR HOSPITAL RECORDS AND WRITINGS."

Introduced by: Senator Taniguchi.

No. 3172 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Taniguchi, Baker.

No. 3173 "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY."

Introduced by: Senator Taniguchi, by request.

No. 3174 "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE."

Introduced by: Senators Iwase, Fernandes Salling.

No. 3175 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TREATMENT OF TEENAGERS DEPENDENT ON DRUGS."

Introduced by: Senators Tam, Aki, Bunda, Iwase.

No. 3176 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE THIRTEENTH SENATORIAL DISTRICT."

Introduced by: Senators Tam, Chun Oakland, Fukunaga, Taniguchi.

No. 3177 "A BILL FOR AN ACT RELATING TO FINANCIAL REPORTING OF THE DEPARTMENT OF EDUCATION."

Introduced by: Senators Tam, Aki, Anderson, Ige, M., Iwase, Solomon.

No. 3178 "A BILL FOR AN ACT RELATING TO THE ASSISTANT LIBRARIAN."

Introduced by: Senators Tam, Ige, M.

No. 3179 "A BILL FOR AN ACT RELATING TO POLICE OFFICERS."

Introduced by: Senators Tam, Aki, Anderson, Fukunaga, Ige, M., Iwase, Metcalf, Solomon.

No. 3180 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING."

Introduced by: Senators Kawamoto, Sakamoto, Matsunaga.

No. 3181 "A BILL FOR AN ACT RELATING TO STATE DEPARTMENT OF DEFENSE."

Introduced by: Senators Kawamoto, Sakamoto.

No. 3182 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO RESTORE FUNDING TO PUBLIC HIGH SCHOOL ATHLETIC PROGRAMS."

Introduced by: Senators Kawamoto, Kanno.

No. 3183 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Senators Ihara, McCartney, Matsunaga, Anderson, Slom, Chumbley.

No. 3184 "A BILL FOR AN ACT RELATING TO THE PEER EDUCATION PROGRAM."

Introduced by: Senator Ihara.

No. 3185 "A BILL FOR AN ACT RELATING TO GASOLINE PRICE POSTING."

Introduced by: Senators Ihara, Slom.

No. 3186 "A BILL FOR AN ACT RELATING TO AGENCIES ATTACHED TO DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS."

Introduced by: Senator Ihara, by request.

No. 3187 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senator Ihara, by request.

No. 3188 "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES."

Introduced by: Senators Kanno, Chun Oakland.

No. 3189 "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE."

Introduced by: Senators Kanno, Chun Oakland.

No. 3190 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Fukunaga, Taniguchi, Ige, D.

No. 3191 "A BILL FOR AN ACT RELATING TO LOW INCOME HOUSING TAX CREDIT."

Introduced by: Senator Kanno.

No. 3192 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STATE PAYROLL PILOT PROJECT."

Introduced by: Senator Ige, M.

No. 3193 "A BILL FOR AN ACT RELATING TO A LAND EXCHANGE."

Introduced by: Senator Ige, M.

No. 3194 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII CONSTITUTION, TO AUTHORIZE THE

ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR EDUCATIONAL FACILITIES AT INDEPENDENT NOT-FOR-PROFIT UNIVERSITIES, COLLEGES, AND OTHER SCHOOLS."

Introduced by: Senator McCartney.

No. 3195 "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES."

Introduced by: Senators McCartney, Levin.

No. 3196 "A BILL FOR AN ACT RELATING TO STATE PARKS."

Introduced by: Senator McCartney, by request.

No. 3197 "A BILL FOR AN ACT RELATING TO SCHOOL-WITHIN-A-SCHOOL."

Introduced by: Senator McCartney.

No. 3198 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE BOARD OF EDUCATION'S PERFORMANCE STANDARDS REVIEW COMMISSION."

Introduced by: Senators McCartney, Tam.

No. 3199 "A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS."

Introduced by: Senator Sakamoto.

No. 3200 "A BILL FOR AN ACT RELATING TO AN INTERGOVERNMENTAL COUNCIL ON COMPETITIVE GOVERNMENT."

Introduced by: Senator Sakamoto.

No. 3201 "A BILL FOR AN ACT RELATING TO THE DUPLICATION OF GOVERNMENT SERVICES."

Introduced by: Senator Sakamoto.

No. 3202 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Senator Sakamoto.

No. 3203 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE 16TH SENATORIAL DISTRICT."

Introduced by: Senator Sakamoto.

No. 3204 "A BILL FOR AN ACT RELATING TO TRACKING DEVICES."

Introduced by: Senator Matsunaga.

No. 3205 "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS."

Introduced by: Senator Matsunaga, by request.

No. 3206 "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENDERS."

Introduced by: Senators Matsunaga, Chumbley, Baker, Ihara, Kanno, Levin, McCartney, Metcalf, Taniguchi.

No. 3207 "A BILL FOR AN ACT RELATING TO RECYCLING."

Introduced by: Senator Matsunaga.

No. 3208 "A BILL FOR AN ACT RELATING TO PERSONAL PROPERTY APPRAISALS."

Introduced by: Senator Ige, M.

No. 3209 "A BILL FOR AN ACT RELATING TO THE 'TOLE MOUR.'"

Introduced by: Senator Ige, M.

No. 3210 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE 8th SENATORIAL DISTRICT."

Introduced by: Senator Slom.

No. 3211 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION."

Introduced by: Senator Fernandes Salling.

No. 3212 "A BILL FOR AN ACT RELATING TO THE SUSPENSION AND REVOCATION OF DRIVERS' LICENSES."

Introduced by: Senator Kanno.

No. 3213 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Metcalf.

No. 3214 "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS."

Introduced by: Senator Metcalf, by request.

No. 3215 "A BILL FOR AN ACT RELATING TO ANIMAL IMPORTATION."

Introduced by: Senator Metcalf.

No. 3216 "A BILL FOR AN ACT RELATING TO DISCOVERY."

Introduced by: Senator Metcalf.

No. 3217 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR CAPITAL IMPROVEMENT PROJECTS IN THE 2ND SENATORIAL DISTRICT."

Introduced by: Senator Metcalf.

No. 3218 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Senator Bunda, by request.

No. 3219 "A BILL FOR AN ACT RELATING TO A PILOT SATELLITE WAGERING PROGRAM."

Introduced by: Senator Bunda.

No. 3220 "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX."

Introduced by: Senator Bunda.

No. 3221 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HALEIWA ARTS FESTIVAL."

Introduced by: Senator Bunda.

No. 3222 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE 22ND SENATORIAL DISTRICT."

Introduced by: Senator Bunda.

No. 3223 "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS."

Introduced by: Senators Iwase, Solomon.

No. 3224 "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES."

Introduced by: Senator Solomon.

No. 3225 "A BILL FOR AN ACT RELATING TO THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA."

Introduced by: Senator Solomon.

No. 3226 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR CAPITAL IMPROVEMENT PROJECTS IN THE COUNTY OF HAWAII."

Introduced by: Senators Levin, Metcalf, Solomon.

No. 3227 "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION SERVICES."

Introduced by: Senator Levin.

No. 3228 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senator Levin, by request.

No. 3229 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES."

Introduced by: Senators Levin, Metcalf.

No. 3230 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Senator Levin.

No. 3231 "A BILL FOR AN ACT RELATING TO INCOME TAX."

Introduced by: Senator Fukunaga.

No. 3232 "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING BOARDS AND COMMISSIONS."

Introduced by: Senators Mizuguchi, Metcalf.

No. 3233 "A BILL FOR AN ACT RELATING TO GOVERNMENT PLANNING, FINANCING, AND BUDGETING."

Introduced by: Senators Baker, Fukunaga.

No. 3234 "A BILL FOR AN ACT RELATING TO PHYSICIAN ASSISTANTS."

Introduced by: Senator Baker.

No. 3235 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Senators Baker, Metcalf, Fukunaga, Ige, D.

No. 3236 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TOUR OF CHAMPIONS MOUNTAIN BIKE RACE."

Introduced by: Senators Baker, Chumbley, Taniguchi.

No. 3237 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS FOR THE FOURTH SENATORIAL DISTRICT."

Introduced by: Senator Baker.

No. 3238 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senator Mizuguchi, by request.

No. 3239 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senators Mizuguchi, Metcalf.

No. 3240 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS."

Introduced by: Senators Mizuguchi, Metcalf.

No. 3241 "A BILL FOR AN ACT RELATING TO UNFAIR TRADE PRACTICE."

Introduced by: Senators Mizuguchi, Metcalf.

No. 3242 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SIXTH SENATORIAL DISTRICT."

Introduced by: Senator Chumbley.

No. 3243 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Chumbley.

No. 3244 "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES."

Introduced by: Senator Fukunaga.

No. 3245 "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD YOUTH CHALLENGE PROGRAM."

Introduced by: Senator Kawamoto.

No. 3246 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."

Introduced by: Senator Fernandes Salling.

No. 3247 "A BILL FOR AN ACT RELATING TO WHISTLEBLOWER PROTECTION."

Introduced by: Senators Mizuguchi, Metcalf.

No. 3248 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS."

Introduced by: Senators Mizuguchi, Metcalf.

No. 3249 "A BILL FOR AN ACT RELATING TO THIRD PARTY PAYORS OF HEALTH CARE SERVICES."

Introduced by: Senators Mizuguchi, Metcalf.

No. 3250 "A BILL FOR AN ACT RELATING TO ATHLETIC HEALTH CARE SPECIALISTS."

Introduced by: Senator Chun Oakland.

No. 3251 "A BILL FOR AN ACT RELATING TO HEALTH CARE PROVIDERS THAT PROVIDE SERVICE UNDER WORKERS' COMPENSATION INSURANCE."

Introduced by: Senators Chun Oakland, Kanno.

No. 3252 "A BILL FOR AN ACT RELATING TO A HOMELESS SHELTER."

Introduced by: Senators Chun Oakland, Kanno.

No. 3253 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Senators Chun Oakland, Kanno.

No. 3254 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS FOR THE FOURTEENTH SENATORIAL DISTRICT."

Introduced by: Senator Chun Oakland.

No. 3255 "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF OKINAWANS TO HAWAII."

Introduced by: Senators Ige, D., McCartney, Ige, M., Iwase, Aki, Kawamoto, Sakamoto, Bunda, Chumbley, Taniguchi.

No. 3256 "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS."

Introduced by: Senators Ige, D., Tam, McCartney.

No. 3257 "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY."

Introduced by: Senators Ige, D., Fukunaga, Ihara.

No. 3258 "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY."

Introduced by: Senators Ige, D., Ihara, Fukunaga.

#### ADJOURNMENT

At 10:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Monday, February 2, 1998, on a rising vote and observing a moment of silence for the late Monsignor Charles Kekumano and the late Billie Beamer.

EIGHTH DAY

Monday, February 2, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Leelamma Palazzotto, St. Stephen's Diocesan Center, after which the Roll was called showing all Senators present with the exception of Senator Fukunaga who was excused.

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

SENATE RESOLUTION

The following resolution (S.R. No. 5) was read by the Clerk and was referred to committees:

Senate Resolution

No. 5 "SENATE RESOLUTION ESTABLISHING POLICIES FOR THE LEGISLATIVE BROADCAST PROGRAM'S CABLECASTS OF SENATE PROCEEDINGS."

Offered by: Senators Mizuguchi, Ihara, Levin, McCartney.

Referred to: Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Ways and Means

ORDER OF THE DAY

REFERRAL OF SENATE BILLS

The President made the following committee assignments of bills introduced on Thursday, January 29, 1998:

Senate Bill Referred to:

No. 3148 Jointly to the Committee on Government Operations and Housing, the Committee on Transportation and Intergovernmental Affairs, the Committee on Economic Development and the Committee on Human Resources, then to the Committee on Ways and Means

No. 3149 Committee on Economic Development, then to the Committee on Ways and Means

No. 3150 Jointly to the Committee on Water, Land, and Hawaiian Affairs, the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3151 Committee on Commerce, Consumer Protection, and Information Technology

No. 3152 Committee on Judiciary

No. 3153 Committee on Commerce, Consumer Protection, and Information Technology

No. 3154 Committee on Economic Development, then to the Committee on Ways and Means

No. 3155 Committee on Health and Environment, then to the Committee on Ways and Means

No. 3156 Committee on Economic Development, then to the Committee on Ways and Means

No. 3157 Committee on Transportation and Intergovernmental Affairs

No. 3158 Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means

No. 3159 Committee on Commerce, Consumer Protection, and Information Technology

No. 3160 Committee on Ways and Means, then to the Committee on Judiciary

No. 3161 Committee on Commerce, Consumer Protection, and Information Technology

No. 3162 Committee on Commerce, Consumer Protection, and Information Technology

No. 3163 Committee on Economic Development, then to the Committee on Ways and Means

No. 3164 Jointly to the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3165 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 3166 Jointly to the Committee on Commerce, Consumer Protection, and Information Technology, the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3167 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Judiciary

No. 3168 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 3169 Committee on Education, then to the Committee on Ways and Means

No. 3170 Committee on Judiciary

No. 3171 Committee on Health and Environment, then to the Committee on Judiciary

No. 3172 Committee on Education, then to the Committee on Ways and Means

No. 3173 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology

No. 3174 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 3175 Committee on Education, then to the Committee on Ways and Means

No. 3176 Committee on Ways and Means

No. 3177 Committee on Education, then to the Committee on Ways and Means

- No. 3178 Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 3179 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3180 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 3181 Committee on Transportation and Intergovernmental Affairs
- No. 3182 Committee on Education, then to the Committee on Ways and Means
- No. 3183 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3184 Jointly to the Committee on Health and Environment and the Committee on Education, then to the Committee on Ways and Means
- No. 3185 Committee on Commerce, Consumer Protection, and Information Technology
- No. 3186 Jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3187 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3188 Committee on Human Resources, then to the Committee on Ways and Means
- No. 3189 Committee on Human Resources, then to the Committee on Government Operations and Housing
- No. 3190 Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3191 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3192 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3193 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3194 Jointly to the Committee on Education and the Committee on Ways and Means, then to the Committee on Judiciary
- No. 3195 Committee on Government Operations and Housing, then to the Committee on Transportation and Intergovernmental Affairs
- No. 3196 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 3197 Committee on Education, then to the Committee on Ways and Means
- No. 3198 Committee on Education, then to the Committee on Ways and Means
- No. 3199 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3200 Jointly to the Committee on Human Resources, the Committee on Government Operations and Housing and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3201 Jointly to the Committee on Government Operations and Housing, the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3202 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3203 Committee on Ways and Means
- No. 3204 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 3205 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 3206 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3207 Jointly to the Committee on Health and Environment and the Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3208 Committee on Commerce, Consumer Protection, and Information Technology
- No. 3209 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3210 Committee on Ways and Means
- No. 3211 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3212 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3213 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3214 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 3215 Committee on Economic Development
- No. 3216 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3217 Committee on Ways and Means
- No. 3218 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3219 Jointly to the Committee on Economic Development and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3220 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3221 Committee on Education, then to the Committee on Ways and Means
- No. 3222 Committee on Ways and Means



- No. 3223 Committee on Economic Development, then to the Committee on Ways and Means
- No. 3224 Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3225 Committee on Economic Development, then to the Committee on Ways and Means
- No. 3226 Committee on Ways and Means
- No. 3227 Jointly to the Committee on Human Resources and the Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3228 Committee on Health and Environment, then to the Committee on Judiciary
- No. 3229 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3230 Committee on Judiciary, then to the Committee on Ways and Means
- No. 3231 Committee on Ways and Means
- No. 3232 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3233 Jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3234 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 3235 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3236 Committee on Economic Development, then to the Committee on Ways and Means
- No. 3237 Committee on Ways and Means
- No. 3238 Committee on Human Resources, then to the Committee on Ways and Means
- No. 3239 Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 3240 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 3241 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
- No. 3242 Committee on Ways and Means
- No. 3243 Committee on Education, then to the Committee on Ways and Means
- No. 3244 Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 3245 Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 3246 Committee on Ways and Means
- No. 3247 Committee on Human Resources, then to the Committee on Judiciary
- No. 3248 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 3249 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 3250 Committee on Education, then to the Committee on Ways and Means
- No. 3251 Committee on Health and Environment, then to the Committee on Human Resources
- No. 3252 Jointly to the Committee on Government Operations and Housing and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 3253 Committee on Human Resources, then to the Committee on Ways and Means
- No. 3254 Committee on Ways and Means
- No. 3255 Committee on Education, then to the Committee on Ways and Means
- No. 3256 Committee on Education, then to the Committee on Ways and Means
- No. 3257 Jointly to the Committee on Government Operations and Housing and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 3258 Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Education, then to the Committee on Ways and Means

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

- | Senate Bill | Referred to:  |
|-------------|---|
| No. 2035    | Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, then to the Committee on Judiciary                 |
| No. 2047    | Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology   |
| No. 2048    | Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology   |
| No. 2353    | Jointly to the Committee on Government Operations and Housing and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means |
| No. 2400    | Jointly to the Committee on Judiciary and the Committee on Commerce, Consumer Protection, and Information Technology  |
| No. 2422    | Committee on Health and Environment, then to the Committee on Water, Land, and Hawaiian Affairs   |

No. 2496 Jointly to the Committee on Government Operations and Housing, the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3027 Jointly to the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 3048 Jointly to the Committee on Government Operations and Housing, the Committee on Human Resources, the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 3092 Jointly to the Committee on Government Operations and Housing and the Committee on Human Resources and the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 3120 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Health and Environment, then to the Committee on Ways and Means

Senator Anderson rose on a point of personal privilege and stated:

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

"Mr. President, I guess it was on Thursday, there was an article in the papers that the state buy Waiahole ditch system. I was a little upset over that and I wrote a press release. I wasn't really disappointed because we were going to buy it. What bothered me, Mr. President, and I sent out the press release, is that in 1916 when they diverted the water from the windward side, they've been able to use that water all these years and now we're going to spend some \$10 million to purchase it back. I have said that Amfac made millions of dollars, and the other sugar companies. They can either donate that land or we should put it under condemnation. I don't think that we should be paying \$10 million.

"Also, the governor says that it's really a good deal -- it's 400 acres, fee simple conservation land, rolling stock, equipment, and etc. That's one of the reasons why it's such a good deal.

"Over the weekend they now have that they want to buy Kaiwi Ridge for \$11 million. Now, Kaiwi Ridge is ocean front property, Mr. President -- ocean front. And they're going to pay, or they want to pay, almost the same as they are paying Amfac for conservation land. I don't think it's fair and I did some checking. The Bishop Estate has donated over 1300 acres of land. They gave Hanauma Bay, Koko Head where the Job Corps is, and Sandy Beach, plus they've done others on the neighbor islands.

"We also have Makapuu which is Hawaiian Home Lands. And you have the park in Waimanalo that's Hawaiian Home Lands. I think the Hawaiians have done enough to try to work with the community. So when you say that you're going to buy back for \$10 million conservation land, I think that it's terrible to then offer \$11 million for ocean front, and that's the reason that I'm taking the floor today.

"Also, while we're at it with Hawaiians and what's happening, in Waimanalo you have some homes that were supposedly low-income. They were going to be sold to the people that lived on it. They've been there for 30 years. They are encumbered lands under our laws. They're ceded. Under HUD, they don't care because they consider it public lands. But let me tell you, after reading and going over it, what we're afraid of is we're going to lose \$8 million of federal money.

Now, who the hell gives a darn about losing \$8 million of HUD money when you're taking away a person's home. Now, these low-incomes are not apartments; they're not town houses. They're individual dwellings -- single family dwellings. And you're saying, 'Sorry about that; we can't find the records; you could have bought this back; so we're going to tear down the homes, you'll be displaced; we will build new ones -- maybe \$250,000 or more -- and you can buy that.' Again, I don't think it's fair. It's not right. We have our laws and we should enforce them.

"Thank you very much, Mr. President and my colleagues."

Senator M. Ige then rose and said:

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

"Mr. President, if the words of Senator Anderson could be entered into the Journal as though they were my own, except for the idea of the condemnation. I have a problem with government condemning lands. But I do, too, think that Amfac should give us that ditch as a gesture of good will.

"I'd also like to not include the words regarding Waimanalo homes, since that is in Senator Anderson's district.

"Thank you."

#### ADJOURNMENT

At 11:44 o'clock a.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 3, 1998.

NINTH DAY

Tuesday, February 3, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:34 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Ernest Ono, St. Mary's Episcopal Church, after which the Roll was called showing all Senators present with the exception of Senator Anderson who was excused.

The President announced that he had read and approved the Journal of the Eighth Day.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 135, submitting for consideration and confirmation as Administrator of the State Procurement Office, the nomination of LLOYD I. UNEBASAMI, term to expire June 30, 2002, was read by the Clerk and was referred to the Committee on Government Operations and Housing.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

- |             |   |
|-------------|---|
| Senate Bill | Referred to:  |
| No. 2353    | Committee on Judiciary  |
| No. 2355    | Jointly to the Committee on Government Operations and Housing and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means |

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 7, "Requested Letter of Explanation" from Senator James Aki, dated February 2, 1998, was read by the Clerk and was placed on file.

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

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

"Yesterday, I had the words of one of our most dedicated citizens, a person who holds a great deal of respect in the community and in this body, Ms. Marilyn Bornhorst who is the head, I believe, of the Democratic Party, Mr. President. And Ms. Bornhorst, I think, finally has seen the light and she came out and made some very positive statements about voting against the 34 percent increase in the general excise tax since it will be bad for small business; it will be bad for retirees; it will be bad for individuals and poor people.

"And so, in light of this collaboration, Mr. President, since I see that we're all coming closer together, I did order a new supply, a larger supply of badges and I would like to make them available, of course at no cost, to my colleagues, and the line can start over here. We'll have a minority caucus meeting right after this.

"Thank you again, Mr. President."

Senator Solomon also rose on a point of personal privilege and stated:

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

"During the rally in which the Hawaiian groups were present here in the rotunda, there was some discussion in reference to the PASH bill and we Senators were targets of that discussion. I think the person who was initiating those concerns represented Ka Lahui. In the interim, I did have a meeting with Mililani Trask who I consider is the primary mover behind the Ka Lahui movement. I did assure Mililani then and I would like to assure all my colleagues that as far as the Senate is concerned, we do not have any bill before this body in reference to our native gathering rights. However, we did make a commitment that we would like to see the dialogue continue.

"I would like to commend the Office of State Planning for summarizing the actions taken on this matter. The document is available for your consideration. I would advise that you or one of your staff read the document, as the document has come up with a good consensus of the various community groups, including the financial community, the title companies and different practitioners who are participating in the process. Your co-chairs hope that in 1999 we may be able to revisit the issue and come up with a piece of legislation that will preserve and protect Native Hawaiian rights, as well as provide predictability and certainty of issues associated with the PASH decision.

"I would like to put all my colleagues on notice that if you have people out there or organizations out there that are confused as to what the Senate position is on this matter, do not hesitate to refer them to my office because we are preparing a position statement on the progress of this issue. And again, I would like to assure all my colleagues that we are still in the process of dialoguing with interested parties. We are hoping that we can come up with a piece of legislation that can accomplish our goals so that in the end we want to be able to support a piece of legislation that will recognize Native Hawaiian gathering rights and at the same time bring some certainty and provide some answers for problems which the developers might encounter as they pursue their goals and objectives.

"With that, Mr. President, thank you very much."

ADJOURNMENT

At 11:44 o'clock a.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 4, 1998.

## TENTH DAY

Wednesday, February 4, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Joe Onosai, Word of Life Christian Center, after which the Roll was called showing all Senators present with the exception of Senators Anderson and Sakamoto who were excused.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 136 to 143) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 136, submitting for consideration and confirmation to the Barbers Point Naval Air Station Redevelopment Commission, the nominations of: JACK ENDO, term to expire June 30, 2000; and RANDOLPH G. MOORE, term to expire June 30, 2001, was referred to the Committee on Economic Development.

Gov. Msg. No. 137, submitting for consideration and confirmation to the Endangered Species Recovery Committee, the nominations of: FREDERICK R. WARSHAUER, term to expire June 30, 1999; and MARIE PATRICIA MORIN, Ph.D., term to expire June 30, 2001, was referred to the Committee on Health and Environment.

Gov. Msg. No. 138, submitting for consideration and confirmation to the Hawai'i Community Development Authority, the nomination of PATRICK T. KUBOTA, term to expire June 30, 1999, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 139, submitting for consideration and confirmation to the Board of Trustees, Hawai'i Public Employees Health Fund, the nomination of JOHN H. RADCLIFFE, term to expire June 30, 1999, was referred to the Committee on Human Resources.

Gov. Msg. No. 140, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nomination of COLETTE P. MACHADO, term to expire June 30, 2001, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 141, submitting for consideration and confirmation to the Kaneohe Bay Regional Council, the nomination of KURT K. MENCH, term to expire July 1, 1998, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 142, submitting for consideration and confirmation to the Board of Directors, Natural Energy Laboratory of Hawai'i Authority, the nomination of THOMAS P. WHITTEMORE, terms to expire June 30, 1998 and June 30, 2002, was referred to the Committee on Economic Development.

Gov. Msg. No. 143, submitting for consideration and confirmation to the Public Utilities Commission, the nomination of RAE M. LOUI, term to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

## STANDING COMMITTEE REPORTS

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2001) recommending that S.B. No. 1008, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1008, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2002) recommending that S.B. No. 2070 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2070, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR DETECTION OF ALIEN PEST SPECIES AT THE STATE'S PORTS OF ENTRY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2003) recommending that S.B. No. 2085 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2085, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MAUI VACUUM COOLING PLANT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2004) recommending that S.B. No. 2093 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2093, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURE RESEARCH AND DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2005) recommending that S.B. No. 2094 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2094, entitled: "A BILL FOR AN ACT RELATING TO THEFT," passed Second Reading and was referred to the Committee on Judiciary.

## ORDER OF THE DAY

## RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2055	Committee on Government Operations and Housing, then Jointly to the Committee on Commerce,

Consumer Protection, and Information Technology and the Committee on Ways and Means

No. 2157 Committee on Government Operations and Housing, then Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Ways and Means

No. 2342 Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary

No. 2374 Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Human Resources, the Committee on Judiciary and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 2386 Jointly to the Committee on Human Resources and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 2495 Committee on Human Resources

No. 2762 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary

No. 2768 Jointly to the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 2802 Committee on Economic Development, then to the Committee on Commerce, Consumer Protection, and Information Technology

No. 2851 Jointly to the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 2876 Jointly to the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 2891 Committee on Judiciary, then to the Committee on Commerce, Consumer Protection, and Information Technology

No. 2923 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 2986 Jointly to the Committee on Human Resources and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 3094 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology

No. 3138 Jointly to the Committee on Government Operations and Housing, the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

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

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

"Mr. President, I did want to, today, with the indulgence of the members, briefly discuss matters which arose at a Water, Land, and Hawaiian Affairs, ECD joint hearing yesterday, which was on S.B. No. 2063, Relating to Land Use.

"As you know, one of the proposals of the Economic Revitalization Task Force relates to the Land Use Commission. This bill, S.B. No. 2063, although it's not the ERTF bill, attempted to address those goals of the ERTF. The Senator from Maui mentioned a process beginning for the ERTF bills on the general excise tax. We fortunately do not have to do that this session, inasmuch as we have already received statewide comments on the proposal of the ERTF. As you recall, there was a joint legislative committee called, pursuant to H.C.R. No. 215, which required the House and Senate members to go statewide to address land use issues. And at that time, the task force proposal came out and we received tons of testimony, many of which were in opposition to the elimination of the Land Use Commission. Testimony from groups like OHA, Ka Lahui, Hawaiian Civic Clubs, Sierra Club, Sierra Club Legal Defense Fund, the Farm Bureau and various other organizations.

"This bill that we had before us yesterday, was crafted to address those concerns. We will not satisfy everyone. It was our intent yesterday because this bill is so important; because it does deal with the economy; because it does attempt to address the symbolic over-regulation that this state has been known for, we felt, the chairs of the WLH Committee, that it was important to move the bill out and on for further discussion, and quickly over to the House.

"There were requests from you and other members to defer action until we heard the ERTF bill, 2205. Mr. President, there was some resistance to that because we believe that the ERTF bill, which calls for the elimination of the Land Use Commission, requires a constitutional amendment repealing Article 11, Section 3, which says the state must regulate important agricultural lands. You cannot eliminate the Land Use Commission and return all of the agricultural lands to the counties. People may disagree with that interpretation, but it is an interpretation I believe is correct and we should not risk with a court action. It is a simple matter of having a constitutional amendment proposed. You were one of the creators or sponsors of the Economic Revitalization Task Force, and I believe it was the responsibility of those who would push that bill to have crafted a bill that is consistent, procedurally and substantively, with laws, rules and regulations. We don't have that with S.B. No. 2205.

"To have heard that bill, knowing it is constitutionally defective, would have caused the committee to engage in a Dionysian rite, merely for entertainment. And that's not what we are about.

"This bill is important. The issue is important. We've got to move a bill forward. I want to make one thing clear, Mr. President, because we did defer action, awaiting amendments from the members, to this bill. We want to make this bill as best we can before we send it over to the House.

"The co-chairs of the WLH Committee are committed to the goals of the ERTF when they called for the elimination of the Land Use Commission. And the goals, which are more important than the symbolic removal of the Commission, were eliminate duplication, eliminate over-regulation, streamline the process. And I will say here today, Mr. President, that is our goal. That is what we are committed to. And the amendments that come in to us by tomorrow, 3:00 p.m., will be looked at in its consistency with that goal. It does not do well for us to pass amendments to the chairs of the committee that do not meet those goals.

"Finally, Mr. President, if there are people in this body who want to eliminate the Land Use Commission, I would ask them to conform with the constitutional amendment. It would be

inappropriate to amend 2063 and insert a constitutional amendment. There are short form bills with the proper title, Relating to Agriculture, in the ECD Committee. If you wish to move such an amendment out, it is, of course, your prerogative or the prerogatives of the chairs. At that time it may be appropriate to hear S.B. No. 2205. So, that's your prerogative; that is for your leadership. But I do want to repeat, the chairs of the WLH Committee are committed to the goals of the ERTF. We will pursue those goals. It is there in 2063, and amendments that come in by 3:00 o'clock tomorrow will be judged according to those goals. If they do not meet those goals, we will not be recommending those amendments.

"Thank you, Mr. President."

Senator Solomon then rose and said:

"Mr. President, I just want to rise in support of my co-chairman's remarks, and I would like his remarks to be recorded as though they were my own. Thank you."

#### HOUSE COMMUNICATION

On motion by Senator Ihara, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive a House communication transmitting H.B. No. 2352, H.D. 1, relating to the authorization of funds for the expenses of the Legislature. In consequence thereof and subsequent to its recessing at 11:55 o'clock a.m., the Senate took the following action:

Hse. Com. No. 4, transmitting H.B. No. 2352, H.D. 1, which passed Third Reading in the House of Representatives on February 4, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2352, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed First Reading by title and was referred to the Committee on Ways and Means.

#### ADJOURNMENT

At 1:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Thursday, February 5, 1998.

## ELEVENTH DAY

Thursday, February 5, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:39 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by Pastor Norman Okasako, Mililani Missionary Church, after which the Roll was called showing all Senators present with the exception of Senators Baker, Chun Oakland, Fukunaga, M. Ige, Metcalf, Mizuguchi, Sakamoto and Tanaka.

The Chair announced that he had read and approved the Journal of the Tenth Day.

## STANDING COMMITTEE REPORT

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2006) recommending that H.B. No. 2352, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2352, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 6, 1998.

## ORDER OF THE DAY

## RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2386	Jointly to the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2500	Jointly to the Committee on Government Operations and Housing, the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2760	Jointly to the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 2843	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 3159	Committee on Government Operations and Housing, then to the Committee on Commerce, Consumer Protection, and Information Technology
No. 3175	Jointly to the Committee on Education and the Committee on Health and Environment, then to the Committee on Ways and Means
No. 3229	Jointly to the Committee on Government Operations and Housing and the Committee on Health and Environment, then to the Committee on Ways and Means

Senator Anderson rose on a point of personal privilege and stated:

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

"Mr. President, I'm here because I received the Waimanalo Neighborhood Board's last minutes that they had and I stood on this floor the other day with some concerns. When I read this, I was even more concerned than ever before because when the Neighborhood Board sent out their announcements on their previous meeting, they gave you the members absent, members present, and guests. Out of all of these, if you quite remember some years back, Mayor Fasi started the Neighborhood Boards. We are the only, the only, county in the state that has the neighborhood board. No other county has one. No other county has got to be in any way accountable.

"Yet, in this issue, I remembered when I read it, the governor is now sending some of his cabinet there -- people to represent him. When they were called to order, they had on the agenda the Waimanalo Kupuna Housing Project, and there was a draft because of the environmental assessment. Now, Mr. Cecil Santos was there that evening, evidently, but I wrote to Mr. Santos in October and I asked him why should Unisyn be able to continue without an environmental quality control update. The last one issued was in 1988. They wrote back and said they didn't need one. It's a whole new process that they're doing there. They're not just making compost.

"It went on further. We had comments from the Humuniki Street -- that's the one I told you that HUD was involved in. They also have been going down to the Neighborhood Board with their concerns. No one, evidently, from the governor's office has approached any of us to tell us that they are going to be really concerned in all of these projects.

"Then we have Mr. Kazu Hayashida. Kazu is going to widen Kalaniana'ole Highway, and nobody asked for it in Waimanalo -- nobody wants it in Waimanalo. I went to different Neighborhood Board meetings because I am a resident of Waimanalo, or at least my home is there for 50-something years. Even though I live in Kailua, I still have a home there. Nobody wants to have a widening of the road, but they're going to put it down there because they think it's something that should be at least looked at.

"When we get down here on another page, it says 'Senator Whitney Anderson, no report as representative was not present. Governor's representatives,' they give the names of those people over and above Mr. Santos.

"What I'm trying to get at is, if we're going to start to have the governor sending out some of his people to these meetings and then turning around and not reporting back to any of the state representatives, state senators, then I think that this is a sham, because one of the comments the governor's representative, Mr. Ernest Miyamoto, made was that 'The community needs to work together to bring the Hawaii economy back.' Now, are we jump-starting the state or are we jump-starting a campaign? That's what bothers me. We get involved if telephone poles get up. We got involved recently because of soccer. But Waimanalo, Kailua, and other areas he may not be strong in, does that mean we're not going to be taken care of? That the concerns of the people can go time after time, month after month, year after year without anybody doing anything about it?

"I think what we should do is, if the governor wants to have an island or state-wide project, then he should go ahead and start a state council, or he should do something else because the feds are also coming to the Neighborhood Boards. And none of these people have any jurisdiction over us as state senators. They don't have any jurisdiction over the federal people. All

they are is a sounding board for the county. And if there are concerns, then it should come to us so that we can get back to the community.

"Now, we have tried writing to the departments and they don't do anything. And if they don't do anything, what's the sense of having the governor's representative there to just tell them that they have to work harder for the economy.

"Thank you very much, Mr. President."

#### ADJOURNMENT

At 11:52 o'clock a.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 6, 1998.



TWELFTH DAY

Friday, February 6, 1998

Offered by: Senator Mizuguchi, by request.

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:37 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Dennis Koshko, St. Anthony's Church, Kailua, after which the Roll was called showing all Senators present with the exception of Senators M. Ige, Mizuguchi and Sakamoto who were excused.

The Chair announced that he had read and approved the Journal of the Eleventh Day.

At this time, Senator Matsunaga introduced Tan Yan Chen, Tiffany Zapata and Caryn Kunz, the grand prize and merit winners of the Spark M. Matsunaga Peace Poster Contest. Accompanying the young ladies was Don Funayama, past District Governor of the District 50 Lions Club.

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 144 to 148) were read by the Clerk and were placed on file:

Gov. Msg. No. 144, letter dated February 2, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2801, which makes a supplementary appropriation and authorization for the increase in expenditure level in fiscal year 1998 for the Hawaii Community Development Authority.

Gov. Msg. No. 145, letter dated February 4, 1998, submitting for consideration, proposed changes to the original Executive Supplemental Budget for Fiscal Biennium 1998-99.

Gov. Msg. No. 146, letter dated February 2, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 3033, which makes a supplementary appropriation in fiscal year 1997-98 for tourism marketing.

Gov. Msg. No. 147, letter dated February 4, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2799, which makes a supplementary appropriation in fiscal year 1997-98 for manufacturing using recycled materials.

Gov. Msg. No. 148, letter dated February 4, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2996, which makes a supplementary appropriation in fiscal year 1997-98 for the Department of Public Safety.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 24) was read by the Clerk and was deferred:

Senate Concurrent Resolution

No. 24 "SENATE CONCURRENT RESOLUTION APPROVING THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF."

ORDER OF THE DAY

THIRD READING

H.B. No. 2352, H.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, H.B. No. 2352, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (Bunda, Ige, M., Mizuguchi, Sakamoto, Solomon, Tanaka).

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2803	Jointly to the Committee on Economic Development, the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, then to the Committee on Ways and Means
No. 2850	Committee on Health and Environment, then Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary
No. 2856	Jointly to the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2863	Jointly to the Committee on Health and Environment, the Committee on Water, Land, and Hawaiian Affairs and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 2866	Jointly to the Committee on Health and Environment, the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 3083	Jointly to the Committee on Judiciary and the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 3084	Committee on Health and Environment, then Jointly to the Committee on Judiciary and the Committee on Commerce, Consumer Protection, and Information Technology
No. 3155	Jointly to the Committee on Health and Environment and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
No. 3157	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Health and Environment

Senator Slom rose on a point of personal privilege and stated:

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

"As I have done in the past, I want my colleagues to be aware of businesses that are dead and dying and on the sick list in the State of Hawaii so that will give us more impetus to get the job done and make revitalization of our economy, job number one.

"Mr. President, just in the last couple of weeks since this Legislature has met, I want to read off the names of those businesses that are no longer with us, no longer providing jobs, no longer providing income, no longer paying taxes, no longer contributing to our communities: Kahala Dry Cleaning; R & E Enterprises; Kimo's Lunch Wagon; GSG Pacific Corporation; Pacific Trading Corporation; Dragon Endo, Inc.; Chang Au Ok Restaurant; Far West Communications; Skyvan Systems, Inc.; Siu Lan Enterprises; Kirk Pipher Hawaii Longboard Club; Nalima Mauiola, Inc.; Pool Maid Inc.; Interworks; La Pastaria; Hapa's Brew House in Kihei, Maui; the OK TV and Appliance Store in Waipahu; Jelly's in Mililani; and as we've all read, Mr. Jack Myers is relocating his offices to San Francisco. We further read First Hawaiian Bank is laying off 50 employees and closing its research department which has been in effect for more than 40 years. And there are troubling rumors concerning Amfac and also Theo H. Davies Co.

"Mr. President, I urge our colleagues in both houses to take immediate action so that I can stop reading this growing list of names.

"Thank you, Mr. President."

Senator McCartney rose in response and stated:

"Mr. President, in response to my colleague from Hawaii Kai, I'd like to reiterate and emphasize that the Majority feels the same way. It's unfortunate that those businesses have to leave Hawaii or have gone out of business, and we need to do something about fixing the economy.

"On the other side, Mr. President, there's also good news that there are 48 new companies in this weeks's Pacific Business News, February 2, that I'd like to submit to the Journal that have just entered business into Hawaii: Performance Auto Care Center, Alpha-Omega Plumbing, Foursquare Builders, and it goes on and on and on, and there are 48 of them that I'd like to enter into the Journal and would like to wish them luck and we'll do our very best to keep these new 48 businesses in business. Thank you, Mr. President."

The Chair having so ordered, Senator McCartney's list of new businesses reads as follows:

Performance Auto Care Center, Inc.;  
Alpha-Omega Plumbing, Inc.;  
Foursquare Builders Inc.;  
Pacific Cyber Systems Inc.;  
TJR Advance Information Systems Inc.;  
Jason and Mary Corp.;  
Event Group Inc.;  
WKAC Corp.;  
Barr Corp.;  
Noubari of Hawaii Inc.;  
Munoz Regal Corp.;  
Worldwide Partners Inc.;  
Trebtor Maurer Inc.;  
Richard C. Courson DDS;  
Tina N. Tom DDS;  
Adventure Resorts Inc.;  
Westland Hawaii Corp.;  
Earth Alternatives;  
GHM Inc.;  
Health Nuts Inc.;  
Inca Gold Inc.;

Jumpps Liquor Inc.;  
Lee Lopez Inc.;  
Regency Golf Inc.;  
The Essential Place Inc.;  
Universal Toons Inc.;  
Ohana Connectivity Inc.;  
Dominie Anne Cappadonna, Inc.;  
Fresh Paint Livestock Co.;  
Hana Bay Specialty Seafood Inc.;  
Hawaii Vehicle Cleaners Inc.;  
Kealia Outfitters;  
Kelii's Enterprises;  
L & H Temporary Employment, Inc.;  
Mutual Benefit Employees;  
Pax Security Inc.;  
Waipio Car Quest and Performance Center Inc.;  
A Touch of Country;  
Deep Blue Engineering;  
Galaxy Enterprises;  
Gecko Online;  
Kahili Farm;  
Mai-Tai Salon;  
Maui Channel;  
Milnor Lum and Associates;  
Newway Imports;  
Plant Cultures Hawaii; and  
V.I.P. Relaxation.

#### ADJOURNMENT

At 11:55 o'clock a.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, February 9, 1998.

## THIRTEENTH DAY

Monday, February 9, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Hilaria Dawal, SHF, St. John The Baptist Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Twelfth Day.

Senator Sakamoto introduced Director Elden Seta and several representatives of the Moanalua High School Symphony Orchestra and congratulated them on their invitation to perform at Carnegie Hall in New York City and commended them on their other outstanding achievements.

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 149 to 159) were read by the Clerk and were placed on file:

Gov. Msg. No. 149, dated January 14, 1998, transmitting the 1997 Annual Report of the Employment and Training Fund Program prepared by the Department of Labor and Industrial Relations pursuant to Section 383-128, HRS.

Gov. Msg. No. 150, dated January 16, 1998, transmitting a report, "Summary of Special, Revolving, and Trust Funds for the Fiscal Year Ended June 30, 1997," prepared by the University of Hawaii pursuant to Sections 304-7 and 304-8, HRS.

Gov. Msg. No. 151, dated January 23, 1998, transmitting a report, "Model Drug Law Conference: A Symposium on Crime in Hawaii," prepared by the Department of the Attorney General pursuant to Act 145, SLH 1997.

Gov. Msg. No. 152, dated January 23, 1998, transmitting the Report on the First-to-Work Program, prepared by the Department of Human Services pursuant to Section 346-276, HRS.

Gov. Msg. No. 153, dated January 26, 1998, transmitting a report prepared by the Department of Health pursuant to Act 189, SLH 1995, requesting the Department of Health to keep waiting lists of all individuals with developmental disabilities, mental retardation or both, who are eligible for services and supports but for whom services and supports have not been provided for any reason, and to annually report the numbers of persons waiting for services and supports and the reasons for the lack of services and support.

Gov. Msg. No. 154, dated January 29, 1998, transmitting the Department of Agriculture's Annual Report for Fiscal Years 1995-1997.

Gov. Msg. No. 155, dated January 30, 1998, transmitting the 1997 Annual Report of the Hawaii Aquaculture Advisory Council, prepared by the Department of Land and Natural Resources, Aquaculture Development Program, pursuant to Section 189G-3, HRS.

Gov. Msg. No. 156, dated January 21, 1998, transmitting a report prepared by the Department of Health pursuant to Act

221, SLH 1997, relating to the state water pollution control revolving fund of the Department of Health.

Gov. Msg. No. 157, dated January 28, 1998, transmitting the addendum to Chapter I, D. ICSD/Department Reports Summary, prepared by the Department of Accounting and General Services pursuant to Act 328, Section 212, SLH 1997.

Gov. Msg. No. 158, dated January 23, 1998, transmitting the "Report of the Insurance Commissioner of Hawaii, 1997," prepared by the Department of Commerce and Consumer Affairs.

Gov. Msg. No. 159, informing the Senate that on February 6, 1998, he signed into law House Bill No. 2352 as Act 1, entitled: "MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN."

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 17 to 20) were read by the Clerk and were placed on file:

Dept. Com. No. 17, from the State Auditor dated February 2, 1998, transmitting a report, "Audit of the Decentralization efforts of the Department of Education," (Report No. 98-4).

Dept. Com. No. 18, from the State Auditor dated February 5, 1998, transmitting a report, "Fiscal Accountability Audit of the Department of Education: The Public and the Schools Need to Know the True Costs of Education," (Report No. 98-5).

Dept. Com. No. 19, from the Department of the Attorney General, Crime Prevention and Justice Assistance Division, transmitting the "Crime and Justice in Hawaii, 1997 Hawaii Household Survey Report."

Dept. Com. No. 20, from the State Auditor dated February 6, 1998, transmitting a report, "Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve," (Report No. 98-6).

## CONFERENCE COMMITTEE REPORT

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1285, S.D. 1, presented a report (Conf. Com. Rep. No. 1) recommending that S.B. No. 1285, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1 and S.B. No. 1285, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF NOTICES BY GOVERNMENT AGENCIES," was deferred for a period of 48 hours.

## STANDING COMMITTEE REPORTS

Senators Aki and Tam, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 2007) recommending that S.B. No. 2003 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Sлом and carried, the report of the majority of the Committee was adopted and S.B. No. 2003, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII FOR TRAINING OF TEACHERS IN SHORTAGE AREAS," passed Second

Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2008) recommending that S.B. No. 2218, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2218, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2009) recommending that S.B. No. 2775, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2775, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KING KAMEHAMEHA CELEBRATION COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 11, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2010) recommending that the Senate consent to the nomination of GEORGE Y. KIMURA to the office of Judge, District Court of the First Circuit, for a term of six years, in accordance with the provisions of Section 604-2, Hawaii Revised Statutes, and in accordance with Jud. Com. No. 1.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2010 and Jud. Com. No. 1 was deferred until Tuesday, February 10, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2011) recommending that S.B. No. 2092, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2092, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX LAW," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2012) recommending that S.B. No. 2186, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2186, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CONSTRUCTION INDUSTRY PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2013) recommending that S.B. No. 2304, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Water, Land, and Hawaiian Affairs.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2304, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KONA COFFEE LANDS," passed Second

Reading and was referred to the Committee on Water, Land, and Hawaiian Affairs.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2014) recommending that S.B. No. 2343, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2343, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING LICENSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2015) recommending that S.B. No. 2800, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2800, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORITY OF THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ISSUE ECONOMIC DEVELOPMENT GRANTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2016) recommending that S.B. No. 2901, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2901, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2017) recommending that S.B. No. 2931 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2931, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARK LEASES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2018) recommending that S.B. No. 3024 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3024, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2019) recommending that S.B. No. 3025 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3025, entitled: "A BILL FOR AN ACT RELATING

TO MILK CONTROL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2020) recommending that S.B. No. 3139 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3139, entitled: "A BILL FOR AN ACT RELATING TO STADIUMS," passed Second Reading and was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2301	Jointly to the Committee on Health and Environment and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Judiciary
No. 2784	Committee on Commerce, Consumer Protection, and Information Technology

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

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

"Mr. President, as you know, there is room in the Democratic Party for different points of view. However, I read in this morning's *Advertiser* regarding the failure of our auto insurance reforms to bring cost relief to many of our Hawaii drivers. Twelve members of this Senate voted in opposition last session. We realized then and now that our insurance reform is not working to the benefit of most of Hawaii's drivers. And I quote, Mr. President, 'The reforms promise cuts of 20 to 35 percent, but in many cases the reality is, while most drivers with high coverage limits will see their premiums come down this year, few will realize large cuts, and some motorists may even see their premiums rise.'

"The people of Hawaii know the history pertinent to auto insurance reform. They feel it every month in their pocketbooks. They look to this Legislature for reconciliation, not division; for progress, not reaction. The bottom line, Mr. President, is the people of this state will stand with us now for the kind of auto insurance reform that we desperately need. We must stand up to them; we must fight on their issues on their side. How can we continue to offer the working people of Hawaii mandated auto insurance when we know that our efforts, in fact, will increase their insurance cost or not see the kind of cuts that we have promised them.

"Thank you, Mr. President."

Senator Bunda also rose on a point of personal privilege and stated:

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

"Mr. President, last week the Governor announced his cost-cutting budget on various programs. And as I looked over my copy, I couldn't agree more, that in times of scarce dollars, we need to closely look at these programs which are not at the core of government's responsibility, or programs which are duplication and non-efficient.

"Mr. President, however, I'm very concerned about eliminating \$9 million to the Intermediary Care Facilities for

Mentally Retarded Program that provides 24-hour intensive, active treatment and care to persons with development disabilities and mental retardation. It is my understanding that currently only 98 patients in the entire state are served in this particular program and the state only provides matching funds for this program services at approximately only \$3.6 million -- not the \$9 million that is indicated in the Governor's request. I humbly ask both chairs of the Ways and Means Committee to find out why there is a discrepancy in these figures.

"I, like many of you, have constituents in my community who are elderly parents with disabled children. And early on in their years, many of them elected not to send their children to Waimano Home, but to have the ICFMR program service them because they knew that as they began to age, their kids would become increasingly difficult to care for. And now we have to tell them, 'Hey, guys, sorry, there's no room for your son or daughter, and only those in Waimano Home get first choice.' Mr. President, something is terribly wrong with this picture. I guess only time will tell, until the state gets into another law suit similar to that of the Felix case. Mr. President, if we really don't look beyond our noses, the state will only end up coughing up more money at the end.

"Let me point out that Hawaii is only one of three states in the nation that currently draws a 50/50 match. All other states in this area have match ratios as high as 20/80. Why hasn't the Department of Human Services pursued this route to increase our ratio? I don't know. But I again challenge the chairs of the Ways and Means Committee to look at or investigate the administration's short-sightedness. Let's not be blinded by the administration's facts and figures. It's my concern that the state might be attempting to eliminate costs just for the sake of showing a budget cut, without serious regard to possible consequences.

"Mr. President, may I remind everyone that in the State of Florida the government mandated the elimination of their ICFMR program. However, their courts imposed a stay on their law until Florida can prove that adequate individual transition plans can be developed.

"I'd like to believe, as I read in yesterday's *Advertiser* editorial, that 'We should do as the Governor says.' But if we specifically follow what the newspaper or the Governor wants, without doing our own homework, we're not just going to be trading dollar for dollar. Down the line, I believe it's going to cost us big time.

"Finally, Mr. President, as stated in the editorial yesterday, I quote: 'In the legislative trenches, opposition will be fierce.' To this I say, you can bet on it.

"Thank you, Mr. President."

Senator Anderson rose on a point of personal privilege and stated:

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

"Mr. President, on Friday, Senator Slom read 25 companies that went out of business. The Majority Leader across the aisle stated that there are 40 new businesses. I think we're missing the point. It makes it sound like everything is going to be rosy again because you have 40 new businesses. We haven't said businesses won't start up. It's hard for businesses to stay in business in this state. We are not a very comfortable state to do business in. We are not easy to do business in. That was the point of all these people going down. I think the majority party has got to look at, maybe in a few months from now, looking at that list.

"What bothered me, I think, is I watched the evening news and I saw Senator Chumbley talking and being interviewed. He more or less said that 'gambling was one thing that we would not even consider . . . we have to move on . . . we have many,

many important things to look at, things that should move' -- like the pay raise for the judges. And I sympathize. I read that the judges have not had a pay raise in five years. But if you will remember, we have been trying to finance or to keep the King Kamehameha parade alive and well, and we used to fund that. And we no longer fund it. That brings in tax dollars, Mr. President. We're not funding it, so Hawaiian Airlines picked it up. And since you're so worried about people not being paid, some of their employees have not been given a pay raise in six years. But they're spending a \$150,000 to help us because the economy is poor. Well, their people, I'm sure, could use the money as well as the rest.

"Then it sort of bothered me because OHA, another state funded program, said that they would like to help the Kamehameha Day parade, however, not all participants are of Hawaiian ancestry. Well, that's a lot of malarkey. We've just had all the practitioners here and everybody was fighting about 'yes, we have to help.' Well, they're not all Hawaiian either, my friends. So I think OHA had better look at what we're doing.

"What bothers me, Mr. President, is we have all kinds of information on different types of gambling. We have a referendum. I don't want to see one person here who says, 'I'm opposed to gambling.' You're representing the people. A referendum allows them a chance to get involved in politics. It gives them a vote. If we're going to put this to rest, once and for all, then put it on the ballot as an advisory referendum. It was used in 1939. It is legal. You do not have to change the Constitution. And we don't need your particular opinion if you like it or don't like gambling. It's your constituents who have that right. Now, I'm not sure if it's because of the Hawaii Coalition Against Legalized Gambling with all of these people down here, Mr. President, that are opposed to it, but they, too, would be able to vote. That's what the referendum is all about. It gives them input, not just to come here to the Legislature because they're opposed to something. We get 40 people that are opposed to everything. I don't care what you do and if you put it on the news in the evening and take a poll, it's the other way around. So why don't we give those people a chance.

"And I went back to this article, Mr. President, because it bothered me. It's about partnering. If everybody here who believes in partnering really believes in it, then why don't you pass some of the other bills? I think what Senator Iwase said in this thing is true. Power is power. I don't give a damn if you give it to two people, or one person. And when they say, 'Well, you've got to have input from others,' who are the others? Each other? If we are going to talk to one another as co-chairs and we make a decision on what's going to be heard and what's not going to be heard, whose bills will move and whose won't, even with a hearing. I've been here long enough, Mr. President, to have had people tell me, 'Whitney, I'll hear your bill,' but then it's dead. We haven't even heard it. It didn't go to committee; doesn't know what the people are going to say. But I accepted it because that's the way the ball bounced. But that doesn't give me a right or exclude me from the right of saying how I feel on this floor.

"So I wanted you to know, partnering or no partnering or whatever else there is, if you really believe in what you're doing, then let's look at all the bills. Let's not fool around and play games. You're not God. You have your constituents to think of, as well as everybody else. And there might be only two of us, but whenever it says majority leadership and that you folks went on a summit and you had all this great input, you most certainly don't include us, minority leadership. So how the heck do you know how we feel, since you want to be partnering.

"Thank you very much, Mr. President."

## ADJOURNMENT

At 12:05 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 10, 1998.

## FOURTEENTH DAY

Tuesday, February 10, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Bill Stonebraker, Calvary Chapel of Honolulu, after which the Roll was called showing all Senators present with the exception of Senator Tam who was excused.

The President announced that he had read and approved the Journal of the Thirteenth Day.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 5 to 7) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 5, transmitting H.B. No. 2524, H.D. 1, which passed Third Reading in the House of Representatives on February 9, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2524, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS FOR CAUSE," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 6, transmitting H.B. No. 2531, H.D. 1, which passed Third Reading in the House of Representatives on February 9, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2531, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ELECTIONS REQUIRING A RUNOFF," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 7, transmitting H.B. No. 2770, which passed Third Reading in the House of Representatives on February 9, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2770, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," passed First Reading by title and was referred to the Committee on Economic Development.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 25 to 29) were read by the Clerk and were referred to committees:

## Senate Concurrent Resolution

No. 25 "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."

Offered by: Senator Baker.

Referred to: Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 26 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES' BOATING AND OCEAN RECREATION PROGRAM."

Offered by: Senators Baker, Chumbley, Kawamoto, Taniguchi.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means

No. 27 "SENATE CONCURRENT RESOLUTION ENDORSING THE RECOMMENDATIONS OF THE AD HOC COMMITTEE ON DOMESTIC AND SEXUAL VIOLENCE AND REQUESTING ANNUAL PROGRESS REPORTS ON THE DEVELOPMENT AND IMPLEMENTATION OF A COMPREHENSIVE CONTINUUM OF CARE FOR VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE."

Offered by: Senators Baker, Chun Oakland, Fernandes Salling, Solomon, Fukunaga.

Referred to: Jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means

No. 28 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY."

Offered by: Senators Baker, Chun Oakland, Fernandes Salling, Solomon, Fukunaga.

Referred to: Jointly to the Committee on Health and Environment, the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 29 "SENATE CONCURRENT RESOLUTION REQUESTING THE COLLECTION OF DATA RELATING TO SEXUAL HARASSMENT IN STATE AGENCIES AND A PROPOSED EDUCATIONAL TRAINING PROGRAM FOR STATE AGENCY DIRECTORS AND MANAGEMENT."

Offered by: Senators Baker, Chun Oakland, Fernandes Salling, Solomon, Fukunaga.

Referred to: Committee on Judiciary, then to the Committee on Ways and Means

## STANDING COMMITTEE REPORTS

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2021) recommending that S.B. No. 2107, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2107, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A HISTORICAL CHINESE CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep.

No. 2022) recommending that S.B. No. 3130 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3130, entitled: "A BILL FOR AN ACT RELATING TO FILM PRODUCTION FUNDING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2023) recommending that S.B. No. 3064 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3064, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2024) recommending that S.B. No. 2934, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2934, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION CLAIMS ARISING FROM DISCIPLINARY ACTIONS FOR JUST CAUSE," passed Second Reading and was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### ADVISE AND CONSENT

Stand. Com. Rep. No. 2010 (Jud. Com. No. 1):

Senator Chumbley moved that Stand. Com. Rep. No. 2010 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate consent to the nomination of GEORGE Y. KIMURA for Judge of the District Court of the First Circuit, for a term of six years, in accordance with the provisions of Section 604-2, Hawaii Revised Statutes, seconded by Senator Matsunaga.

Senator Matsunaga rose in support of the nominee and stated:

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

"Mr. President, George Kimura holds an AB and LLB degree from Tulane University. He has served as a Per Diem District Court Judge for the First Circuit for the past 13 years. In addition, Mr. Kimura has served as a lecturer for Small Claims Court and as an Adjunct Professor in Criminal Justice at Chaminade University.

"Testimony was submitted to your committee in support of the nominee which indicated that during his tenure as a Per Diem Judge, Mr. Kimura has consistently demonstrated a keen knowledge of the law, but more importantly, has applied the law in a just and equitable manner. Testifiers further acknowledged that Mr. Kimura is notable for his ability to communicate well with a wide variety of people -- rich and poor, of every ethnicity and background.

"Mr. President, I urge all my colleagues to consent to this nomination. Thank you."

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

Ayes, 23. Noes, none. Excused, 2 (Ige, D., Tam).

At this time, Senator Matsunaga introduced Judge Kimura to the members of the Senate. (Judge Kimura, who was seated in the gallery with his family, then rose to be recognized.)

## REFERRAL OF SENATE CONCURRENT RESOLUTION

The President made the following committee assignment of a concurrent resolution that was offered on Friday, February 6, 1998:

Senate Concurrent Resolution	Referred to:
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No. 24	Jointly to the Committee on Human Resources, the Committee on Transportation and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Ways and Means
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## RE-REFERRAL OF SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

Senate Bill	Referred to:
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No. 2058	Jointly to the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
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At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

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

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

"Mr. President, I'm afraid that again I have to read the newspapers. They don't always print everything that I like but I do read them. I see that the state is going to take the beach fight to court. I think we missed the point. We are already broke and yet we're going to take over Ka Iwi Ridge and take it to court. I watched last night on television. Some of the so-called constituents or taxpayers said what a great deal it is. Well, I happen to remember, Mr. President, I believe it was in 1991, Councilman John Henry Felix asked the federal government to take from Hanauma Bay all the way over to Makapuu and make it a national park. They very wisely said that we cannot take care of what we have now, why should we take on an additional burden?

"Mr. President, there is a time when we have to realize that we have champagne taste with a beer budget. That's about where we're at and we can't keep borrowing for everything we want. You and I can't have everything we want and there's no way in the world that the governor should say we're going to take this over at 87 cents a square foot. Now, I don't know about you, but I paid a helluva lot more for the property that I had to buy in Kailua from Bishop Estate because it was a public purpose, they put the land reform act in.

"I feel cheated, Mr. President, because as a taxpayer I'm going to have to pay some of this burden. But as a beneficiary, as a person who has Hawaiian ancestry, my family before me, myself, my daughter and my grandchildren are going to be denied the Bishop Estate taking care of the resources that



they're supposed to for the benefit of Hawaiians. I think that this is terribly unfair.

"I said the other day that Bishop Estate has already given up 1,300 acres and we are now going to steal more land. I don't think it's fair. I don't think we can afford it. And if we're going to do anything, this morning's paper said that we're cutting back a million dollars in prenatal programs for high-risk pregnant women. If we have money to spend, let's spend it on something that's worthwhile and stay out of the courts and trying to fight for people's property that you want to take over.

"Thank you very much, Mr. President."

#### ADJOURNMENT

At 11:53 o'clock a.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 11, 1998.

## FIFTEENTH DAY

Wednesday, February 11, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Calvin Chinen, Moanalua Gardens Missionary Church, after which the Roll was called showing all Senators present with the exception of Senator Iwase who was excused.

The President announced that he had read and approved the Journal of the Fourteenth Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 160 and 161) were read by the Clerk and were placed on file:

Gov. Msg. No. 160, letter dated February 4, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of S.B. No. 2789, which makes a supplementary appropriation and authorization to allow the Department of the Attorney General to continue its legal representation of the Department of Hawaiian Home Lands under Chapter 674, HRS, for the period March 1, 1998, through June 30, 1998.

Gov. Msg. No. 161, letter dated February 5, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 3027, which makes an emergency supplementary appropriation for the purchase of the Waiahole Irrigation System.

## SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 30) was read by the Clerk and was deferred:

Senate Concurrent Resolution

No. 30 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT AND MAINTENANCE OF NATIVE HAWAIIAN RIGHTS TO PRACTICE TRADITIONAL HAWAIIAN CULTURAL PROTOCOL UPON LANDS, PRIVATE AND PUBLIC, AS AN INTEGRAL PART OF THEIR HEREDITARY CUSTOMS AND SURVIVAL."

Offered by: Senator McCartney.

## SENATE RESOLUTION

The following resolution (S.R. No. 6) was read by the Clerk and was deferred:

Senate Resolution

No. 6 "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT AND MAINTENANCE OF NATIVE HAWAIIAN RIGHTS TO PRACTICE TRADITIONAL HAWAIIAN CULTURAL PROTOCOL UPON LANDS, PRIVATE AND PUBLIC, AS AN INTEGRAL PART OF THEIR HEREDITARY CUSTOMS AND SURVIVAL."

Offered by: Senator McCartney.

## STANDING COMMITTEE REPORT

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2025) recommending

that S.B. No. 2100, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2100, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

## FINAL READING

Conf. Com. Rep. No. 1 (S.B. No. 1285, S.D. 1, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 1 be adopted and S.B. No. 1285, S.D. 1, H.D. 2, C.D. 1, pass Final Reading, seconded by Senator D. Ige.

Senator D. Ige rose in support of the measure and stated:

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

"Mr. President, in a newspaper of general circulation has been fundamental and critical words to those individuals, groups and organizations bent and committed to watching the actions of government. They've been very critical because those words provide public notice so that agencies, individuals and groups can keep track of government actions that may impact them. This measure before us has been more than two years in the making and it's very, very critical in improving public notice on government actions.

"This measure does three things in improving public notice. First, it provides a consistent mechanism to insure that when government takes action, the public is adequately noticed. Right now there are more than 100 citations throughout the statutes that provide for public notice, and many of them are a little bit different. Once this measure is passed, it will be very clear what is required to provide public notice.

"The second thing that this measure does is that it improves allowing for public notice, especially for our neighbor island communities. A newspaper of general circulation oftentimes has lower circulation in neighbor island communities and counties than a newspaper of general circulation throughout the state. So, clearly, this measure provides for better notice on government actions, especially for our neighbor island communities.

"Third and most importantly, it does provide for competition in the method that notice is provided. Rather than a newspaper of general circulation, we now refer to any daily or weekly publication of statewide or county circulation. And the real focus is to allow for competition on how the mechanism and means to provide public notice on government action.

"Mr. President, I do believe that this measure provides the best balance of the public interest with providing efficient government, and urge everyone's approval.

Senator Slom also rose in support and said:

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

"I'd just like to say that I think this bill goes a long way in moving us away from many of our monopolistic tendencies that we've had in our state. And I will predict that we are going to see not only more competition, but we're going to see a reduction in rates and a savings to not only the taxpayers in the state, but to all the people.

"But further, I think this bill recognizes new technologies and how we are changing in communicating. And finally, it recognizes that Honolulu is not the center of all doings for all people, particularly on the neighbor islands and gives them the right to get their own information from their own sources. So I urge my colleagues to support this bill, as well.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 1 was adopted and S.B. No. 1285, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICATION OF NOTICES BY GOVERNMENT AGENCIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Iwase, Metcalf, Taniguchi).

### THIRD READING

S.B. No. 2775, S.D. 1:

On motion by Senator Aki, seconded by Senator Tam and carried, S.B. No. 2775, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KING KAMEHAMEHA CELEBRATION COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Fukunaga, Iwase, Metcalf).

Senator Aki, for the Committee on Education, requested a waiver to Senate Rule 20 for S.B. No. 2278, and the Chair granted the waiver.

Senator Slom rose on a point of personal privilege and stated:

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

"I understand that you and the Speaker of the House and the Governor had a wonderful trip to San Francisco last weekend, and I was waiting to hear some of the results of that trip since I know that the purpose was to sell the Economic Revitalization Task Force package to those rating services that rate our bonded indebtedness. I didn't hear anything but I did read something in the paper last night, and I was a little concerned because the Star-Bulletin quoted Mr. Robert Kurtter, who is the senior vice president of Moody's Investors Service, and he said of the plan, quote: 'Don't come and tell us as a result economic development is going to surge. We'll believe that when we see it,' unquote. And then the Governor was quoted as bristling, Mr. President, bristling, and was quoted as saying that the analyst was incorrectly looking at the tax recommendations in isolation.

"Mr. President, I think that the Governor bristles far too easy and for the wrong reasons. He has bristled because of articles in Forbes, in Fortune, and U.S. News and World Report, and U.S.A. Today, and the Wall Street Journal, and Financial World, and Investors Business Daily, and The Economist, and the Christian Science Monitor. What do all these people know that we don't know, Mr. President? I think we're going about this in the wrong way. We've got to listen to the people and we've got to listen to small business, and we've got to listen to the people that say cut government spending, make changes and do them now. That's the real economic revitalization. And thank you, Mr. President."

Senator Anderson also rose on a point of personal privilege and said:

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

"Mr. President, yesterday when I took the floor, I was going to mention the editorial that was in the paper and I forgot ... in yesterday morning's paper. But I'm very happy about it this morning because the evening's paper also had the editorial on the same thing. The morning paper said, 'Appointed school board: How else accountable?' And in the evening's paper it said, 'School board members should be appointed.'

"Mr. President, for years we have said that there should be a decentralization of the school board. We have tried very hard when I was in the House. I don't think that the people in Windward should be telling the people in Waianae what their schools should need. I think we have to decentralize so that the school boards are elected by those people in their districts.

"Secondly, Mr. President, when I first got elected, I volunteered to sit on the Education Committee. At that time I got to meet a very fine gentleman by the name of Charlie Clark. As you well know, he was the Superintendent of Public Instruction at the time, and he told me, 'Whitney, if there is anything you ever do, get the superintendent to be appointed.' Now, that's good common sense. Why would you want to appoint nine people that have a hard time getting along now? And who are they going to be really accountable to?

"If we decentralized and then turned around and allowed the Governor (by constitutional change, I'm sure) to appoint the superintendent, you then have one person and he or she has to be accountable. And if they're not, then they can be removed if the public is upset. Never mind this five-year contract that we're giving the superintendent now. If the Superintendent of Education does a good job, he or she would have a job for four years as long as the governor was there and appointed a person that's responsible. That's number one.

"And when we want to talk about common sense, Mr. President, I believe that now is not the time for us to be making new purchases of land, etc. Now is the time for us to consider selling off some of our long-term leases that we've had for many, many years, such as Town and Country Stables in Waimanalo. They've been there for a long, long while. Before that they were in Kapiolani Park when I was a young man, but they've been in Waimanalo for years. Why not consider selling that off and allow them to expand, and get some money back in our coffers. We could do that with other long leases. Why not go ahead and make some leases for people and give them a 55-year lease with a five-year no-lease at all for five years. Let them go to the bank so that they can go ahead and make some loans and hire some people and the counties would still get property tax and then we could go ahead and still get a gross income. Why can't we look at a phase-in for seven years.

"Mr. President, now is not the time for us to be buying. Now is the time that we should be even looking at building cultural parks for the people. Why not speak to the Hawaiian Chamber, the Japanese Chamber, the Portuguese Chamber, the Chinese Chamber. Talk to these people and see if we can get a cultural park for the tourists that you want to take care of now.

"Yes, we want to go ahead and improve our industry, but we're doing nothing with the land that we have now. We're not creating entrepreneurs for tomorrow. We can do many creative things and that's what we have to do now.

"Mr. President, I would hope that our administration becomes creative and innovative. And I think we can move ahead now and we have to go ahead and help the economy, rather than sit down and say what we're going to do with the Economic Revitalization Task Force comments. We can't buy their whole package, and a lot of things they've done is good and a lot of it is not acceptable. And we have to understand that.

"And I really don't want to take this floor everyday, Mr. President, but I get tired of writing press releases and letters to the editor that never get out there, so I figure that at least I can

get it into the Journal and I can talk to my colleagues, because maybe in that way we can get some ideas and move on some of the things that are necessary for our state.

"Mahalo."

Senator D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, requested a waiver of the 72-hour Notice of a Public Hearing on S.B. Nos. 3030 and 3043.

Senator D. Ige then explained:

"Mr. President, we missed the 72-hour notice by seven hours, yesterday, when we posted our public hearing. It has been duly noted and hearing notices have gone out, but we missed by seven hours."

The Chair granted the waiver.

#### **ADJOURNMENT**

At 11:57 o'clock a.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 12, 1998.

## SIXTEENTH DAY

Thursday, February 12, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Sam Domingo, Harris United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senator Tanaka who was excused.

The President announced that he had read and approved the Journal of the Fifteenth Day.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 8 to 16) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 8, transmitting H.B. No. 2381, H.D. 1, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2381, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 9, transmitting H.B. No. 2447, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2447, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OR REPEALING OBSOLETE OR UNNECESSARY PROVISIONS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 10, transmitting H.B. No. 2522, H.D. 1, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2522, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARTIES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 11, transmitting H.B. No. 2523, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2523, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL COUNTY REGISTER," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 12, transmitting H.B. No. 2530, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2530, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION," passed First Reading by title and was referred to the Committee on Judiciary, then to the

Committee on Commerce, Consumer Protection, and Information Technology.

Hse. Com. No. 13, transmitting H.B. No. 2707, H.D. 1, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2707, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 14, transmitting H.B. No. 2708, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2708, entitled: "A BILL FOR AN ACT RELATING TO COURTS AND JUDICIAL PROCEEDINGS," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 15, transmitting H.B. No. 2779, which passed Third Reading in the House of Representatives on February 11, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2779, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 16, informing the Senate that the House adopted the report of the Committee on Conference on S.B. No. 1285, S.D. 1, H.D. 2, C.D. 1, and that said bill passed Final Reading in the House of Representatives on February 11, 1998, was placed on file.

## ORDER OF THE DAY

REFERRAL OF  
SENATE CONCURRENT RESOLUTION

The President made the following committee assignment of a concurrent resolution that was offered on Wednesday, February 11, 1998:

Senate Concurrent Resolution	Referred to:
No. 30 Affairs	Committee on Water, Land, and Hawaiian Affairs

## REFERRAL OF SENATE RESOLUTION

The President made the following committee assignment of a resolution that was offered on Wednesday, February 11, 1998:

Senate Resolution	Referred to:
No. 6 Affairs	Committee on Water, Land, and Hawaiian Affairs

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 o'clock a.m.

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

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

"Mr. President, I received many frantic calls this morning due to an article in the West Hawaii newspaper. It was revealed that there are plans to shut down the Kohala Hospital emergency room. Mr. President, I am asking the co-chairs of the Health Committee to confirm if this is true. I am under the impression that when we passed the bill last session to establish the hospital corporation, the bill included language that made it clear that they could not make these kinds of decisions without legislative approval.

"Would the chair please clarify because as you can see, Mr. President, I'm very, very concerned and very upset by the calls that I have received."

The President posed the question and Senator Levin responded as follows:

"Thank you Mr. President. I'll be very happy to respond to my colleague.

"My colleague is absolutely correct. The current statute provides that no services can be cut back by the hospital corporation without approval by the Legislature. That language was specifically put in to protect our rural facilities and those of us who are concerned and care about services throughout the hospital system, which frankly includes all 25 members of this body, need to work together and to stick to that. And the corporation personnel have been informed and reminded time and again that they cannot cut back services. They are well aware of that provision.

"I cannot speak for the article in West Hawaii Today, but we certainly intend to stand firm on that position. Thank you."

Senator Solomon continued:

"Thank you very much, Mr. President. I would like to thank the co-chair of the Health Committee for reconfirmation of the statute."

"Mr. President, a common trend is developing as we progress this session, where we are leaving groups behind through budget reductions -- the welfare coalition, the pregnant mothers, prenatal care appropriations and now it's the hospital emergency rooms.

"Mr. President, I give credit to this legislative process. For the past decade, we have come up with so many creative pieces of legislation to establish revenue enhancement programs. We have created renaissance zones, free enterprise zones on the Big Island alone we have increased the number from five to nine. We have come up with numerous programs to encourage joint ventures between public and private businesses. We have really worked hard to increase our revenue opportunities so we in fact can boost our economy and create the needed funds to provide these much needed services.

"Mr. President, it's the neighbor islands and rural Oahu that suffer the most. We on the neighbor islands lack a rapid transit system which our senior citizens and those who cannot afford a vehicle can use to travel to access services. All I am hearing and reading every single day is that we are cutting back and cutting back and cutting back. But who suffers? Those who have been disenfranchised from the system. We cannot let that happen to us, Mr. President. We are the Democratic party. This is our party's na'au, the na'au, the heart and mind of our platforms. We've been sold a bill of goods persuading us to agree as we move forward to the year 2000, as we move into the global world of international eminence and prominence. We were told by the Democratic leadership that preceded us that all of Hawaii's people would move forward. I have never once ever believed that we would be leaving people behind and this is what we are doing, Mr. President.

"I am very concerned, emotional and passionate about this trend of events. It's the neighbor islands and rural Oahu that are left behind.

"We as Democrats have an obligation to reach out to those that cannot help themselves. This has been the strength of the Democratic Party. This has made Hawaii, Hawaii -- a special place in the world, a state that has put people first.

"And with that said, I am hoping that as we progress, we will look for innovative ways for revenue enhancements so we can all go into this new international world that we have envisioned for Hawaii.

"Thank you very much."

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

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

"Following up with the Senator from the Big Island and adding a personal note. We've heard about the Reubyne Buentipo Jr. case. It's in the paper again. Our company had an employee named Reubyne (with a 'y' in his name) Buentipo Sr. He worked for us. He was a good worker, not currently, years past. And we got slow, as construction does. Fortunately, we didn't get on Senator Slom's list, fortunately, but we got slow (Senator from Hawaii Kai, excuse me) and we had to lay him off. When we got busy, we called back but he wasn't able to work for us. So my point with bringing this up, Mr. President, is, I wonder if he were still working for us, or if he had worked for us over these last four or five years, would we be in this situation where the state is now being, according to the papers, sued by the father.

"I think we can look at solutions as bettering the system, which is very good. We also need to look at how can we provide jobs.

"And following up on the previous speaker, there's this book, The Party's Not Over, a New Vision for Democrats written by Jeff Faux. I'd like to read one paragraph from this book. Per Mr. Faux:

'We know how to produce full employment. We know how to rebuild the cities. We know how to clean up the air and water. We know how to reduce the power of money in politics. We do know how to raise the minimum wage, help the impoverished, and to make the rich pay their fair share. To play their role in forging the future, Democrats will have to regain the high moral ground, not with the message for America to accept what is, but with a plan to create what might be.'

"Mr. President, the small business caucus has put forth some measures that can help. There are also other measures that I feel can help. Some of you have heard some of the bills. I ask you to look at some of the solutions that are there. They are not grandiose. I would relate this analogy. I have an older brother, as many of you have older brothers, and when you're young they say, I'll help you across the street; I'll teach you how to play baseball; let's wrestle. At a certain point, when you get to be about 10 years old, when older brother says let's wrestle, it's no fun anymore because older brother is grabbing your head and saying, 'ha, ha.' For many of us who are struggling to keep our employees, to hire employees, we want big brother to let us walk and not smother us.

"So, some of the bills that we're proposing are to let small business keep their employees, to hire employees and have big brother -- in many cases regulators, in other cases rules -- get off our backs and let us work together in partnership to build what can be built, to continue to fund the hospitals, to continue to do many of the good things. So let's work together in that, Mr. President. Thank you."

Senator Aki then rose and said:

"I'd like to request that the comments made by the Senator from Kohala be incorporated as my own comments and I just wanted to add one further comment and that is that it seems that unless we start addressing the problems -- the real root problems of our state -- Hawaii will become a place only for the rich."

The Chair so ordered.

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

The Senate reconvened at 12:02 o'clock p.m.

Senator M. Ige rose on a point of personal privilege as follows:

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

"Mr. President, you know the other day when the good Senator from Waianae asked for a waiver of the notice, I just appreciated the fact that you responded by saying, 'What Senate bills are you asking the waiver for?' I think, Mr. President, it would appear that there are certain Senators here that may be using the veil of the waiver as a veil to limit public debate by coming up with these bills at the very last minute. And I just want to commend you because I think that if this is true, we're not serving the public. By not having debate, we don't hear all sides of the issues and I think that is very unfair. So I sincerely hope you continue to, I guess, be judicious in trying to waive the 72-hour notice rule. And I just hope that we can continue to live up to the spirit and intent of that rule.

"Thank you."

#### ADJOURNMENT

At 12:05 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 13, 1998.

## SEVENTEENTH DAY

Friday, February 13, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Deacon Bill McPeck, The Roman Catholic Church, Island of Hawaii, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Sixteenth Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 162 to 167) were read by the Clerk and were placed on file:

Gov. Msg. No. 162, dated January 21, 1998, transmitting a report prepared by the Department of Health pursuant to Act 216, SLH 1997, relating to fees collected by the Department of Health.

Gov. Msg. No. 163, dated January 23, 1998, transmitting the 1997 Annual Report of the Hawaii Labor Relations Board, prepared by the Department of Labor and Industrial Relations pursuant to Section 89-5, HRS.

Gov. Msg. No. 164, dated January 23, 1998, transmitting a report, "Project Funded Staff Services Budget Report," prepared by the Hawaii Community Development Authority pursuant to Act 328, Section 155, SLH 1997.

Gov. Msg. No. 165, dated January 30, 1998, transmitting a report prepared by the Hawaii Health Systems Corporation, Maluhia, PACE Hawaii at Maluhia, pursuant to Act 338, SLH 1997, relating to Program of All Inclusive Care for the Elderly (PACE).

Gov. Msg. No. 166, dated February 2, 1998, transmitting a report, "Workshops to Assist Hawaii-Based Businesses to Become More Directly Involved in Pacific Islands Economic Trade and Development," prepared by the Department of Business, Economic Development, and Tourism, Business Development and Marketing Division, pursuant to Act 328, Section 6, SLH 1997.

Gov. Msg. No. 167, dated February 10, 1998, transmitting the Itemized Expenditure Report prepared by the Department of Human Resources Development, pursuant to Act 328, Section 132, SLH 1997.

## DEPARTMENTAL COMMUNICATION

Dept. Com. No. 21, from the State Auditor dated February 11, 1998, transmitting a report, "Study of Proposed Mandatory Health Insurance Coverage for Contraceptive Services," (Report No. 98-7), was read by the Clerk and was placed on file.

## SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 31) was read by the Clerk and was deferred:

## Senate Concurrent Resolution

No. 31 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A RURAL HEALTH PLAN FOR THE DISTRICTS OF PUNA AND KA'U."

Offered by: Senator Levin.

## SENATE RESOLUTION

The following resolution (S.R. No. 7) was read by the Clerk and was deferred:

## Senate Resolution

No. 7 "SENATE RESOLUTION REQUESTING THE DEVELOPMENT OF A RURAL HEALTH PLAN FOR THE DISTRICTS OF PUNA AND KA'U."

Offered by: Senator Levin.

## STANDING COMMITTEE REPORTS

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2026) recommending that S.B. No. 2277, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Education.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2277, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was recommitted to the Committee on Education.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2027) recommending that S.B. No. 2724, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2724, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABELING," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2028) recommending that S.B. No. 2802, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2802, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Chun Oakland and Kanno, jointly with Senators D. Ige and Metcalf, for the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2029) recommending that S.B. No. 2386, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

Senator McCartney moved that Stand. Com. Rep. No. 2029 be adopted and S.B. No. 2386, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means, seconded by Senator Slom.

Senator Kanno rose and stated:

"Mr. President, in the haste of decking S.B. 2386, S.D. 1, this morning, relating to coordinated care organizations, we realized that there are two inadvertent items in the bill that we will be working with the Ways and Means Committee on addressing



when it goes to their committee. The first has to do with when an injured worker goes to a physician outside of the coordinated care organization. Our committees had intended to have the language say, that doctor would not have to follow the treatment guidelines and protocols of the CCO.

"Secondly, in the section having to do with case management, we had agreed upon language and the language was not completely put into the bill that is included before us.

"So as I have stated, we will work with the Ways and Means co-chairs to have those two inadvertent mistakes corrected at their committee.

"Thank you."

The motion was then put by the Chair and carried, the joint report of the Committees was adopted and S.B. No. 2386, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COORDINATED CARE ORGANIZATIONS," passed Second Reading and was referred to the Committee on Ways and Means.

**ORDER OF THE DAY**

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

- |                  |   |
|------------------|---|
| Senate Bill      | Referred to:  |
| No. 2277, S.D. 1 | Committee on Education, then to the Committee on Ways and Means   |
| No. 2278         | Committee on Education, then to the Committee on Ways and Means   |
| No. 2752         | Jointly to the Committee on Education and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means |

Senator Solomon rose on a point of personal privilege and stated:

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

"Mr. President, I quote a front page article in the Advertiser. It stated that 'Senator Malama Solomon (D-Hawi, North Kona, Waimea) wondered aloud whether Cayetano picked for consolidation only departments that didn't have a lot of unionized public workers.' This quote, as printed, was taken out of context. This quote was a follow-up to questions posed by the CPI co-chairs and the Ways and Means co-chair which I will paraphrase: 'Is it not ironic that only a year ago, the Legislature requested a study to review consolidation of departments, and we were advised that the savings would not be worthwhile.' If the co-chair of CPI would like to correct my reiteration of his remarks, this would be the moment. The co-chair of Ways and Means followed up with recommendations that 'maybe the executive should follow other states' examples as they restructured their governments, they clustered similar administrative functions of various departments as determined by the clients they serve.' Mr. President, if the co-chair of Ways and Means would like to correct my reiteration of her remarks, this is the moment.

"After a lengthy response from the panel representing the executive (consisting of three: James Nakatani, Department of Agriculture; Katherine Matayoshi, Department of Commerce and Consumer Affairs; and Brad Mossman of DBEDT), we were given no hard facts as to why this bill proposed the consolidation of Consumer Affairs with the Department of Agriculture.

"Mr. President, your CPI committee gave them (the panel of three) every opportunity to provide the committee with some kind of criteria to justify how these two departments were chosen for consolidation. Picture a room full of independent farmers who are desperately fighting for their livelihood, trying to make sense of a shell of a bill that provided us with no vision, no answers as to how they would benefit from this proposal.

"I gave the panel of three the benefit of the doubt when I asked, Did you look at consolidating the administrative functions of the University of Hawaii, the Department of Education, or the administrative functions of the Department of Health and the Department of Human Services? I stated for the record that I had the privilege of chairing both of these committees, and if we are looking at a consolidation package to reduce a \$240 million shortfall, it would be more appropriate to look at these departments whose administration budgets are in the millions -- maybe a combined strength, Mr. President, of \$20 million -- whose administrative functions and clients are more compatible than those who are served by the Department of Agriculture and the Department of Consumer Affairs, whose combined administration budget would be approximately \$600,000.

"And I quote: 'I felt like Alice in Wonderland looking through the mirror.' With nothing left to ponder, I then uttered those remarks out loud only in defense, Mr. President, of the interests that I so proudly represent, who are not unionized and represent small businesses and families who have dedicated their lives for generations and who carry tremendous debts to bankroll their business. Moreover, I spoke in defense of the 5,000 small businesses who I'm proud to represent on the Big Island, who access the services of the Department of Consumer Affairs.

"Thank you."

Senator Slom then rose on a point of personal privilege and said:

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

"I would like to follow up on some of the remarks made by my colleague, the good Senator from the Big Island (everyone's favorite valentine), because I, too, was in that discussion yesterday. And it seemed to me, as I stated, that the rationale that was made for looking at the consolidation that was under discussion was not made from any business standpoint, was not made from any economic standpoint. And as a matter of fact, there was a great deal of interest and input from small businesses, in particular farmers and those in the agricultural community.

"When we look at the amount that was supposed to be saved, it was manini. When we heard from the agencies that were involved, they told us about how it would be difficult to move their desks, or how it would be difficult for people to go to another location other than the building they were in. And so I think, Mr. President, that if we're going to be talking about consolidation, we have to look at it and ask a lot more questions as did the good Senator from the Big Island.

"But, Mr. President, I'm even more startled because after that, last night I tried to get a good night's sleep and I was awakened this morning by the shrill cries of the governor. The governor calling on new ways of taxing our people and penalizing those non-profit organizations and agencies that for more than 70 years in this state have been recognized for the things that they have contributed, for the efficiencies that they have made, for the help that they have made to our community in the area of social welfare and education, and religion, and so forth. But our governor now says that if we tax these people and these organizations by removing their general excise tax exemption, this is one way of not raising the tax.

"Mr. President, I hear and I see a desperate man and a desperate philosophy that lacks a plan here. And to say that we're not raising the tax when the tax director says, if we get rid of these exemptions and tax these non-profits even more, we'll bring in hundreds of millions of dollars, I see this as a tax increase, and, further, a burden on our community. And the very people that we're calling on in the private sector to take the reins that government has either dropped or mismanaged so badly, to take the reins and help people that are closer to them, we are now going to punish them and penalize them?"

"Yesterday, my colleague from the Big Island was concerned because we are leaving people behind, not just Democrats but all of us. We have to share this responsibility. In this desperation by the governor today, even more people would be left behind.

"So, Mr. President, I call on our colleagues to sit down rationally. Heed the voices of those who know how to create jobs and who know what the economy and economic development and a sound business climate is all about, whether we're talking about consolidation or we're talking about tax plans. And let's not have a tax plan and ERTF du jour. Let's have a real plan by those people who make the contributions.

"Thank you, Mr. President."

Senator Anderson rose on a point of personal privilege and stated:

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

"I agree wholeheartedly with what our floor leader said. The tax exemptions have been in since we were a territory, and they were first initiated in 1935. Good times and bad, we've never wanted to take away these exemptions from these people. And so I would like to have his words put in the Journal as though they were my own.

"And also, just for a bit of clarification, if I may, I heard what was said on the radio. And normally, whenever you get something from the governor, they say that we have spoken to the President of the Senate and the Speaker of the House, and I didn't hear that this time, so I guess they did not even clarify this with you folks on how we were going to treat these people.

"Thank you very much, Mr. President."

The Chair stated:

"That is correct."

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

Senator M. Ige, for the Committee on Government Operations and Housing, requested a waiver of the 72-hour Notice of a Public Hearing on S.B. Nos. 2184, 2214, 2496, 3148 and 3201, and the Chair granted the waiver.

#### ADJOURNMENT

At 12:06 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 17, 1998.

## EIGHTEENTH DAY

Tuesday, February 17, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Larry Engel, Kapolei Seventh-Day Adventist Church, after which the Roll was called showing all Senators present with the exception of Senator D. Ige who was excused.

The President announced that he had read and approved the Journal of the Seventeenth Day.

At this time, Senator Tam introduced Rose Tom, the 1997 Model Chinese Mother of the Year, and Lawrence Ing, the 1997 Chinese Citizen of the Year. Accompanying Mrs. Tom were her daughter Sylvia Tanabe, and son Dr. Philip Tom.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 168 to 175) were read by the Clerk and were placed on file:

Gov. Msg. No. 168, dated January 26, 1998, transmitting a report prepared by the Department of Health pursuant to Chapters 128D and 128E, HRS, on the activities of the Department of Health, Environmental Health Administration, Office of Hazard Evaluation and Emergency Response and Use of the Environmental Response Revolving Fund.

Gov. Msg. No. 169, dated February 2, 1998, transmitting the 1997 Barbers Point Naval Air Station Redevelopment Commission Annual Report, pursuant to Act 359, SLH 1997.

Gov. Msg. No. 170, dated February 10, 1998, transmitting a report, "The Department of Human Services Story 1998," the Department's annual report for FY 1997.

Gov. Msg. No. 171, letter dated February 9, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2857, which makes a supplementary appropriation and authorization to allow the Department of Health to continue its operations of the Child and Adolescent Mental Health Division under Chapter 321, HRS.

Gov. Msg. No. 172, letter dated February 10, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 3051, which makes a supplementary appropriation and authorization to allow the Hawaii Health Systems Corporation to prevent the reduction or discontinuance of services at the facilities under the control of the corporation for this fiscal year.

Gov. Msg. No. 173, letter dated February 11, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2862, which provides an emergency appropriation from existing Department of Health Special Funds for the period of March 1, 1998, through June 30, 1998.

Gov. Msg. No. 174, letter dated February 10, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2861, which makes a supplementary appropriation and authorization to allow the Department of

Health to fund the January 1, 1998, through June 30, 1998, contract cost for emergency ambulance services on the islands of Maui, Molokai, and Lanai, under Section 321-228, HRS.

Gov. Msg. No. 175, letter dated February 12, 1998, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2813, which makes a supplementary appropriation in fiscal year 1997-98 for the Unclaimed Property Program, authorized by Chapter 523A, HRS.

## HOUSE COMMUNICATION

Hse. Com. No. 17, transmitting H.B. No. 2734, which passed Third Reading in the House of Representatives on February 13, 1998, was read by the Clerk and was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2734, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs.

## SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 32) was read by the Clerk and was referred to committees:

Senate Concurrent Resolution

No. 32 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY OF THE HOMELESS MENTALLY ILL."

Offered by: Senator Matsunaga.

Referred to: Jointly to the Committee on Health and Environment and the Committee on Government Operations and Housing, then to the Committee on Ways and Means

## STANDING COMMITTEE REPORTS

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2030) recommending that S.B. No. 2091 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2091, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PERFORM A DRAINAGE STUDY OF THE MAKIKI DRAINAGE DITCH FLOODING PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2031) recommending that S.B. No. 2098 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2098, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAUKAULA STREAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2032) recommending that S.B. No. 2497 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2497, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO INSTALL WATER PIPES AND REROUTE CONNECTION FROM THE PEARL CITY CULTURAL CENTER TO PEARL CITY HIGH SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2033) recommending that S.B. No. 2123 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2123, entitled: "A BILL FOR AN ACT RELATING TO BOARDS OF REGISTRATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2034) recommending that S.B. No. 2314 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2314, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2035) recommending that S.B. No. 2467, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2467, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FUNDING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2036) recommending that S.B. No. 2739, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2739, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF FINES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2037) recommending that S.B. No. 2782 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2782, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2038) recommending that S.B. No. 3029, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3029, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL IDENTIFICATION PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2039) recommending that S.B. No. 2317 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2317, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SECURITY PERSONNEL IN THE COURTS OF THE STATE," passed Second Reading and was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### REFERRAL OF SENATE CONCURRENT RESOLUTION

The President made the following committee assignment of a concurrent resolution that was offered on Friday, February 13, 1998:

Senate Concurrent Resolution	Referred to:
No. 31	Committee on Health and Environment, then to the Committee on Ways and Means

### REFERRAL OF SENATE RESOLUTION

The President made the following committee assignment of a resolution that was offered on Friday, February 13, 1998:

Senate Resolution	Referred to:
No. 7	Committee on Health and Environment, then to the Committee on Ways and Means

### RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 536	Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
No. 2599	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology

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

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

"I understand that the governor now has come forward and said that he has changed yet another one of his firm positions. This one being that he would like to allow the public and the people to decide, particularly on the issue of gambling and so forth. And I would remind the body and the governor that our esteemed colleague, the Minority Leader, made this speech in his plea on our opening day, and of course, repeating the long-held Republican position that it is the people that should be by initiative, referendum, and recall be able to speak up. So I'm very happy that the governor has come around to this position.

I'm sure it's shared by the Majority leadership, and we welcome the people's participation.

"Thank you, Mr. President."

Senator Anderson also rose on a point of personal privilege and said:

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

"Just to give my colleague's a point of information, I was called recently to find out why we would even say that the people have a right to vote when it has to be a referendum that changes the constitution. And I just want to reiterate again, it's an advisory referendum. It is legal. We do have an AG's opinion. It was used last in 1939. So the excuse that some people are using that we have to change the constitution and they'd love to do it, however, they can't do it right now, is not true.

"Also, Mr. President, I did bring this up in 1991, I believe, in the House and it was killed the last night of the session. And I would hope that people will go ahead and look at all of the different bills that are in, consider them, let the people vote, and there's all kinds of information from other states on different types of, I guess you would call it, adult entertainment that we have, so that they won't make any mistakes on drafting a bill.

"Thank you very much, Mr. President."

#### ADJOURNMENT

At 12:01 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 18, 1998.

## NINETEENTH DAY

Wednesday, February 18, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:38 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Mark Olmos, Faith Christian fellowship, Salt Lake, after which the Roll was called showing all Senators present with the exception of Senators Bunda, D. Ige and Mizuguchi who were excused.

The Chair announced that he had read and approved the Journal of the Eighteenth Day.

## HOUSE COMMUNICATION

Hse. Com. No. 18, transmitting H.B. No. 2709, H.D. 1, which passed Third Reading in the House of Representatives on February 17, 1998, was read by the Clerk and was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 2709, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," passed First Reading by title and was referred to the Committee on Judiciary.

## STANDING COMMITTEE REPORTS

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2040) recommending that S.B. No. 2236, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2236, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR THE PLANS, DESIGN, AND CONSTRUCTION OF A NEW SLAUGHTERHOUSE FACILITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Iwase and Solomon, for the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2041) recommending that S.B. No. 2769 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2769, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION PROJECTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2042) recommending that S.B. No. 2791, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2791, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep.

No. 2043) recommending that S.B. No. 3033, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3033, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM MARKETING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2044) recommending that S.B. No. 2553, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2553, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2045) recommending that S.B. No. 2549, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2549, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2046) recommending that S.B. No. 2074, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2074, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF SUPERVISORS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 20, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2047) recommending that S.B. No. 2339 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2339, entitled: "A BILL FOR AN ACT RELATING TO MOPEDES," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 20, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2048) recommending that S.B. No. 2660 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2660, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 20, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2049) recommending that S.B. No. 2911 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2911, entitled: "A BILL FOR AN ACT RELATING TO RIDING BICYCLES ON ROADWAYS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 20, 1998.

### ORDER OF THE DAY

#### RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2737	Committee on Ways and Means
No. 3037	Jointly to the Committee on Judiciary and the Committee on Ways and Means
No. 3088	Jointly to the Committee on Human Resources and the Committee on Judiciary
No. 3179	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

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

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

"We all saw the headlines in this morning's paper, the news that two of our larger businesses -- one the largest financial institution in the state and the other, one of the largest retailers -- are now laying off people. Mr. President, some of us for many years now have talked about the plight of small businesses. We've stood by as we've watched more and more small businesses go out of business, shut down or move out of this state. Now, Mr. President, we're seeing, as we predicted, that it is affecting every business and every sector of our economy. And the question is, When are we going to act, Mr. President?

"Yesterday, I was in a committee hearing and a bill had come forth from the Revitalization Task Force and their recommendation was to form another task force. We have to stop having task forces and studies, Mr. President, and we have to act and we have to solve the problems that are affecting all businesses by cutting taxes, reducing regulations and mandated benefits, and by adopting the 12 good proposals put forward by the bi-partisan Legislative Small Business Caucus.

"Thank you, Mr. President."

Senator Anderson also rose on a point of personal privilege and said:

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

"I'd like to agree with the Minority Floor Leader on what he said. But I'd also like to say upon reading this, yesterday I was going to introduce the media because I don't think that they've been here everyday and listening to some of the things that we are saying that should help the economy. Every one of us here is interested in trying to move the state forward, to make reforms, to have changes. I don't read it in the newspaper. I read in the newspaper and I watch television a lot about what's

happening to the President and his sex life, but very little about what we're doing for our own economy.

"I sent to the House when we were doing the possibility of looking at having a gambling type of referendum. I sent, because I was requested to, the Department of the Attorney General 1963, what they had to say, if it was legal or not.

"I spoke about the 'Waimanalo plan frustrates tenants' because we were looking at taking \$8 million from HUD to kick out low income families. These are not Hawaiian homes or Hawaiian families. These are local families of all different ethnic groups that are low income and they were saying that they could buy their homes if, in fact, they could afford them. After 30 years, they now want to kick them off because they're going to get \$8 million from HUD. Those lands are encumbered under our laws. The federal government does not have, as far as they are concerned, these lands on the books as being encumbered. But because they are silent and we have a law that it's encumbered, we should tell them these are encumbered lands. They are ceded. You cannot go ahead and just throw people off. But we don't do that. Instead, we are saying, 'Well, we're going to get \$8 million.' And Hawaii Housing says they want to keep this in their inventory. They have no inventory if it's ceded. They shouldn't be able to say, we're going to throw these people out to build new homes that they can't afford. They're going to fall back on relying on us to take care of them again. We're going to be deeper in trouble.

"And when I read that the retailers (I guess that's Liberty House and others) say that we blame the slump on the Asia crisis, what are we doing to take care of ourselves? We've suggested using our state lands. We've suggested that if you have a place like Town and Country Stables that has been there for over 35 years and leasing lands, to sell them off, to have money for the general fund that would give these people a chance to expand. That they would be able to hire people. They could go to the banks for loans. We don't do that. The newspapers don't print it. It's like we don't care.

"Yesterday, we had a hearing because of the construction people. And the good Senator from Waipahu turned around and said that there have been employees who went up and said, 'I would like a job,' and they said, 'I'm sorry, we're only hiring people from San Diego.' That's a shame! We should go ahead and take care of our economy.

"I don't see that on television. I don't read it in the papers. It's like our people out there don't think that we're concerned about what's happening here.

"Frustrated? You're damn right I'm frustrated! And I think everybody out there is frustrated because they don't think that we care about what's happening in our own state.

"Why can't we build cultural parks? Why can't we take care of the tourists that are coming here now? Why can't we look for new entrepreneurs? That's fair. It's to help the economy. It's to help jobs, now. The young people must think that we don't give a damn about what's happening to their future.

"If I sound frustrated, it's because I am frustrated because every time we turn around we sit and we do nothing. And year after year it's like business as usual as far as the people are concerned because everybody is afraid to make a move.

"I'm not worried about big business and the unions and the rest of it. If they dump me, fine! But we've got to move forward. We've got to create the jobs that are needed here. We've got to take care of our people now -- not say I've got a job, the heck with the next guy.

"Thank you very much, Mr. President."

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**ADJOURNMENT**

At 11:53 o'clock a.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 19, 1998.



## TWENTIETH DAY

**Thursday, February 19, 1998**

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend David Yamashiro, Kalihi Union Church, after which the Roll was called showing all Senators present with the exception of Senator Tanaka who was excused.

The President announced that he had read and approved the Journal of the Nineteenth Day.

## STANDING COMMITTEE REPORTS

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2050) recommending that S.B. No. 2302, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2302, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2051) recommending that S.B. No. 2862, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2862, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH ADULT MENTAL HEALTH DIVISION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2052) recommending that S.B. No. 2964 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2964, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2053) recommending that S.B. No. 2408, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2408, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2054) recommending that S.B. No. 676, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 676, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2055) recommending that S.B. No. 2002 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2002, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY DAMAGE," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2056) recommending that S.B. No. 2020 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2020, entitled: "A BILL FOR AN ACT RELATING TO SEAT BELTS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2057) recommending that S.B. No. 2021 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2021, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2058) recommending that S.B. No. 2054, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2054, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2059) recommending that S.B. No. 2080 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2080, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MAUI COUNTY TO UPGRADE THE POLICE DEPARTMENT'S TELECOMMUNICATIONS SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2060) recommending that S.B.

No. 2180, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2061) recommending that S.B. No. 2185, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2185, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2062) recommending that S.B. No. 2328 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2328, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2063) recommending that S.B. No. 2332 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2332, entitled: "A BILL FOR AN ACT RELATING TO BOXING," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2064) recommending that S.B. No. 2396, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2396, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2065) recommending that S.B. No. 2405, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2405, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2066) recommending that S.B.

No. 2483, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2483, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2067) recommending that S.B. No. 2492 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2492, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2068) recommending that S.B. No. 2493, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2493, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPAIRED DRIVERS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, jointly with Senators D. Ige and Metcalf, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2069) recommending that S.B. No. 2512, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2512, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UPGRADE THE TELECOMMUNICATIONS SYSTEM OF THE HONOLULU POLICE DEPARTMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2070) recommending that S.B. No. 2556, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2556, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGISTRATION OF VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators Kawamoto and Sakamoto, for the majority of the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2071) recommending that S.B. No. 2647, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2647, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTING COUNTIES FROM GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2072) recommending that S.B. No. 2657 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2657, entitled: "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2073) recommending that S.B. No. 2666, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2666, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REALIGNMENT OF FARRINGTON HIGHWAY AT MAKAHA BEACH PARK," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2074) recommending that S.B. No. 2692 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2692, entitled: "A BILL FOR AN ACT RELATING TO DRIVING AFTER LICENSE SUSPENDED OR REVOKED," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2075) recommending that S.B. No. 2702 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2702, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2076) recommending that S.B. No. 2761, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2761, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2077) recommending that S.B. No. 2908, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2908, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS,"

passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2078) recommending that S.B. No. 2909, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2909, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2079) recommending that S.B. No. 2913, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2913, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2080) recommending that S.B. No. 2914, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2914, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2081) recommending that S.B. No. 2950, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2950, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A NATIONAL MEMORIAL TO HONOR AMERICA'S SERVICE WOMEN," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2082) recommending that S.B. No. 2957, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2957, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2083) recommending that S.B. No. 2963, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Government Operations and Housing.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2963, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Government Operations and Housing.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2084) recommending that S.B. No. 3060, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3060, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FELONY DRIVING," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2085) recommending that S.B. No. 3063, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3063, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF DRUGS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, jointly with Senators D. Ige and Metcalf, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2086) recommending that S.B. No. 3118, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3118, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE UPGRADE OF THE TELECOMMUNICATIONS SYSTEM OF THE HAWAII COUNTY POLICE DEPARTMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the majority of the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2087) recommending that S.B. No. 3179, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 3179, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE OFFICERS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the majority of the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2088) recommending that S.B. No. 3180, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 3180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a

report (Stand. Com. Rep. No. 2089) recommending that S.B. No. 3204 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3204, entitled: "A BILL FOR AN ACT RELATING TO TRACKING DEVICES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2090) recommending that S.B. No. 536, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Education.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 536, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was recommitted to the Committee on Education.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2091) recommending that S.B. No. 2237, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2237, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII YOUTH AND FITNESS PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2092) recommending that S.B. No. 2278, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Education.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2278, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was recommitted to the Committee on Education.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2093) recommending that S.B. No. 2915 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2915, entitled: "A BILL FOR AN ACT RELATING TO DONATIONS TO GOVERNMENT AGENCIES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2094) recommending that S.B. No. 2936, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2936, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CENTER FOR CONSERVATION RESEARCH AND TRAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2095) recommending that S.B. No. 2968, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2968, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EAST-WEST CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2096) recommending that S.B. No. 2976, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2976, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2097) recommending that S.B. No. 3078 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3078, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII AT HILO," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2098) recommending that S.B. No. 3079 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3079, entitled: "A BILL FOR AN ACT RELATING TO EXPANSION OF ADMINISTRATION OF JUSTICE PROGRAMS AT THE UNIVERSITY OF HAWAII AT HILO AND HAWAII COMMUNITY COLLEGE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2099) recommending that S.B. No. 3169 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3169, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2100) recommending that S.B. No. 3221, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3221, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HALEIWA ARTS FESTIVAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2101) recommending that S.B. No. 3255, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3255, S.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE

ONE HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF OKINAWANS TO HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2102) recommending that S.B. No. 2099, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2099, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2103) recommending that S.B. No. 2132, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2132, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2104) recommending that S.B. No. 2136, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2136, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR CONTROL ADJUDICATION BOARD," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2105) recommending that S.B. No. 2320, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2320, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DELINQUENT FINES AND RESTITUTION," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2106) recommending that S.B. No. 2358 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2358, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2107) recommending that S.B. No. 2391, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No.

2391, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR COUNTY OF KAUAI CAPITAL IMPROVEMENT PROJECTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2108) recommending that S.B. No. 2392, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2392, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE COUNTY OF KAUAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2109) recommending that S.B. No. 2494, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2494, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE DRIVER'S LICENSE REVOCATION," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2110) recommending that S.B. No. 2652, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2652, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SAFETY AND SECURITY DISTRICT ASSESSMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2111) recommending that S.B. No. 2658, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2658, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAPSED WARRANTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2112) recommending that S.B. No. 2912 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2912, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2113) recommending that S.B. No. 1478, as amended in S.D. 1,

pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1478, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2114) recommending that S.B. No. 1480, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1480, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2115) recommending that S.B. No. 2689, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2689, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2116) recommending that S.B. No. 2999 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2999, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS OF THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2117) recommending that S.B. No. 3000, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3000, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, jointly with Senators Tanaka and Taniguchi, for the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 2118) recommending that S.B. No. 2063, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2063, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Iwase and Solomon, for the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2119) recommending that S.B. No. 2068, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2068, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CONSTRUCTION OF TRANSMISSION AND DISTRIBUTION LINE FOR NONPOTABLE WATER FOR THE UPCOUNTRY MAUI WATERSHED PROJECT, KULA, MAUI," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Kawamoto and Sakamoto, for the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2120) recommending that S.B. No. 2760, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2760, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators D. Ige and Metcalf, for the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2121) recommending that S.B. No. 2770, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2770, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Tanaka and Taniguchi, jointly with Senators Iwase and Solomon, for the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2122) recommending that S.B. No. 3027, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3027, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2123) recommending that S.B. No. 2620, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2620, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNERS' LIABILITY," passed Second Reading and was referred to the Committee on Judiciary.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2124) recommending that S.B. No. 3053 pass Second

Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3053, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF PUBLIC LANDS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

**ORDER OF THE DAY**

**RE-REFERRAL OF SENATE BILLS**

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2076	Committee on Judiciary
No. 2449	Committee on Ways and Means
No. 2752	Committee on Ways and Means
No. 3230	Jointly to the Committee on Judiciary and the Committee on Ways and Means

Senator D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, requested a waiver of the 72-hour Notice of a Public Hearing on S.B. Nos. 2181, 2554, 3166 and 3224, and the Chair granted the waiver.

Senator Anderson then rose and said:

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

"Mr. President, I have here a decision-making sheet that evidently it's on a couple of Senate bills that I had put in. It says, 'Not necessary.' I'd like to clarify that. The reason on why the bills were put in is, evidently we have a cruise boat that we gave a tax break to, at one time, and after 1996, according to our laws, it said that it would be finished. However, there was no 'drop dead' and the Tax Department has never been able to tell us if they have received any taxes from that company since 1996. So I thought I would like to help the economy by finding out if, in fact, we haven't received any tax, why don't we put in a bill to let them know that they are definitely not exempt anymore. So that was the reason for that particular bill.

"The second bill was a general excise tax because our Senator from Washington gave this particular company a monopoly. They can come in. We even circumvented the Jones Act that we said we can't do. So I wanted to make an even playing field whereby they would pay the same tax as our hotels and other businesses. That was to help our economy.

"And when they put down 'not necessary,' I'd like to know when and where we started to put down exclamation points after the 'not necessary' clause. I think that that's a little far-fetched.

"Thank you very much, Mr. President."

**ADJOURNMENT**

At 11:50 o'clock a.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 20, 1998.

## TWENTY-FIRST DAY

Friday, February 20, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Father John Abts, OFM, Co-Cathedral of St. Theresa, after which the Roll was called showing all Senators present with the exception of Senator Tanaka who was excused.

The President announced that he had read and approved the Journal of the Twentieth Day.

The following introductions were made to the members of the Senate:

Senator Solomon introduced Don Dickens of the Mauna Lani Bay Hotel and John Crouch of the PowerLight Corporation in recognition of Mauna Lani Bay Hotel's pioneering usage of a rooftop photovoltaic system to meet its electrical needs.

Senator Bunda introduced the Leilehua High School Band and band director Keith Fukumoto, and commended them on their invitation to perform at the 150th Anniversary Celebration of the Washington Monument and the All-American Music Festival.

Senator Levin then introduced Dr. Birute Galdikas and recognized her for her life's work and achievements in researching and protecting orangutans and being an international advocate for endangered species and the environment. Accompanying Dr. Galdikas was Dr. Nancy Briggs, board member and trustee of the Orangutan Foundation International.

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 19 to 25) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 19, transmitting H.B. No. 2895, which passed Third Reading in the House of Representatives on February 18, 1998, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 2895, entitled: "A BILL FOR AN ACT RELATING TO RIDING BICYCLES ON ROADWAYS," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 20, transmitting H.B. No. 2800, which passed Third Reading in the House of Representatives on February 18, 1998, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 2800, entitled: "A BILL FOR AN ACT RELATING TO MANAGEMENT OF STATE FUNDS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 21, transmitting H.B. No. 3417, which passed Third Reading in the House of Representatives on February 18, 1998, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 3417, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 22, transmitting H.B. No. 2613, H.D. 1, which passed Third Reading in the House of Representatives on February 19, 1998, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 2613, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF SUPERVISORS," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 23, transmitting H.B. No. 2780, which passed Third Reading in the House of Representatives on February 19, 1998, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 2780, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Judiciary.

Hse. Com. No. 24, transmitting H.B. No. 3041, H.D. 1, which passed Third Reading in the House of Representatives on February 19, 1998, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 3041, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAXATION OF NONRESIDENTS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 25, transmitting H.B. No. 3466, H.D. 1, which passed Third Reading in the House of Representatives on February 19, 1998, was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.B. No. 3466, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETENTION OF CASHED WARRANTS," passed First Reading by title and was referred to the Committee on Ways and Means.

## STANDING COMMITTEE REPORTS

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2125) recommending that S.B. No. 2622 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2622, entitled: "A BILL FOR AN ACT RELATING TO EARNED INCOME TAX CREDITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2126) recommending that S.B. No. 2629 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2629, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM HEALTH CARE DEDUCTIONS FROM TAXABLE INCOME," passed Second Reading and was referred to the Committee on Ways and Means.



Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2127) recommending that S.B. No. 2742, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2742, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EARLY EDUCATION AND CHILD CARE TUITION ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2128) recommending that S.B. No. 2746, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2746, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2129) recommending that S.B. No. 2766, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2766, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CARE TAX POLICY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2130) recommending that S.B. No. 2848, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2848, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2131) recommending that S.B. No. 2874, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2874, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2132) recommending that S.B. No. 2875, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2875, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2133) recommending that S.B. No. 2877 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2877, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL CARE SERVICES PAYMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2134) recommending that S.B. No. 2878, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2878, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID OVERPAYMENT RECOVERY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2135) recommending that S.B. No. 2879, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2879, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2136) recommending that S.B. No. 3002, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3002, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2137) recommending that S.B. No. 3123 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3123, entitled: "A BILL FOR AN ACT RELATING TO QUEST," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2138) recommending that S.B. No. 2668, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2668, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO ABANDONED PROPERTY," passed Second Reading and was referred to the Committee on Judiciary.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2139) recommending that S.B. No. 2207, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2207, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 2140) recommending that S.B. No. 2902, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2902, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2141) recommending that S.B. No. 2246, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2246, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2142) recommending that S.B. No. 2777 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2777, entitled: "A BILL FOR AN ACT RELATING TO SALARY PAYMENTS TO NEW EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2143) recommending that S.B. No. 2883 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2883, entitled: "A BILL FOR AN ACT RELATING TO HEARINGS OF THE PUBLIC EMPLOYEES COMPENSATION APPEALS BOARD," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, jointly with Senators Aki and Tam, for the Committee on Water, Land, and Hawaiian Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2144) recommending that S.B. No. 2719, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2719, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO THE ESTABLISHMENT OF A PILOT PROGRAM OF THREE SCHOOLS, KINDERGARTEN THROUGH GRADE TWELVE, CONDUCTED IN THE HAWAIIAN LANGUAGE AT KEKAHA, KAUA'I, AND WAIMEA AND KEA'AU, HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2145) recommending that S.B. No. 2850, as amended in S.D. 1, pass Second Reading and be referred jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2850, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Second Reading and was referred jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary.

Senators Tanaka and Taniguchi, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2146) recommending that S.B. No. 2089, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2089, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HOOTERS HULA BOWL, MAUI," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2147) recommending that S.B. No. 3015, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 3015, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX EXEMPTION FOR AIRCRAFT SERVICE AND MAINTENANCE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2148) recommending that S.B. No. 3156, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3156, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING AND INDUSTRIAL ENTERPRISES ON THE ISLAND OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2149) recommending that S.B. No. 3236 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 3236, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TOUR OF CHAMPIONS MOUNTAIN BIKE RACE," passed Second

Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2150) recommending that S.B. No. 2036, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Human Resources.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2036, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Human Resources.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2151) recommending that S.B. No. 2047, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2047, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE PRACTITIONERS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2152) recommending that S.B. No. 2455, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2455, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2153) recommending that S.B. No. 2566 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2566, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TREATMENT DECISIONS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2154) recommending that S.B. No. 2638, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2638, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2155) recommending that S.B. No. 2846, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2846, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION

ASSESSMENTS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2156) recommending that S.B. No. 2857 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2857, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2157) recommending that S.B. No. 2858 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2858, entitled: "A BILL FOR AN ACT RELATING TO NURSE MIDWIVES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2158) recommending that S.B. No. 3101 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3101, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MALAMA FAMILY RECOVERY CENTER FOR A THERAPEUTIC HOME FOR WOMEN AND CHILDREN RECOVERING FROM SUBSTANCE ABUSE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2159) recommending that S.B. No. 3119, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3119, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2160) recommending that S.B. No. 3234 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3234, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN ASSISTANTS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2161) recommending that S.B. No. 3240 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and

S.B. No. 3240, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2162) recommending that S.B. No. 3248, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3248, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2163) recommending that S.B. No. 2129 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2129, entitled: "A BILL FOR AN ACT RELATING TO THE ETHICS COMMISSION," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2164) recommending that S.B. No. 2319, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2319, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF DELINQUENT FINES AND RESTITUTION IN THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2165) recommending that S.B. No. 2402, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2402, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2166) recommending that S.B. No. 2557 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2557, entitled: "A BILL FOR AN ACT RELATING TO TORTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2167) recommending that S.B. No. 2904, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2904, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2168) recommending that S.B. No. 2966, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2966, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2169) recommending that S.B. No. 2996 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2996, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2170) recommending that S.B. No. 3107 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3107, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE DISPUTE RESOLUTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2171) recommending that S.B. No. 3183, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3183, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2172) recommending that S.B. No. 2641, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2641, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MENTAL HEALTH AND SUBSTANCE ABUSE SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2173) recommending that S.B. No. 2101, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2101, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IN-SERVICE TRAINING OF COUNSELORS, SCHOOL REGISTRARS, AND EDUCATIONAL ASSISTANTS AT EACH SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2174) recommending that S.B. No. 2103, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2103, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BILINGUAL EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2175) recommending that S.B. No. 2104 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2104, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2176) recommending that S.B. No. 2108, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2108, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNSELING IN THE PUBLIC SCHOOL SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2177) recommending that S.B. No. 2110, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2110, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REPAIRS AND MAINTENANCE OF EDUCATIONAL FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2178) recommending that S.B. No. 2178 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2178, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UPGRADE ELECTRICAL INFRASTRUCTURE TO SUPPORT COMPUTER TECHNOLOGY FOR WAIPAHU ELEMENTARY SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2179) recommending that S.B. No. 2212 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2212, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL OFFICERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2180) recommending that S.B. No. 2273 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2273, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL MAINTENANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2181) recommending that S.B. No. 2274 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2274, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PEARL CITY HIGHLANDS ELEMENTARY SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2182) recommending that S.B. No. 2305 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2305, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UPGRADE ELECTRICAL INFRASTRUCTURE TO SUPPORT COMPUTER TECHNOLOGY FOR WAIANAE HIGH SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2183) recommending that S.B. No. 2310 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2310, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL EDUCATION AND JOB TRAINING," passed Second Reading and was referred to the Committee on Judiciary.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2184) recommending that S.B. No. 2445, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2445, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL CLERICAL STAFFING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2185) recommending that S.B. No. 2447, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2447, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PERMANENT

REGISTRARS FOR INTERMEDIATE SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2186) recommending that S.B. No. 2448 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2448, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RESOURCE TEACHER POSITIONS FOR THE HAWAIIAN STUDIES PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2187) recommending that S.B. No. 2451 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2451, entitled: "A BILL FOR AN ACT RELATING TO STUDENT ACTIVITY COORDINATORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2188) recommending that S.B. No. 2453 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2453, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS RELATING TO THE PARENT-COMMUNITY NETWORKING CENTERS AND THE FAMILIES FOR R.E.A.L. PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2189) recommending that S.B. No. 2577 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2577, entitled: "A BILL FOR AN ACT RELATING TO THE SECONDARY SCHOOL STUDENTS CONFERENCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2190) recommending that S.B. No. 2754, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2754, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2191) recommending that S.B. No. 2756 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2756, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A SCIENCE LAB ASSISTANT

PILOT PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2192) recommending that S.B. No. 2758, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2758; S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT COMMUNITY SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2193) recommending that S.B. No. 2928, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2928, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2194) recommending that S.B. No. 2946 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2946, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL IMPACT AID," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2195) recommending that S.B. No. 3068, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3068, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SCHOOL /COMMUNITY-BASED MANAGEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2196) recommending that S.B. No. 3198, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3198, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE BOARD OF EDUCATION'S PERFORMANCE STANDARDS REVIEW COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2197) recommending that S.B. No. 2789 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2789, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, jointly with Senators Kawamoto and Sakamoto, for the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2198) recommending that S.B. No. 2033, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2033, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RECLAIMED WATER DISTRIBUTION AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2199) recommending that S.B. No. 2334, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2334, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2200) recommending that S.B. No. 2611 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2611, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM TRANSFER-ON-DEATH (TOD) SECURITY REGISTRATION ACT," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2201) recommending that S.B. No. 2785 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2785, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed Second Reading and was referred to the Committee on Judiciary.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2202) recommending that S.B. No. 2832, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2832, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIVE SUBPOENAS," passed Second Reading and was referred to the Committee on Judiciary.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2203) recommending that S.B. No. 2833 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and

S.B. No. 2833, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LEASE DISCLOSURE," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2204) recommending that S.B. No. 2983, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2983, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFICE OF INFORMATION PRACTICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2205) recommending that S.B. No. 3134 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3134, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER AND COMMUNICATION SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2206) recommending that S.B. No. 3235, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 3235, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2207) recommending that S.B. No. 3241, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3241, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR TRADE PRACTICE," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, jointly with Senators Iwase and Solomon, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Water, Land, and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2208) recommending that S.B. No. 2910, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2910, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, jointly with Senators Bunda and M. Ige, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Government

Operations and Housing, presented a joint report (Stand. Com. Rep. No. 2209) recommending that S.B. No. 2184, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2184, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT PARKING CONCESSION CONTRACTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, jointly with Senators Chumbley and Matsunaga, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2210) recommending that S.B. No. 2394, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2394, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERGOVERNMENTAL AGREEMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2211) recommending that S.B. No. 2759, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2759, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2212) recommending that S.B. No. 3126, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3126, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2213) recommending that S.B. No. 2157, as amended in S.D. 1, pass Second Reading and be referred jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2157, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2214) recommending that S.B. No. 2307, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2307, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2215) recommending that S.B. No. 2501, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2501, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE CONTRACTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2216) recommending that S.B. No. 2624, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2624, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2217) recommending that S.B. No. 2656, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2656, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2218) recommending that S.B. No. 2774, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2774, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2219) recommending that S.B. No. 2779, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2779, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PARKING REVOLVING FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2220) recommending that S.B. No. 2804, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.



On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2804, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2221) recommending that S.B. No. 2812, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2812, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, jointly with Senators D. Ige and Metcalf, for the Committee on Government Operations and Housing and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2222) recommending that S.B. No. 2940 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2940, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION OF NONPROFIT HOMEOWNERS OR COMMUNITY ASSOCIATIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2223) recommending that S.B. No. 3035, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3035, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2224) recommending that S.B. No. 3114, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3114, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2225) recommending that S.B. No. 3127, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3127, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Second

Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, jointly with Senators Chun Oakland and Kanno, for the Committee on Government Operations and Housing and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2226) recommending that S.B. No. 3129, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3129, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REORGANIZATION OF THE PRINCIPAL EXECUTIVE DEPARTMENTS OF THE STATE GOVERNMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2227) recommending that S.B. No. 3159, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3159, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TIME SHARE LAW," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2228) recommending that S.B. No. 3192, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3192, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STATE PAYROLL PILOT PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2229) recommending that S.B. No. 3195, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Transportation and Intergovernmental Affairs.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was referred to the Committee on Transportation and Intergovernmental Affairs.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2230) recommending that S.B. No. 2422, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Water, Land, and Hawaiian Affairs.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2422, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT ASSESSMENTS," passed Second Reading and was referred to the Committee on Water, Land, and Hawaiian Affairs.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2231) recommending that S.B. No. 2460, as amended in

S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2460, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF HOSPITALS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2232) recommending that S.B. No. 2831, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2831, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2233) recommending that S.B. No. 2861, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2861, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2234) recommending that S.B. No. 2965, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2965, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HANA COMMUNITY HEALTH CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2235) recommending that S.B. No. 3051 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3051, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the majority of the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2236) recommending that S.B. No. 3244 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 3244, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed Second Reading and was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### THIRD READING

S.B. No. 2074, S.D. 1:

By unanimous consent, action on S.B. No. 2074, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF SUPERVISORS," was deferred until Monday, February 23, 1998.

S.B. No. 2339:

By unanimous consent, action on S.B. No. 2339, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," was deferred until Monday, February 23, 1998.

S.B. No. 2660:

By unanimous consent, action on S.B. No. 2660, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," was deferred until Monday, February 23, 1998.

S.B. No. 2911:

By unanimous consent, action on S.B. No. 2911, entitled: "A BILL FOR AN ACT RELATING TO RIDING BICYCLES ON ROADWAYS," was deferred until Monday, February 23, 1998.

At this time, Senator Bunda, for the Committee on Government Operations and Housing, requested a waiver of the 72-hour Notice of a Public Hearing pursuant to Senate Rule 20 for S.B. No. 3174.

Senator Bunda then remarked:

"Mr. President, we realized that the amendments made by the committee did not coincide with the title."

The Chair then granted the waiver.

### STANDING COMMITTEE REPORTS

On motion by Senator McCartney, seconded by Senator Slom and carried unanimously, the Senate authorized the adoption of standing committee reports recommending that Senate and House bills pass Second Reading and be referred to committees or be placed on the calendar for Third Reading. The Clerk was further authorized to receive standing committee reports recommending that Senate bills be placed on the calendar for Third Reading. In consequence thereof, and subsequent to its recessing at 12:11 o'clock p.m., the Senate took the following actions on the following bills and standing committee reports:

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2237) recommending that S.B. No. 2222 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2222, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2238) recommending that S.B. No. 2263 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and

S.B. No. 2263, entitled: "A BILL FOR AN ACT RELATING TO VACANCIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators Kawamoto and Sakamoto, for the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2239) recommending that S.B. No. 2385, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2385, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2240) recommending that S.B. No. 2437, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2437, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2241) recommending that S.B. No. 2956, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2956, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2242) recommending that S.B. No. 2135, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2135, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE TRADE PRACTICES," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2243) recommending that S.B. No. 2472 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2472, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATIONS," passed Second Reading and was referred to the Committee on Judiciary.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2244) recommending that S.B. No. 2581 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2581, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2245) recommending that S.B. No. 2820 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2820, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2246) recommending that S.B. No. 2828, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2828, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2247) recommending that S.B. No. 2452, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2452, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2248) recommending that S.B. No. 2920, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2920, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGAL REPRESENTATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2249) recommending that S.B. No. 2916 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2916, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators Aki and Tam, jointly with Senators Chun Oakland and Kanno, for the Committee on Education and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2250) recommending that S.B. No. 3239, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3239, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators Kawamoto and Sakamoto, for the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2251) recommending that S.B. No. 2131 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2131, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators D. Ige and Metcalf, for the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2252) recommending that S.B. No. 2338, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2338, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF HOISTING MACHINE OPERATORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2253) recommending that S.B. No. 2814, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2814, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2254) recommending that S.B. No. 2258, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2258, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2255) recommending that S.B. No. 2337, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2337, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH TO OBTAIN A FEDERAL TRAUMATIC BRAIN INJURY DEMONSTRATION MATCHING GRANT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2256) recommending that S.B. No. 2389, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2389, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2257) recommending that S.B. No. 2412, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2412, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DRUG TREATMENT SERVICES ON THE ISLAND OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2258) recommending that S.B. No. 2845, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2845, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2259) recommending that S.B. No. 3173, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3173, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2260) recommending that S.B. No. 3171 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3171, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL, DENTAL, OR HOSPITAL RECORDS AND WRITINGS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2261) recommending that S.B. No. 2126, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2126, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO RESIDENCE ADDRESS; CONFIDENTIALITY," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2262) recommending that S.B. No. 2315, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2315, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2263) recommending that S.B. No. 2464, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2464, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES IN THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2264) recommending that S.B. No. 2849, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2849, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2265) recommending that S.B. No. 2945, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2945, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2266) recommending that S.B. No. 3031, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3031, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2267) recommending that S.B. No. 2113, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and

S.B. No. 2113, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2268) recommending that S.B. No. 2182, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2182, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2269) recommending that S.B. No. 2211, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2211, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2270) recommending that S.B. No. 2446, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2446, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, jointly with Senators Kawamoto and Sakamoto, for the Committee on Education and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2271) recommending that S.B. No. 2726, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2726, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, jointly with Senators Chun Oakland and Kanno, for the Committee on Education and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2272) recommending that S.B. No. 2870 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2870, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2273) recommending that S.B. No. 3070 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3070, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2274) recommending that S.B. No. 3177 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3177, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL REPORTING OF THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2275) recommending that S.B. No. 3182, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3182, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO RESTORE FUNDING TO PUBLIC HIGH SCHOOL ATHLETIC PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Iwase and Solomon, for the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2276) recommending that S.B. No. 2238, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2238, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators D. Ige and Metcalf, for the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2277) recommending that S.B. No. 3007, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3007, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT CORPORATIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators D. Ige and Metcalf, for the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2278) recommending that S.B. No. 3032, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and S.B. No. 3032, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators D. Ige and Metcalf, for the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com.

Rep. No. 2279) recommending that S.B. No. 3190, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3190, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2280) recommending that S.B. No. 2171, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Health and Environment.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2171, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES," passed Second Reading and was referred to the Committee on Health and Environment.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2281) recommending that S.B. No. 2388, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Health and Environment.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2388, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Health and Environment.

Senators Aki and Tam, jointly with Senators Fernandes Salling and Levin, for the Committee on Education and the Committee on Health and Environment, presented a joint report (Stand. Com. Rep. No. 2282) recommending that S.B. No. 3175, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3175, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TREATMENT OF TEENAGERS DEPENDENT ON DRUGS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2283) recommending that S.B. No. 2254, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2254, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2284) recommending that S.B. No. 2705, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2705, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2285) recommending that S.B. No. 2793, as amended in S.D. 1, pass

Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2793, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators Chumbley and Matsunaga, for the Committee on Human Resources and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2286) recommending that S.B. No. 705, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 705, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS FOR THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2287) recommending that S.B. No. 2105, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2105, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH TO ACQUIRE THE TECHNOLOGY TO ANALYZE ODORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Kawamoto and Sakamoto, for the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2288) recommending that S.B. No. 2229, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2229, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION LICENSE PLATES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2289) recommending that S.B. No. 2349, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2349, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Kawamoto and Sakamoto, for the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2290) recommending that S.B. No. 2457, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was

adopted and S.B. No. 2457, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HAWAII COUNTY EMERGENCY MEDICAL SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2291) recommending that S.B. No. 2865, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2865, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2292) recommending that S.B. No. 2868, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2868, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES COLLECTED BY THE DEPARTMENT OF HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2293) recommending that S.B. No. 2900, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2900, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION OF THREATENED AND ENDANGERED SPECIES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2294) recommending that S.B. No. 3084, as amended in S.D. 1, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3084, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE INFORMATION CONFIDENTIALITY," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2295) recommending that S.B. No. 3228, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3228, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2296)

recommending that S.B. No. 201, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2296 and S.B. No. 201, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JURY TRIALS," was deferred until Monday, February 23, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2297) recommending that S.B. No. 720, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2297 and S.B. No. 720, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE FEES AND COSTS FOR THE ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," was deferred until Monday, February 23, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2298) recommending that H.B. No. 1577, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2298 and H.B. No. 1577, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER PROJECTS," was deferred until Monday, February 23, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2299) recommending that H.B. No. 1647, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 1647, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF CERTAIN SELLERS," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2300) recommending that S.B. No. 1927 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2300 and S.B. No. 1927, entitled: "A BILL FOR AN ACT RELATING TO HEALTH FUND MEDICARE PART B," was deferred until Monday, February 23, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2301) recommending that S.B. No. 2386, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2301 and S.B. No. 2386, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COORDINATED CARE ORGANIZATIONS," was deferred until Monday, February 23, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2302) recommending that S.B. No. 2934, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2302 and S.B. No. 2934, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION CLAIMS ARISING FROM DISCIPLINARY ACTIONS FOR JUST CAUSE," was deferred until Monday, February 23, 1998.

Senators Kawamoto and Sakamoto, jointly with Senators Iwase and Solomon and Senators Tanaka and Taniguchi, for the Committee on Transportation and Intergovernmental Affairs,

the Committee on Water, Land, and Hawaiian Affairs, and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 2303) recommending that S.B. No. 3034, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3034, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MARITIME AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2304) recommending that S.B. No. 3211 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3211, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, jointly with Senators Aki and Tam and Senators Chumbley and Matsunaga, for the Committee on Transportation and Intergovernmental Affairs, the Committee on Education, and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2305) recommending that S.B. No. 3245, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3245, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD YOUTH CHALLENGE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2306) recommending that H.B. No. 503, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 503, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2307) recommending that S.B. No. 3121, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3121, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOMELESS SHELTERS AND SERVICES PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2308) recommending that S.B. No. 3191, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.



On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3191, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOW INCOME HOUSING TAX CREDIT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, jointly with Senators Fernandes Salling and Levin, for the Committee on Government Operations and Housing and the Committee on Health and Environment, presented a joint report (Stand. Com. Rep. No. 2309) recommending that S.B. No. 3229 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3229, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2310) recommending that S.B. No. 2225 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2225, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST QUEST PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2311) recommending that S.B. No. 2554, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2554, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT USE OF CREDIT CARD," passed Second Reading and was referred to the Committee on Judiciary.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2312) recommending that S.B. No. 2619, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2619, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR TRADE REGULATIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2313) recommending that S.B. No. 2822, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2822, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEMON LAW DISCLOSURE COMPLIANCE," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2314) recommending that S.B. No. 2823, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2823, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE IDENTIFICATION BADGES," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2315) recommending that S.B. No. 2969, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2969, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, jointly with Senators Chumbley and Matsunaga, for the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2316) recommending that S.B. No. 3043, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3043, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT COMPUTER SYSTEMS WHICH ARE NOT YEAR 2000 COMPLIANT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2317) recommending that S.B. No. 3142 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3142, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY WIRELESS TELEPHONE SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2318) recommending that S.B. No. 2322, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2322, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2319) recommending that S.B. No. 2423, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and

S.B. No. 2423, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE PROTECTION UNDER THE WHISTLEBLOWER LAW," passed Second Reading and was referred to the Committee on Judiciary.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2320) recommending that S.B. No. 2454, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2454, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 23, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2321) recommending that S.B. No. 2025, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2025, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2322) recommending that S.B. No. 2026, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2026, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS INNOVATION RESEARCH GRANTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2323) recommending that S.B. No. 2201, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Fernandes Salling and Levin, for the Committee on Economic Development and the Committee on Health and Environment, presented a joint report (Stand. Com. Rep. No. 2324) recommending that S.B. No. 2799 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2799, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CLEAN HAWAII CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators D. Ige and Metcalf and Senators Fernandes Salling and Levin, for the Committee on Economic Development, the Committee on Commerce, Consumer Protection, and Information Technology, and the Committee on Health and Environment, presented a joint report (Stand. Com. Rep. No. 2325) recommending that

S.B. No. 2803, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2803, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SMALL BUSINESS REGULATORY FLEXIBILITY ACT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2326) recommending that S.B. No. 3075, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3075, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2327) recommending that S.B. No. 3223, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3223, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2328) recommending that S.B. No. 2228 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2228, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2329) recommending that S.B. No. 2346, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2346, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2330) recommending that S.B. No. 2411, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2411, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was referred to the Committee on Judiciary.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology,

presented a report (Stand. Com. Rep. No. 2331) recommending that S.B. No. 2558, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2558, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2332) recommending that S.B. No. 2582, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2582, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2333) recommending that S.B. No. 2587, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2587, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2334) recommending that S.B. No. 2600, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2600, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2335) recommending that S.B. No. 2607 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2607, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2336) recommending that S.B. No. 2703 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2703, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Judiciary.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2337) recommending

that S.B. No. 2778, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2778, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POOLED INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2338) recommending that S.B. No. 2805 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2805, entitled: "A BILL FOR AN ACT RELATING TO APPEALS FROM THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Judiciary.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2339) recommending that S.B. No. 2808, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2808, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSAL SERVICE FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2340) recommending that S.B. No. 2835, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2835, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2341) recommending that S.B. No. 2836, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2836, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," passed Second Reading and was referred to the Committee on Judiciary.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2342) recommending that S.B. No. 2841 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2841, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2343) recommending

that S.B. No. 3213, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3213, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators D. Ige and Metcalf, for the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2344) recommending that S.B. No. 2326, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2326, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER'S MUTUAL INSURANCE COMPANY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2345) recommending that S.B. No. 2628, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2628, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2346) recommending that S.B. No. 2817, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2817, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS FOR PART-TIME, TEMPORARY, AND SEASONAL OR CASUAL EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Chun Oakland and Kanno, for the Committee on Health and Environment and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2347) recommending that S.B. No. 2439, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2439, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND DRUG DEPENDENCE BENEFITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators D. Ige and Metcalf, for the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2348) recommending that S.B. No. 2851, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was

adopted and S.B. No. 2851, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators D. Ige and Metcalf, for the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2349) recommending that S.B. No. 2855, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2855, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEHEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Chun Oakland and Kanno and Senators D. Ige and Metcalf, for the Committee on Health and Environment, the Committee on Human Resources, and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2350) recommending that S.B. No. 2866, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2866, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONNEL FOR MENTAL HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Chun Oakland and Kanno, for the Committee on Health and Environment and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2351) recommending that S.B. No. 3124 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3124, entitled: "A BILL FOR AN ACT RELATING TO PRENATAL AND PERINATAL HEALTH CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2352) recommending that S.B. No. 2399, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2399, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2353) recommending that S.B. No. 2906, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2906, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2354) recommending that S.B. No. 3206, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3206, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENDERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2355) recommending that S.B. No. 3232, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3232, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING BOARDS AND COMMISSIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the majority of the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2356) recommending that S.B. No. 416, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 416, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINIMUM WAGES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2357) recommending that S.B. No. 2816, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2816, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPOSITION OF THE BOARD OF THE HAWAII PUBLIC EMPLOYEES' HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2358) recommending that S.B. No. 2043, as amended in S.D. 1, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2043, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 5, OF THE HAWAII CONSTITUTION TO LIMIT EXECUTIVE MODIFICATION OF THE BUDGET," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2359) recommending that S.B. No. 2079, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and

S.B. No. 2079, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY SCHOOLS FOR ADULTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2360) recommending that S.B. No. 2169, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2169, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2361) recommending that S.B. No. 2209, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2209, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2362) recommending that S.B. No. 2210, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2210, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED BUDGETING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2363) recommending that S.B. No. 2278, S.D. 1, as amended in S.D. 2, be referred to Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2278, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," was referred to the Committee on Ways and Means.

Senators Aki and Tam, jointly with Senators Fernandes Salling and Levin, for the Committee on Education and the Committee on Health and Environment, presented a joint report (Stand. Com. Rep. No. 2364) recommending that S.B. No. 2730 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2730, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE PROVIDER EXCHANGE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, jointly with Senators Tanaka and Taniguchi, for the Committee on Education and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 2365) recommending that S.B. No. 3103, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3103, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed

Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, jointly with Senators Chun Oakland and Kanno and Senators Kawamoto and Sakamoto, for the Committee on Government Operations and Housing, the Committee on Human Resources, and the Committee on Transportation and Intergovernmental Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2366) recommending that S.B. No. 2496, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2496, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, jointly with Senators Chun Oakland and Kanno, for the Committee on Education and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2367) recommending that S.B. No. 536, S.D. 1, be referred to Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 536, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators Kawamoto and Sakamoto, for the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2368) recommending that S.B. No. 2684, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2684, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFICE HOURS FOR PUBLIC OFFICERS AND EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2369) recommending that S.B. No. 2970, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2970, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Chun Oakland and Kanno, for the Committee on Health and Environment and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2370) recommending that S.B. No. 3158, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3158, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, jointly with Senators Chun Oakland and Kanno, for the Committee on Transportation

and Intergovernmental Affairs and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2371) recommending that S.B. No. 2529 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2529, entitled: "A BILL FOR AN ACT RELATING TO PRIOR CONVICTIONS; CRIMINAL RECORDS; NONCRIMINAL STANDARDS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, jointly with Senators Chun Oakland and Kanno, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2372) recommending that S.B. No. 2559, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2559, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators Kawamoto and Sakamoto, for the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2373) recommending that S.B. No. 2667, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2667, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2374) recommending that S.B. No. 2954, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2954, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2375) recommending that S.B. No. 3094, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3094, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2376) recommending that S.B. No. 2340, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2340, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO MARRIAGE AND FAMILY THERAPISTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2377) recommending that S.B. No. 2632, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2632, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OSTEOPOROSIS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2378) recommending that S.B. No. 2732, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Water, Land, and Hawaiian Affairs.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2732, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL," passed Second Reading and was referred to the Committee on Water, Land, and Hawaiian Affairs.

Senators Chun Oakland and Kanno, jointly with Senators Bunda and M. Ige, for the Committee on Human Resources and the Committee on Government Operations and Housing, presented a joint report (Stand. Com. Rep. No. 2379) recommending that S.B. No. 2213, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2213, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2380) recommending that S.B. No. 2231 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2231, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY REHABILITATION PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2381) recommending that S.B. No. 2336 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2336, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators D. Ige and Metcalf, for the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2382) recommending that S.B. No. 2768, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2768, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS TO HEALTH CARE PROVIDERS FOR WORKERS' COMPENSATION CLAIMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2383) recommending that S.B. No. 2776, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2776, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARY PERIODS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, jointly with Senators Chun Oakland and Kanno and Senators Kawamoto and Sakamoto, for the Committee on Government Operations and Housing, the Committee on Human Resources, and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2384) recommending that S.B. No. 3201, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3201, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DUPLICATION OF GOVERNMENT SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2385) recommending that S.B. No. 3220, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3220, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, jointly with Senators Fernandes Salling and Levin, for the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, presented a joint report (Stand. Com. Rep. No. 2386) recommending that S.B. No. 2204, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2204, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY PROCESSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2387) recommending that S.B. No. 2923, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2923, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OMBUDSMAN," passed Second

Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, jointly with Senators Chumbley and Matsunaga, for the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2388) recommending that S.B. No. 3224, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3224, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, jointly with Senators Aki and Tam, for the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2389) recommending that S.B. No. 3258, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3258, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2390) recommending that S.B. No. 2350, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2350, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2391) recommending that S.B. No. 2413, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2413, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Aki and Tam, for the Committee on Health and Environment and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2392) recommending that S.B. No. 2953, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2953, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CENTRAL AUDITORY PROCESSING DEFICITS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2393) recommending that S.B. No. 2096 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2096, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE INSTITUTE FOR HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2394) recommending that S.B. No. 2262 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2262, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EARLY CHILDHOOD PROGRAMS AND SERVICES FOR NATIVE HAWAIIAN CHILDREN," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators Fernandes Salling and Levin, for the Committee on Human Resources and the Committee on Health and Environment, presented a joint report (Stand. Com. Rep. No. 2395) recommending that S.B. No. 2618 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2618, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICALLY UNDERSERVED," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2396) recommending that S.B. No. 2621, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2621, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WELFARE TO WORK TRANSITION ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2397) recommending that S.B. No. 2743, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2743, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EARLY EDUCATION AND CHILD CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2398) recommending that S.B. No. 2744, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2744, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2399) recommending that S.B. No. 2635, as amended in S.D. 1,



pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2635, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2400) recommending that S.B. No. 2873, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2873, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH FACILITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators D. Ige and Metcalf, for the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2401) recommending that S.B. No. 2876, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2876, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2402) recommending that S.B. No. 2880, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2880, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION PLAN," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators Fernandes Salling and Levin, for the Committee on Human Resources and the Committee on Health and Environment, presented a joint report (Stand. Com. Rep. No. 2403) recommending that S.B. No. 2986, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2986, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A MEDICAID LONG-TERM CARE DEMONSTRATION PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators Chumbley and Matsunaga, for the Committee on Human Resources and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2404) recommending that S.B. No. 2987, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2987, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second

Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2405) recommending that S.B. No. 2991 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2991, entitled: "A BILL FOR AN ACT RELATING TO A COMMUNITY-BASED INTEGRATED SOCIAL SERVICE PILOT PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2406) recommending that S.B. No. 3003, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3003, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the majority of the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2407) recommending that S.B. No. 3066, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 3066, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPUTATION OF AVERAGE WEEKLY WAGES FOR PART-TIME EMPLOYEES ON WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2408) recommending that S.B. No. 3122, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3122, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2409) recommending that S.B. No. 3189, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Government Operations and Housing.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3189, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," passed Second Reading and was referred to the Committee on Government Operations and Housing.

Senators Chun Oakland and Kanno, jointly with Senators Fernandes Salling and Levin, for the Committee on Human Resources and the Committee on Health and Environment, presented a joint report (Stand. Com. Rep. No. 2410) recommending that S.B. No. 3227, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3227, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2411) recommending that S.B. No. 2277, S.D. 1, be referred to Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2277, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Ways and Means.

Senators Aki and Tam, jointly with Senators Chun Oakland and Kanno, for the Committee on Education and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2412) recommending that S.B. No. 3178, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3178, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ASSISTANT LIBRARIAN," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2413) recommending that S.B. No. 2166, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2166, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION OF PLANTS AND ANIMALS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Fernandes Salling and Levin, jointly with Senators Chun Oakland and Kanno, for the Committee on Health and Environment and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2414) recommending that S.B. No. 2297, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2297, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Levin, for the majority of the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2415) recommending that S.B. No. 2418, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2418, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2416) recommending that S.B. No. 2847, as amended in

S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2847, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Levin, jointly with Senators Chun Oakland and Kanno and Senators Bunda and M. Ige, for the Committee on Health and Environment, the Committee on Human Resources, and the Committee on Government Operations and Housing, presented a joint report (Stand. Com. Rep. No. 2417) recommending that S.B. No. 3076 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3076, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 11:30 o'clock a.m., Monday, February 23, 1998.

## TWENTY-SECOND DAY

Monday, February 23, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:48 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Norise Kaiser, OSF, Diocesan Department of Religious Education, after which the Roll was called showing all Senators present with the exception of Senator Fernandes Salling who was excused.

The President announced that he had read and approved the Journal of the Twenty-First Day.

At this time, Senator Matsunaga introduced Jose Ramos-Horta, 1996 Nobel Peace Prize Laureate, and commended him for his vigilant effort in promoting peace.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 26 to 28) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 26, transmitting H.B. No. 611, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 611, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 27, transmitting H.B. No. 2900, which passed Third Reading in the House of Representatives on February 20, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2900, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS," passed First Reading by title and was referred to the Committee on Education.

Hse. Com. No. 28, transmitting H.B. No. 3130, H.D. 1, which passed Third Reading in the House of Representatives on February 20, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 3130, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION," passed First Reading by title and was referred to the Committee on Judiciary.

## SENATE COMMUNICATION

Sen. Com. No. 1, notice to the Governor dated February 23, 1998, transmitting S.B. No. 2043, S.D. 1, which proposes amendments to the Hawaii State Constitution.

By unanimous consent, the following notice was sent to the Governor:

"February 23, 1998

The Honorable Benjamin J. Cayetano  
Governor of the State of Hawaii

State Capitol  
Honolulu, Hawaii 96813

Dear Governor Cayetano:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following Senate Bill, a copy of which is attached hereto:

S.B. 2043, S.D. 1  
'PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 5, OF THE HAWAII CONSTITUTION TO LIMIT EXECUTIVE MODIFICATION OF THE BUDGET.'

Respectfully,

/s/ Paul T. Kawaguchi  
Paul T. Kawaguchi  
Clerk of the Senate"

## STANDING COMMITTEE REPORT

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2418) recommending that S.B. No. 2596 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2596, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 24, 1998.

## ORDER OF THE DAY

## THIRD READING

MATTERS DEFERRED FROM  
FRIDAY, FEBRUARY 20, 1998

S.B. No. 2074, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, S.B. No. 2074, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF SUPERVISORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 2339:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, S.B. No. 2339, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 2660:

By unanimous consent, S.B. No. 2660, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," was recommitted to the Committee on Transportation and Intergovernmental Affairs.

S.B. No. 2911:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, S.B. No. 2911, entitled: "A BILL FOR AN ACT RELATING TO RIDING BICYCLES ON ROADWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

### THIRD READING

S.B. No. 2021:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, S.B. No. 2021, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 2180, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, S.B. No. 2180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

At 12:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

S.B. No. 2556, S.D. 1:

By unanimous consent, action on S.B. No. 2556, S.D. 1, was deferred to the end of the calendar.

S.B. No. 2913, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, S.B. No. 2913, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 2334, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2334, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 2611:

Senator D. Ige moved that S.B. No. 2611, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

Senator Slom rose in support of the measure and stated:

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

"I think it's an excellent bill. That's why I introduced a similar bill on the first day of the session. I'm so happy my colleagues like the bill also and I'm very happy to throw my weight and support behind it.

"Thank you, Mr. President."

Senator Metcalf then added:

"Mr. President, I would like to have the Senator's remarks inserted in the record as my own, inasmuch as this may be the only opportunity I'll have to do that. Thank you." (Laughter.)

The Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 2611, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM TRANSFER-ON-DEATH (TOD) SECURITY REGISTRATION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 2833:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2833, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LEASE DISCLOSURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 2135, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2135, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE TRADE PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 2828, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2828, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 2916:

Senator Aki, moved that S.B. No. 2916, having been read throughout, pass Third Reading, seconded by Senator Tam.

Senator Anderson spoke on the measure as follows:

"Mr. President, I'd like to have some reservations put down for me.

"I'm not on that committee, but it says here that the board of regents may delegate to the president or his designee, authority on such things as purchasing, acquiring land, buildings, appliances, and I'm not too sure that I want to give the board that type of latitude or if I would rather have it with the president. So until such time as I understand the bill better, I will go 'with reservations.'"

The motion was then put by the Chair and carried, S.B. No. 2916, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

Stand. Com. Rep. No. 2296 (S.B. No. 201, S.D. 2):

Senator Baker, moved that Stand. Com. Rep. No. 2296 be adopted and S.B. No. 201, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak on the bill and said:

"Mr. President, I have reservations on this bill and possibly the chairs of the Judiciary Committee could straighten it out for me.

"I was troubled by the fact that the definition of 'serious crime' is removed from the bill and I can find no other reference to serious crime anywhere else in the Hawaii Revised Statutes. This could open up possible confusion. I think the intent of the bill is good, however. Thank you."

Senator Anderson added:

"Mr. President, I would like to also be put down as 'with reservations.'"

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2296 was adopted and S.B. No. 201, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JURY TRIALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

Stand. Com. Rep. No. 2297 (S.B. No. 720, S.D. 2):

Senator Baker, moved that Stand. Com. Rep. No. 2297 be adopted and S.B. No. 720, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom then stated:

"Mr. President, I rise with concerns and reservations on this bill also.

"I note that now we have no fees that are charged and while I think that the program should be self-sustaining and cost should be recaptured, I didn't see from any of the testimony what the basis of the \$15 fee was -- how it was derived, other than that they were looking for general revenue enhancement. So, I will voice my reservations. Thank you."

Senator Anderson also rose and said:

"Mr. President, I had reservations in the committee. It seemed like the \$15 was pulled out of the air with no justification. And those were my reservations at that time because we went from zero to 15 and we really got no definite idea on why. Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2297 was adopted and S.B. No. 720, S.D. 2, 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 Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

Stand. Com. Rep. No. 2298 (H.B. No. 1577, H.D. 2, S.D. 2):

Senator Baker, moved that Stand. Com. Rep. No. 2298 be adopted and H.B. No. 1577, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

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

"Mr. President, please note a 'no' for myself. I just believe it's the wrong message to send to our hard working farmers. Thank you."

Senator Slom then rose and said:

"Mr. President, I wish to have reservations on this bill. I think that while some measures certainly are in order, the foreclosure procedure may be too harsh. Thank you."

Senator Anderson then added:

"The same for me too, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2298 was adopted and H.B. No. 1577, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Ige, M.). Excused, 1 (Fernandes Salling).

H.B. No. 1647, H.D. 1, S.D. 1:

Senator Baker, moved that H.B. No. 1647, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Sakamoto rose and stated:

"Mr. President, I'd like to speak with some reservations for this measure.

"This measure related to network marketing, similar to Amway where different tiers of people sell products. Although, I guess, in the testimony, because 45 other states do this we accept it as justification for this being okay. However, I think the 45 other states also have better laws dealing with independent people being business people; have better laws dealing with working as independent contractors; better laws that don't allow cash under the table.

"I'm for business, Mr. President, and network marketing allows people to be in business. But I don't like the parts of the bill where the Tax Department asks 'big brother' to collect taxes for little brother, little sister, and all the keikis underneath. It's a bad precedent to not have individuals who are in business, selling products, taking tax deductions, not pay their fair share of the tax, and pay the correct tax. In network marketing, people give away products; people make promotional offers; they give different discounts to different people.

"I think the correct collection of tax from the responsible party is what our system should depend on. So because of that, I vote 'with reservations,' Mr. President."

Senator Bunda then said:

"Mr. President, could you have the Clerk register my vote 'with reservations.'"

The Chair so ordered.

Senator Slom added:

"Mr. President, reservations for me also, please."

The Chair so ordered.

The motion was then put by the Chair and carried, H.B. No. 1647, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF CERTAIN SELLERS,"

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

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

Stand. Com. Rep. No. 2300 (S.B. No. 1927):

Senator Baker, moved that Stand. Com. Rep. No. 2300 be adopted and S.B. No. 1927, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom then stated:

"Mr. President, I express my reservations on this bill.

"There are several questions in the bill. One is the impact to the retirement system. The second is that some of the language, I think, is vague and confusing, particularly with respect to identification of spouses and then the limits to employee beneficiaries. Thank you."

Senator Anderson added:

"I'd like to be down with a 'WR' also. I brought up some concerns in committee and they still are very pertinent to what the former speaker said."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2300 was adopted and S.B. No. 1927, entitled: "A BILL FOR AN ACT RELATING TO HEALTH FUND MEDICARE PART B," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

Stand. Com. Rep. No. 2301 (S.B. No. 2386, S.D. 2):

Senator Baker, moved that Stand. Com. Rep. No. 2301 be adopted and S.B. No. 2386, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Kanno rose in support of the measure as follows:

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

"Mr. President, this measure comes as the result of many months of work during the interim. I'd like to take a minute to acknowledge the Judiciary's Center for Alternative Dispute Resolution. I'd like to acknowledge director Elizabeth Kent and Dee Dee Letz of the Center for Alternative Dispute Resolution, together with Neal Milner and Kem Lowry of the University of Hawaii. Each of the four of them helped serve as facilitators through the interim to work on this measure. I'd also like to acknowledge our Co-Majority Leader from Kahaluu who played a key role in shepherding the process during the interim.

"The goal of this bill is to create a more efficient workers' comp system by expediting medical care and returning injured workers to their jobs promptly. This is accomplished through enhanced coordination and communication between the parties involved. These include the workers' compensation insurance company, the health care provider involved, the employer and the employee.

"The impact of this measure is great, Mr. President. Each and every working person in the State of Hawaii would be protected under this law. For a number of us, the priority with this measure is to maintain a high level of quality care for all working people in this state.

"Thank you."

Senator McCartney also rose in support and stated:

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

"In addition to the previous speaker's remarks, I'd like to thank the 40-plus people from the private sector who helped the HRE Committee work on the bill, and I especially would like to thank the two co-chairs for their focus and their dedication on the bill and another Senator, in particular, who worked very hard to help us craft the language is the Senator from Moanalua. We thank you for your hard work on the bill, also."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2301 was adopted and S.B. No. 2386, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COORDINATED CARE ORGANIZATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

Stand. Com. Rep. No. 2302 (S.B. No. 2934, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 2302 and S.B. No. 2934, S.D. 1, was deferred to the end of the calendar.

S.B. No. 2619, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2619, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR TRADE REGULATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 2822, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2822, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEMON LAW DISCLOSURE COMPLIANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 2823, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2823, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE IDENTIFICATION BADGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 2454, S.D. 1:

Senator Chun Oakland, moved that S.B. No. 2454, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kanno.

Senator Slom rose and said:

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

"Again, I think some of the bill's language is vague and confusing, and while the bill is supposed to be a collaborative effort between employer and employee, ultimately the director of labor still has the ability to step in and make decisions. Also, there is a penalty provision that does not specify what the penalty will be. It says, 'the penalty may be defined by the director.' So I express my reservations.

"Thank you."

Senator Anderson then added:

"I'd like to be down 'with reservations' and would the Minority Leader's words be put in the Journal as though they were my own."

The Chair so ordered.

Senator Sakamoto rose and said:

"Mr. President, I also would like to rise with reservations on this measure.

"The work comp laws already have to be in total, at least, the provisions notifying the employee of all his rights, including voc rehab. To carve out this part, and especially putting penalties on this part, is not right. Something that the Department of Labor couldn't do, we are now asking employers to do and penalizing employers if they don't do. This is not working in the spirit of working together.

"I believe if injured employees are given voc rehab information in writing early on, later on when they really need it, they may then deny they've received it, then employers are subject to fighting whether we gave them it or not, then law suits come into play. I believe this is not the proper way to go. I believe in the previous bill where we spoke about working together works well. This is not a working together bill, Mr. President."

The motion was then put by the Chair and carried, S.B. No. 2454, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

At 12:27 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:42 o'clock p.m.

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

S.B. No. 2556, S.D. 1:

By unanimous consent, action on S.B. No. 2556, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGISTRATION OF VEHICLES," was deferred until Tuesday, February 24, 1998.

Stand. Com. Rep. No. 2302 (S.B. No. 2934, S.D. 1):

Senator Baker, moved that Stand. Com. Rep. No. 2302 be adopted and S.B. No. 2934, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Iwase rose in opposition to the measure as follows:

"Mr. President, I'm rising to speak in opposition to the bill.

"Mr. President, I voted 'with reservations' on this bill in the Ways and Means Committee. In fact, I think there were six reservations expressed. And I have thought this bill over a whole lot.

"This matter involves the Mitchell case. When the Mitchell case came out, there were expressions of concern all over Hawaii. This was a decision that had to be addressed. The Economic Revitalization Task Force addressed it. I thought that we could deal with this with a bang, and instead I think what we've ended up with is a 'shoo shoo baby.'

"Mr. President, this bill does not address the Mitchell case. It is limited to the facts of the Mitchell case -- disciplinary actions only. And I think what is important to understand, Mr. President, when you're dealing with the workers' compensation law, as Chief Justice Moon noted in his decision, the workers' compensation law in Hawaii is given liberal interpretive construction because, and I'm quoting: 'The Legislature has decided that work injuries are among the cost of production which industry is required to bear.' That is Chief Justice Moon.

"The workers' compensation statute was not enacted, not enacted, or intended to abolish the rights of employers to act as employers. Employers have the right to hire, to fire, to transfer, to lay off, to have job evaluations. Those are employer prerogatives. And if the employer abuses those prerogatives, that abuse is dealt with elsewhere in the statutory scheme in Hawaii or in collective bargaining. There's an appeal procedure. If you're fired, if you're demoted, if you're transferred, there's an appeal procedure, and that's where the issue of employer acting properly should be dealt with -- not in the workers' compensation law. The workers' compensation law, again, is to insure that workers who are injured are compensated.

"This bill is limited solely to the facts of the Mitchell case -- disciplinary action. It doesn't address job transfer, layoff, demotion, termination, work evaluation, and stress which may arise therefrom. It's like a four-box step, Mr. President, what we've done here. We've told the employer, we're going to address you in the first step because the Supreme Court has ruled disciplinary action is compensable. Now, if you have a problem with job evaluation and stress, moving to your right, it is compensable and you've got to go back to the Legislature. Moving back for demotion, you have a problem, go to the Legislature. This does not help the employers, in this time when we've all made a commitment to help business if they have to play this catch-up game.

"We should have done what the State of Maine did. And I want to point out that Chief Justice Moon, in his decision, pointed out various states that have statutes that address this issue. Maine was one of those states. Colorado was another. I have the Maine statute in front of me. By the way, Maine has a Democratic governor. It has a Democratic legislature, both houses. I'm reading from the Maine statute:

'Mental injury is not considered to arise out of and in the course of employment if it results from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or any similar action taken in good faith by the employer.'

"We have not done that, Mr. President. We have chosen to constrict ourselves to the facts of the Mitchell case, dealing solely with discipline and adding the words 'just cause.' The Mitchell case must be addressed in total. It is not addressed in this bill. It cannot be addressed in this bill because of the narrow title. It can be addressed in the House bill which is moving and hopefully will come to the Senate. This bill does not address the Mitchell case. It does not help the employer. It does not help the worker. It does not help our economy and it is with great reluctance that I vote 'no' because I believe that the Mitchell case must be addressed and we all embraced that goal when the Mitchell case came out and unfortunately we're falling far short.

"Thank you."

Senator Solomon, also rising in opposition, then stated:

"Mr. President, I'm also speaking in opposition.

"I would like the remarks of the Senator from Mililani to be included as though they were my own. Thank you, Mr. President."

Senator Sakamoto rose to speak against the measure and said:

"Mr. President, I'm speaking in opposition. I can't speak like the previous speaker but his remarks stand as they stand.

"Mr. President, we've read in the paper about all of these layoffs, big companies. We've read about or heard about it on this very floor, little companies and big companies going out of business, Mr. President. The public doesn't expect us to come here and play games, Mr. President. The public doesn't come here and ask us to create a title for a bill so narrow that it only addresses worker's compensation claims arising out of disciplinary actions for just cause, Mr. President. The public expects us to come here and make policy on a broad issue related to workers' comp, get the pluses and minuses and deal with the issue.

"When we do gamesmanship on this floor, in this body, it doesn't help. We need to address the issues. Some people are not going to return, Mr. President, so I'm asking you and the rest of my colleagues here to put the games away and deal with what we need to deal with as quickly as we can deal with it. Regarding this bill, some proponents said we want to speed it up. I will object to the point if anybody, after this bill passes this day, claims that we are addressing the Mitchell case. The Mitchell case, as the previous speaker from Mililani said, deals with a broad issue. This deals with the 'shoo shoo baby' that even misfires. We need to deal with issues, Mr. President, not deal with gamesmanship.

"So I ask all of our colleagues, let's get down to business in due haste, but pass measures that will help and will help all of the people get jobs, and keep their jobs, Mr. President. Thank you."

Senator Slom spoke against the measure as follows:

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

"I agree with my colleagues and their remarks, but what this really comes down to is one of the sticking points in the bill, and that's 'good faith.' The public had good faith that we would address this problem. Employers had good faith that we would address this problem. Hard working employees that see the use of stress as a sham, had good faith that we would address this problem. It's far too easy for us to say maybe there'll be a House vehicle coming over that we can work with. But if that's the case, then we don't even need the Senate. Maybe we do need a unicameral legislature with one body, unless we are going to do what we're supposed to do and exert our leadership and show that we can take a problem and provide a solution to it.

"The court gave us several options. There are many opportunities for us to act and we chose deliberately to narrow it down to make sure that we would not address this problem. So I speak against the bill and urge my colleagues to do so and want to let you know, Mr. President, that you have 100 percent opposition from the Minority on this bill. Thank you."

Senator Anderson then rose and said:

"I'm the other half, Mr. President. Thank you."

Senator Kawamoto then stated:

"Mr. President, I vote with reservations."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2302 was adopted and S.B. No. 2934, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION CLAIMS ARISING FROM DISCIPLINARY ACTIONS FOR JUST CAUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 9 (Aki, Anderson, Bunda, Ige, M., Iwase, Sakamoto, Slom, Solomon, Tanaka). Excused, 1 (Fernandes Salling).

Senator Anderson rose on a point of personal privilege and stated:

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

"Mr. President, on Thursday last, I stood on this floor and made some comments about American Cruises not paying their fair tax and that I went to the tax office and asked about their 1996 taxes and I was not able to get any answer from them. Well, I did get a letter from Mr. James Noble. He informed me that my research was not quite accurate. I guess I could have done more follow through for Hawaii Cruise because they did pay \$1,287,075 of which \$444,000 had been prepaid, and they are also looking at prepaying others.

"So I apologize to American Cruise Boats. I made a mistake. I didn't do a good, I guess fair research on that particular measure. But I do not apologize for the other bill that I had in which asked for them to pay a fair tax like the hotels did.

"And I received a letter from another individual that gave me a few outlines. One of them on, I guess item No. 5, says Cruise ships are not hotels. Hotels do not pay wharfage of \$2.50 when anyone leaves the boat. I would like to inform that person that my wife and I used to be hotel and transportation representatives when I had my own business and I fully understand what the hotels do pay and I want the cruise boat people to understand that they do not pay property tax. They do not pay TAT. They do not pay a lot of other taxes that the hotels do pay. And that was one of my reasons for the other bill.

"So I would like to be very explicit about apologizing when I am wrong, but if I feel that I am right, I will take the floor and I will defend any bill that I put in.

"Thank you very much, Mr. President."

Senator Chumbley, for the Committee on Judiciary, requested a waiver of the 72-hour Notice of a Public Hearing pursuant to Senate Rule 20 for S.B. Nos. 2239, 2312, 2318, 2466, 2697, 2715, 2717, 2740, 2790, 2791, 2853, 2854 and 3040 and the Chair granted the waiver.

Senator McCartney rose on a point of personal privilege and stated:

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

"I just wanted to acknowledge and commend my colleague from the windward side, the Minority Leader, for making the statements that he did. This floor is meant for people to speak on points of personal privilege and I think it took a lot of class to do what he just did and acknowledge what he did, and I just appreciate that. Thank you."

## ADJOURNMENT

At 12:56 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 24, 1998.



TWENTY-THIRD DAY

Tuesday, February 24, 1998

THIRD READING

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Pastor Norman Nakanishi, Grace Bible Church - Pearl Side, after which the Roll was called showing all Senators present.

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

The following introductions were made to the members of the Senate:

Senator Bunda introduced Loretta Schuler in recognition of her invaluable community service to the people of Hawaii. Accompanying Ms. Schuler were Herb Coleman, Marilyn Seely and Nancy McGuckin-Smith.

Senator Sakamoto, in recognition of Hawaii Metal Recycling Company's outstanding work to preserve and protect the environment of the state, introduced James Banigan, general manager; Lawrence Kalilikani, head buyer; and Henry Kapu, a 22 year employee.

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 o'clock p.m.

STANDING COMMITTEE REPORTS

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2419) recommending that H.B. No. 397, H.D. 2, pass Third Reading.

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2419 was adopted and H.B. No. 397, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2420) recommending that the Senate advise and consent to the nomination of JOHN H. RADCLIFFE to the Board of Trustees, Hawai'i Public Employees Health Fund, in accordance with Gov. Msg. No. 139.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2420 and Gov. Msg. No. 139 was deferred until Wednesday, March 4, 1998.

ORDER OF THE DAY

THIRD READING

MATTER DEFERRED FROM MONDAY, FEBRUARY 23, 1998

S.B. No. 2556, S.D. 1:

By unanimous consent, S.B. No. 2556, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGISTRATION OF VEHICLES," was recommitted to the Committee on Transportation and Intergovernmental Affairs.

S.B. No. 2596:

Senator D. Ige moved that S.B. No. 2596, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

Senator Iwase rose in support of the measure and stated:

"Mr. President, I'm rising to speak in support of the bill with reservations.

"Mr. President, the committee report on the bill says that opposition to the bill was received from the State Attorney General. By the way, this relates to the Office of Information Practices and how the administrative procedure act applies to the Office of Information Practices. Testimony opposing the bill was received from the State Attorney General; the Open Government Coalition of Hawaii; and the Society of Professional Journalists, Hawaii Chapter. The Office of Information did not take a position on the passage of this bill.

"Having spoken to the co-chair of the CPI Committee and having received an explanation, this is perhaps an effort to streamline the rule making process, which I think we're all interested in, brings my 'yes, with reservations.' But I would hope that as we deliberate upon this measure further, that we understand that there are review procedures in place under the APA which are there for a reason. For example, as I understand it, under this bill, what may be cut out of the review would be the Budget and Finance Department. I think rules should be looked at in terms of its fiscal impact.

"Cut out from the review process is the Attorney General, and I think with the number of boards and commissions in the State of Hawaii, it should be reviewed by the Attorney General to insure conformity with procedures, conformity to structure, and most importantly, because we see administrative agencies straying today from this important requirement -- conformity to legislative intent.

"So, as we move this along, I hope that these matters will be considered. And I hope, also, having not heard the testimony, that whatever objections were raised by the Attorney General, the Open Government Coalition of Hawaii, and the society of Professional Journalists, Hawaii Chapter, will be addressed to their satisfaction.

"Thank you Mr. President."

Senator Solomon then rose and stated:

"Mr. President, could you please note that I will also be voting 'with reservations.'"

The Chair so ordered.

Senator Sakamoto added:

"Mr. President, since the bill wasn't amended and there are so many objections, 'with reservations' as well."

Senator Anderson then said:

"Mr. President, we're going 'with reservations,' or I am. Upon checking over the staff's comments, the language is rather vague and it could be a lot clearer if the bill prevents limitations rather than establishes limitations. So, for that reason, I will be going 'with reservations.'"

Senator Slom added:

"Likewise, 'with reservations,' Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 2596, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

#### RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2058	Committee on Ways and Means
No. 2333	Jointly to the Committee on Health and Environment and the Committee on Ways and Means
No. 2665	Jointly to the Committee on Health and Environment, the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development
No. 2988	Committee on Ways and Means

#### ADJOURNMENT

At 12:06 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 4, 1998.

## TWENTY-FOURTH DAY

Wednesday, March 4, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Darrow Aiona, St. Marks Episcopal Church, after which the Roll was called showing all Senators present.

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

At this time, Senator Slom introduced student "shadow" Stephanie Aveiro.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 176 to 182) were read by the Clerk and were placed on file:

Gov. Msg. No. 176, dated February 17, 1998, transmitting The Research Corporation of the University of Hawaii's 1997 Annual Report, pursuant to Section 307-6, HRS.

Gov. Msg. No. 177, dated February 17, 1998, transmitting the Kaneohe Bay Regional Council Evaluation Report, prepared by the Office of Planning, Coastal Zone Management Program, pursuant to Act 317, SLH 1993.

Gov. Msg. No. 178, informing the Senate that on February 26, 1998, he signed into law Senate Bill No. 1285 as Act 2, entitled: "RELATING TO PUBLICATION OF NOTICES BY GOVERNMENT AGENCIES."

Gov. Msg. No. 179, dated February 13, 1998, transmitting the 1997 Annual Report of the Hawaii Community-Based Economic Development Technical and Financial Assistance Program, prepared by the Department of Business, Economic Development, and Tourism, Business Support Division, pursuant to Section 210D-14, HRS.

Gov. Msg. No. 180, dated February 18, 1998, transmitting The 1997 Annual Report of the Environmental Council, "Environmental Report Card, 1997: An Assessment of Hawaii's Environmental Health," prepared by the Environmental Council and the Office of Environmental Quality Control.

Gov. Msg. No. 181, dated February 24, 1998, transmitting the 1997 Compliance Resolution Fund Annual Report, prepared by the Department of Commerce and Consumer Affairs pursuant to Section 26-9, HRS.

Gov. Msg. No. 182, dated February 25, 1998, transmitting the Comprehensive Annual Financial Report of the State of Hawaii for the Fiscal Year Ended June 30, 1997, prepared by the Comptroller pursuant to Section 40-5, HRS.

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 22 and 23) were read by the Clerk and were placed on file:

Dept. Com. No. 22, from the University of Hawaii dated February 20, 1998, transmitting an amended report, "1996-1997 Report on Tuition Waivers," pursuant to Section 304-16.5, HRS.

Dept. Com. No. 23, from the State Auditor dated February 25, 1998, transmitting correction pages to Report No. 98-5, "Fiscal Accountability Audit of the Department of Education:

The Public and the Schools Need to Know the True Costs of Education."

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 29 to 33) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 29, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 1577, H.D. 2, was placed on file.

Hse. Com. No. 30, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 1647, H.D. 1, was placed on file.

Hse. Com. No. 31, transmitting H.B. No. 2411, H.D. 1, which passed Third Reading in the House of Representatives on February 23, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2411, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ZONING," passed First Reading by title and was referred to the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 32, transmitting H.B. No. 2897, which passed Third Reading in the House of Representatives on February 23, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2897, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 33, transmitting H.B. No. 2871, which passed Third Reading in the House of Representatives on February 24, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.B. No. 2871, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," passed First Reading by title and was referred to the Committee on Human Resources.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 33 to 40) were read by the Clerk and were referred to committees or deferred:

## Senate Concurrent Resolution

No. 33 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE STATE AUDITOR STUDY THE IMPACTS UPON THE COST OF LIVING THAT RESULT FROM THE CURRENTLY PRACTICED COMMERCIAL AND INDUSTRIAL LAND-LEASEHOLD SYSTEM."

Offered by: Senators Chun Oakland, Aki, McCartney, Mizuguchi, Tam, Taniguchi.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 34 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER."

Offered by: Senators Bunda, Iwase, Kawamoto.

Referred to: Committee on Education

No. 35 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE ITS SURVEY OF GOVERNMENT PROGRAMS IN THE STATE THAT ARE MANDATED BY THE FEDERAL GOVERNMENT."

Offered by: Senator Ihara.

No. 36 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE REVIEW OF THE REGULATION OF TAX PREPARERS."

Offered by: Senator Chumbley.

No. 37 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO APPROPRIATE FUNDS TO PAY THE UNITED STATES DEBT TO THE UNITED NATIONS."

Offered by: Senator Metcalf.

No. 38 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW ITS POLICY OF VACCINATING STUDENTS IN PUBLIC SCHOOLS INCLUDING ITS CURRENT PROGRAM OF VACCINATING STUDENTS FOR HEPATITIS B AND TO CONSIDER OTHER VENUES FOR ITS ADMINISTRATION."

Offered by: Senator Metcalf.

No. 39 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO COMMISSION AN INDEPENDENT REPORT ON THE PROGRESS MADE BY THE STATE IN IMPLEMENTING THE RECOMMENDED SCHOOL CLERICAL STAFFING STANDARDS AND PRIORITY STAFFING GUIDELINES CONTAINED IN THE 1990 SCHOOL AND DISTRICT OFFICE CLERICAL STAFFING STUDY."

Offered by: Senator Metcalf.

No. 40 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE STATE AND THE COUNTY OF HAWAII CONSTRUCT A MULTI-PURPOSE SPORTS AND RECREATION COMPLEX IN HILO."

Offered by: Senator Metcalf.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 8 to 13) were read by the Clerk and were referred to committees or deferred:

#### Senate Resolution

No. 8 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DELAY THE INCREASE IN RENT FOR PRIVATE PIERS AND BUOYS UNTIL THE INVENTORY IS COMPLETE."

Offered by: Senator Ige, M.

Referred to: Committee on Economic Development, then to the Committee on Ways and Means

No. 9 "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE ITS SURVEY OF GOVERNMENT PROGRAMS IN THE STATE

THAT ARE MANDATED BY THE FEDERAL GOVERNMENT."

Offered by: Senator Ihara.

No. 10 "SENATE RESOLUTION REQUESTING CONGRESS TO APPROPRIATE FUNDS TO PAY THE UNITED STATES DEBT TO THE UNITED NATIONS."

Offered by: Senator Metcalf.

No. 11 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW ITS POLICY OF VACCINATING STUDENTS IN PUBLIC SCHOOLS INCLUDING ITS CURRENT PROGRAM OF VACCINATING STUDENTS FOR HEPATITIS B AND TO CONSIDER OTHER VENUES FOR ITS ADMINISTRATION."

Offered by: Senator Metcalf.

No. 12 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO COMMISSION AN INDEPENDENT REPORT ON THE PROGRESS MADE BY THE STATE IN IMPLEMENTING THE RECOMMENDED SCHOOL CLERICAL STAFFING STANDARDS AND PRIORITY STAFFING GUIDELINES CONTAINED IN THE 1990 SCHOOL AND DISTRICT OFFICE CLERICAL STAFFING STUDY."

Offered by: Senator Metcalf.

No. 13 "SENATE RESOLUTION REQUESTING THAT THE STATE AND THE COUNTY OF HAWAII CONSTRUCT A MULTI-PURPOSE SPORTS AND RECREATION COMPLEX IN HILO."

Offered by: Senator Metcalf.

#### STANDING COMMITTEE REPORTS

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2421) recommending that S.B. No. 2509, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2509, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 6, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2422) recommending that S.B. No. 2903 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2903, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 6, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2423) recommending that H.B. No. 1649, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2423 and H.B. No. 1649, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERJURY," was deferred until Friday, March 6, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep.

No. 2424) recommending that S.B. No. 1081, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1081, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 6, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2425) recommending that S.B. No. 2771 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2771, entitled: "A BILL FOR AN ACT RELATING TO MILK," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 6, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2426) recommending that S.B. No. 2772, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2772, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PORK," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 6, 1998.

Senators Tanaka and Taniguchi, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2427) recommending that S.B. No. 2773, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2773, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 6, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2428) recommending that S.B. No. 2895 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2895, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 6, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2429) recommending that S.B. No. 588, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 588, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was recommitted to the Committee on Judiciary.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2430) recommending that the Senate advise and consent to the nomination of LLOYD I.

UNEBASAMI as Administrator of the State Procurement Office, in accordance with Gov. Msg. No. 135.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2430 and Gov. Msg. No. 135 was deferred until Thursday, March 5, 1998.

## ORDER OF THE DAY

### ADVISE AND CONSENT

Stand. Com. Rep. No. 2420 (Gov. Msg. No. 139):

Senator Chun Oakland moved that Stand. Com. Rep. No. 2420 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of JOHN H. RADCLIFFE to the Board of Trustees, Hawai'i Public Employees Health Fund, term to expire June 30, 1999, seconded by Senator Kanno.

Senator Kanno rose in support of the nominee and said:

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

"Mr. President, your Committee on Human Resources had a public hearing and believe very strongly that Mr. Radcliffe will do a good job as a member of the Board of Trustees of the Public Employees Health Fund.

"John Radcliffe holds a Master's Degree in Philosophy of Education. He has extensive experience in government and community affairs and labor/management relations in Hawaii since 1975. He is currently the Associate Executive Director of the University of Hawaii Professional Assembly and a consultant to various business organizations. Most notably, Mr. Radcliffe has been actively involved in numerous professional and community organizations such as serving on the Aloha United Way Board of Directors; Executive Committee, Boy Scouts of America, Aloha Council; and Chair, Hawaii Coalition on the Federal Budget, to name a few.

"Mr. President, I urge my colleagues to vote 'aye.'"

Senator McCartney also rose in support and stated:

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

"Mr. President, my relationship with John Henry Radcliffe goes back a long ways, and I know that he'll serve the Public Employees Health Fund very well.

"I just want to share that John was a school teacher back in Wisconsin and he helped organize one of the first unions for teachers back then. He was one of the organizers of the NEA and did a lot of work in improving the quality of education and benefits for teachers back in the 70's. He was one of the rebels in the teacher movement. Hawaii got one of those rebels when they hired him as executive director of HSTA. He came in and the first day on the job, Charlie Toguchi, his staff member, said he'd quit, now that John Radcliffe was hired, but he managed to convince Charlie to stay on.

"And my memory of John is that he gave me my first real job. When I was 24 years old and had no experience, he took a chance and hired me. So I'll forever be grateful for that. And by working with him all these years, I know that he is a committed individual. He has a lot of passion for what he does, and he genuinely cares about the people of Hawaii and what's good for the state. And I think he'll do a great job on the Board of Trustees of the Public Employees Health Fund. Therefore, I ask my colleagues to wholeheartedly support his nomination.

"Thank you."

Senator Baker rose to support the nominee and said:

"Mr. President, I, too, rise in support of this nominee and would ask that the remarks of the good Senator from Kahaluu please be included in the Journal as though they were my own with one slight difference.

"I worked with John Radcliffe when he and I both were employed by the National Education Association back in the early 70's in Washington, DC. I know Mr. Radcliffe to be a very thoughtful and conscientious labor advocate and community minded individual. I'm confident he'll do an excellent job on the Board of Trustees of the Hawaii Public Employees Health Fund.

"Thank you, Mr. President."

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

Ayes, 23. Noes, none. Excused, 2 (Ige, D., Metcalf).

#### RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 588, S.D. 1	Jointly to the Committee on Judiciary and the Committee on Human Resources, then to the Committee on Ways and Means
No. 1273	Jointly to the Committee on Judiciary and the Committee on Ways and Means
No. 2382	Committee on Ways and Means

#### RE-REFERRAL OF SENATE RESOLUTION

The Chair re-referred the following Senate resolution that was offered:

Senate Resolution	Referred to:
No. 5	Committee on Commerce, Consumer Protection, and Information Technology

Senator Baker, for the Committee on Ways and Means, requested a waiver to Senate Rule 20 for S.B. Nos. 1559, 1587, 2207, 2210, 2211, 2307, 2439, 2643, 2730, 2875, 2902, 2920, 2922, 2983, 3129, 3177, 3201, 3232, and 3239, and H.B. No. 1868, and the Chair granted the waiver.

Senator Baker then requested a waiver of the 72-hour Notice of a Public Hearing on S.B. Nos. 2292 and 2363, and the Chair granted the waiver.

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

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

"Mr. President, I was frustrated enough last week when I came in that I started writing a 5-page or 4-page deal on different articles that came out in the newspapers. When I got to work, I found out that we were on recess and I had forgotten. I put that aside but I was still upset. More or less what it said is that we are lacking leadership in the State of Hawaii. And I blame the departments and I blame the governor.

"And I'll start, before I hit the rest, on October 2nd, Mr. President. I took a trip up to Waimanalo because after the storm there was a tree that fell and it broke a portion of the flume that was there. They were going to put it out for bid and

maybe by 1999 it might be repaired. So I went up to look at it and I walked into the water and all it was is that part of the cement was broken. The tree is large but it was not touching. I asked if we could somehow or another, because the cement was being eroded, put a piece of steel or concrete and then put a pvc pipe that would allow the water to run. Could that be done temporarily? No problem, they would look at it. Then after my on-site review of this, they told me they would be done by February. Well, I got a letter here from one of the farmers. They're told to look at the water problem before summer comes along. It hasn't even gone into bid yet. Evidently, it was turned over to the engineering department of the Department of Land and Natural Resources. So we're still waiting, and I don't think it's fair to those farmers in Waimanalo. But let's forget Waimanalo for a moment.

"I also received a letter recently -- primary source of papaya, major North American tropical fruit markets -- and I'm sure it went to all of you. I believe it's from Kauai. It gives you a map. In 1989 the whole continent was buying papayas from Hawaii ... 1997, Mr. President, Hawaii, Brazil, Costa Rica -- used to be only Hawaii. Hawaii and Mexico -- it used to be only Hawaii. There's one section that isn't even buying from us anymore. Then there's Hawaii and Costa Rica; then there's a whole East Coast that doesn't buy one bit of papaya from us. Our ag is going down the tubes. The rest of this state is going down the tubes.

"So, since I was so frustrated with my 5-page that I didn't do, I did go to Lincoln's Dinner and I wrote a speech that said the greatest loss that Hawaii has suffered in recent years is not economics. Our greatest loss has been the lack of leadership exhibited by the majority party which has total control of the executive, legislative and judicial branches -- our state government -- a control they have exercised for the past 40 years. And I could go on and on with that speech, but I don't want to go ahead and get my colleagues a little tired and weary of my always standing.

"There's also another ... this morning's paper, and I named it 'Mismanagement of state funds.' They're still pursuing the AG's office with Bishop Estate. They believe that the trustees and others are not doing their duty and they have come and used their own money and they need more money. But on top of that, it's okay to down-zone one of the last coastlines that is very valuable to \$11 million that others say is worth \$80 million. Are they worried about Bishop Estate and the trustees' funds? Are they helping Hawaiians? I think not.

"Also, Hawaii Housing wants to remove the Waimanalo people for \$8 million of HUD money. If these people are moved out, they have no place to go. Then they're going to build new low-income housing, which these people can't afford, and maybe a lot of other people. And what happens to them?

"I've read where Kauai is closing the sugar. Every other group is laying off people. We're going to have more and more people in the coffers for the state. And what do I hear? The ridiculous statement that we have an election year and we have to watch what we're doing. I have a group here that speaks against legalized gambling. Her name is Dorothy Bobilin and she's opposed, along with the League of Women Voters, Honolulu Police Department, Hawaii News Services, Council of Churches, Church of Jesus Christ, a whole bunch of them. Well, the bill that we talked about for any type of gambling has a referendum. These people have as much right to vote as everybody else in this state.

"And what happens? People are afraid to move it because they say it's an election year. Well, let me say right now, I plan on running for higher office. I'm not afraid to bite the bullet that the newspapers say we should pass anything that the Economic Revitalization Task Force comes from. You either take a stand or you don't. And I have to, like the rest of you. If you run, you have to depend on money. That's what does it. If

I don't have the money, I don't run. If you lose, you lose, but our state is losing. We're going down the tubes and nobody seems to give a damn. We have a bill to help the contractors and the local people here. People are afraid because they have fax machines going like crazy. There's only one bill, and if we can get it amended so that we take care of our people, I'll sure as hell vote for it.

"We've got to do something. You know, we can't just sit back and say, next year it'll be a better year because it's not an election year. It'll be an election year for somebody. Somebody will be worrying.

"Thank you very much, Mr. President. I'm glad I got rid of some of my frustrations, but I would hope that the Department of Ag and the Department of Land and Natural Resources -- which is almost putting another 30 groups of people out of business, they want to control all the waters and not do a damn thing that helps any of us -- I would hope that we all sit back and look at those different departments and that the governor, if he so feels that some of these people should be removed, he put them in there, he should remove them. If not, I think a whole bunch of us are going to be moved out after this next election.

"Thank you very much, Mr. President."

Senator Chumbley rose on a point of personal privilege and stated:

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

"Just as a point of clarification, members, and for the record, the previous speaker from Kailua, the good Senator, referred to the judiciary branch as a partisan branch of government. It clearly is not. It is an independent, non-partisan branch, unlike the executive and legislative branches.

"Thank you."

Senator Anderson then responded:

"Just for clarification, it used to be. I'm awfully sorry. And it was Governor Waihee's time that we did it. Then he said it might have been a mistake. I agree. But we're also looking at the university for becoming another separate branch. Everybody with their own budget. We can't control what we have.

"Thank you very much, Mr. President."

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

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

"The Senator from Waimanalo mentioned one of the proposed solutions he thought would be legalized gambling. I personally don't agree. But the Small Business Caucus has come up with many measures that we feel would help. These are not new measures, but can I ask the chairs of Human Resources if, indeed, more of these measures can be heard? Will he yield to a question, sir?"

The Chair posed the question, and Senator Kanno having answered in the affirmative, Senator Sakamoto inquired:

"We read in the newspaper about layoffs, companies going out of business, the business community, at least the small business community, has come up with many bills that are suggesting improvements to our current situation, and many of these haven't been heard. So the question is, Can these measures be heard?"

Senator Kanno answered:

"Since first decking is on Friday, we will be looking at appropriate House vehicles to hear, as well as using those as means to float different ideas. So, we will do our best to take those requests and considerations into mind."

Senator Sakamoto further inquired:

"So, we can look forward to hearings on many of these different issues, although we may not have heard them in these past few weeks?"

Senator Kanno replied: "Yes."

Senator Sakamoto then said:

"Thank you."

Senator D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, requested a waiver of the 72-hour Notice of a Public Hearing on S.B. Nos. 1592, 2160, 2332, 2359, 2408, 2462, 2633, 3126 and 3143, and the Chair granted the waiver.

Senator Slom also rose on a point of personal privilege and said:

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

"Testing ... testing! I just want to test the sound system, Mr. President. I've heard the Minority Leader, on a number of different occasions, rise and talk about the issue of advisory referendum, not taking a particular position on issues. And somehow I think my colleagues don't hear that. Either there's something wrong with the sound system, or something wrong with their hearing. He's talking about an advisory referendum since the people of Hawaii do not have access to initiative, referendum or recall on a statewide basis. We don't have term limits on a statewide basis. An advisory referendum, which is a legal document, at least gives some input and allows people to be heard -- allows the public to be heard. So, just in case there is any question about that, I just want to make sure that it was an advisory referendum that the Minority Leader is talking about.

"And Mr. President, just one final comment, and that is I don't see, yet, any sense of urgency here. And the question that was asked last year was, How many? And that was after the Forbes article came out. People asked how many articles will it take like that for the people in government to take action and turn around our business climate and help the suffering, economically, of our people. And it didn't matter because we had Investors Business Daily, and the Wall Street Journal, and Financial Times, and Fortune, and Newsweek, and U.S. News and World Report, and many other publications that came forward and said the same thing -- How many?"

"And then we had small businesses, hundreds of them, closing or going bankrupt. And the question, again, is asked, How many will it take before we get the attention of people in this body and across the hall, and the governor? And then we saw the listing this morning, as the Minority Leader referred, on the front page of the Advertiser. And now it's okay for the big businesses to start laying off, and they have and they will ... and the counties. And we see more and more of our fellow citizens, our relatives and our friends losing their jobs and losing their wherewithal, and we ask the question again, How many? How many will it take until we get it straight that the priority is not to raise taxes even more, that the priority should not be to give free tickets to the Aloha Stadium to legislators, that we should not be trying to cloak governmental agencies in more secrecy by passing legislation that allows them to avoid the sunshine law, or to be passing bills that are aimed at non-majority party non-incumbents. How many more job losses, how many more people have to suffer until we get it, until we stop talking about things and until we start doing things? I hope the answer is very soon.

"Thank you, Mr. President."

At this time, Senator Fernandes Salling, on behalf of the Senate, extended happy birthday wishes to Senator Solomon.

At 12:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

#### **STANDING COMMITTEE REPORT**

On motion by Senator Ihara, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive Stand. Com. Rep. No. 2431 from the Committee on Ways and Means. In consequence thereof, and subsequent to its recessing at 12:12 o'clock p.m., the Senate took the following action on S.B. No. 2292:

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2431) recommending that S.B. No. 2292, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2292, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was recommitted to the Committee on Ways and Means.

#### **ADJOURNMENT**

At 8:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Thursday, March 5, 1998.



## TWENTY-FIFTH DAY

Thursday, March 5, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Pam Vessels, The Life Foundation, after which the Roll was called showing all Senators present with the exception of Senators Aki and Tanaka who were excused.

The President announced that he had read and approved the Journal of the Twenty-Fourth Day.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 183, dated February 24, 1998, transmitting the 1997 Annual Report, Board of Certification of Operating Personnel in Wastewater Treatment Facilities in Compliance with Section 340B-12, HRS, prepared by the Department of Health, was read by the Clerk and was placed on file.

## HOUSE COMMUNICATION

Hse. Com. No. 34, informing the Senate of the passage on Final Reading in the House of Representatives of H.B. No. 397, H.D. 2, on March 4, 1998, was read by the Clerk and was placed on file.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 41 to 45) were read by the Clerk and were referred to committees:

## Senate Concurrent Resolution

No. 41 "SENATE CONCURRENT RESOLUTION CALLING FOR THE RETURN OF MAKUA MILITARY RESERVATION."

Offered by: Senator McCartney, by request.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Water, Land, and Hawaiian Affairs

No. 42 "SENATE CONCURRENT RESOLUTION RELATING TO A FIVE-DAY RECESS TO ALLOW THE LEGISLATURE TO SEEK COMMUNITY INPUT AND GENERATE A BROAD CONSENSUS ON THE LEGISLATURE'S 1998 ECONOMIC REVITALIZATION PROGRAM."

Offered by: Senators Ihara, by request, McCartney, by request.

Referred to: Committee on Ways and Means

No. 43 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO PASS THE MARRIAGE TAX ELIMINATION ACT."

Offered by: Senators Slom, Aki, Anderson, Bunda, Fukunaga, Ige, D., Iwase, Kawamoto, Matsunaga, McCartney, Sakamoto, Solomon, Tam, Tanaka, Taniguchi.

Referred to: Committee on Ways and Means

No. 44 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS OF THE STATE OF HAWAII IMPLEMENT REGULATIONS TO ASSURE

THAT APPRAISERS OF PERSONAL PROPERTY MEET CERTAIN QUALIFICATIONS AND CONFORM TO PROVISIONS OF UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE."

Offered by: Senator Slom.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology

No. 45 "SENATE CONCURRENT RESOLUTION URGING THE DEMOCRATIC ELECTION OF PUBLIC ACCESS TELEVISION BOARD MEMBERS BY THE CABLE SUBSCRIBERS WHO FUND IT."

Offered by: Senator Slom.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology

## SENATE RESOLUTION

The following resolution (S.R. No. 14) was read by the Clerk and was referred to committees:

## Senate Resolution

No. 14 "SENATE RESOLUTION CALLING FOR THE RETURN OF MAKUA MILITARY RESERVATION."

Offered by: Senator McCartney, by request.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Water, Land, and Hawaiian Affairs

## STANDING COMMITTEE REPORTS

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2432) recommending that S.B. No. 2840, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2840, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2433) recommending that S.B. No. 2981, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2981, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2434) recommending that S.B. No. 2586, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2586, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO CAPTIVE INSURANCE COMPANIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2435) recommending that S.B. No. 1465 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1465, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2436) recommending that S.B. No. 2885 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2885, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2437) recommending that S.B. No. 2889, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2889, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2438) recommending that S.B. No. 2963, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2438 and S.B. No. 2963, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," was deferred until Tuesday, March 10, 1998.

**ORDER OF THE DAY**

**ADVISE AND CONSENT**

Stand. Com. Rep. No. 2430 (Gov. Msg. No. 135):

Senator Bunda moved that Stand. Com. Rep. No. 2430 be received and placed on file, seconded by Senator M. Ige and carried.

Senator Bunda then moved that the Senate advise and consent to the nomination of LLOYD I. UNEBASAMI as Administrator of the State Procurement Office, term to expire June 30, 2002, seconded by Senator M. Ige.

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

"Mr. President, I rise to speak in support of Gov. Msg. No. 135, the nomination of Mr. Unebasami, gubernatorial nominee as Administrator for the State Procurement Office for a term to expire June 30, 2002.

"Upon review of Mr. Unebasami's resume and other background information, the Committee on Government

Operations and Housing found that he was a former graduate of McKinley High School, attended and earned a Bachelor of Business Administration in Accounting from the University of Hawaii. He is a licensed certified public accountant in the state and has been serving as the administrator of the State Procurement Office since 1994. Prior to 1994, he gained experience as a deputy comptroller for the Department of Accounting and General Services and as deputy director for the Department of Taxation.

"Based on these findings and numerous testimonies in support of the nominee, the Committee on Government Operations and Housing finds that Mr. Unebasami has an exemplary and distinguished background in accounting, administration, taxation, and finance. Testimony in support of the nominee strongly indicates that he has performed his responsibilities with integrity, understanding and superior judgment. He has demonstrated his effectiveness as a leader who encourages efficient, honest, and thorough collaboration by implementing valuable training classes for government employees, as well as for individual private organizations. It is his goal to further enhance public confidence in our state procurement system.

"After full consideration of the background, character, experience, and qualifications of the nominee, we have found the nominee to be qualified for the position and recommends that the Senate advise and consent to the nomination.

"Thank you."

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

Ayes, 23. Noes, none. Excused, 2 (Aki, Tanaka).

**REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Wednesday, March 4, 1998:

Senate Concurrent Resolution	Referred to:
No. 35	Committee on Ways and Means
No. 36	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 37	Committee on Transportation and Intergovernmental Affairs
No. 38	Jointly to the Committee on Health and Environment and the Committee on Education
No. 39	Committee on Education, then to the Committee on Ways and Means
No. 40	Committee on Economic Development, then to the Committee on Ways and Means

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions that were offered on Wednesday, March 4, 1998:

Senate Resolution	Referred to:
No. 9	Committee on Ways and Means

No. 10 Committee on Transportation and Intergovernmental Affairs

No. 11 Jointly to the Committee on Health and Environment and the Committee on Education

No. 12 Committee on Education, then to the Committee on Ways and Means

No. 13 Committee on Economic Development, then to the Committee on Ways and Means

Senator Solomon rose on a point of personal privilege and stated:

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

"Mr. President, I was relieved by our co-chairs' commitment in human resources yesterday to look at the House bills as vehicles to help invigorate the business climate here in Hawaii. Also, Mr. President, I speak in support of the Senator from Moanalua and Salt Lake and to reiterate his position because I feel that they are my concerns too.

"Mr. President, if we were able just to provide relief for small businesses throughout our state through workmen's comp reform and insurance relief, we can expand on what is approximately 24,000 businesses. If we were to allow those businesses to help themselves by just hiring one more person, we are immediately talking 24,000 jobs. If they can expand by two, we're talking 48,000 jobs. I have approximately 5,000 businesses in my West Hawaii, Waimea and Hilo districts, and of course you know that the Big Island has been in a severe economic depression. If they were just given some relief and if they could expand by one more employee, we're talking 5,000 jobs; two employees, we're talking 10,000 jobs.

"The bottom line is, Mr. President, I think all of our challenge, as we proceed with our work here, is to change the negative headlines. We don't want to read, 'Sick economy's human faces.' We want to read, 'Healthy economy's human faces.' We don't want to read in the newspaper about two who have lost their jobs and their stories. We want to read about economic expansion and job opportunities. We want to read, Mr. President, about our grandchildren and our children having new opportunities here in Hawaii. This has been the strength of our Democrat Party. This has been what we have stood for, for over 30-plus years, Mr. President, and I am hoping that as we proceed with the business at hand, that we will come together and come up with legislation that works for Hawaii.

"And with that, Mr. President, I would like to end my remarks and invite all of my colleagues to please enjoy the displays upstairs. There is an agricultural commodity show going on which depicts a tremendously successful story for us here in Hawaii, a significant part of which can be attributed to the help from this Legislature. We have been the champions of diversified agriculture. We have been the champions of joint ventures between private business and the public. We have been creative and innovative in helping to diversify our economy and we must continue to do so.

"So, as you stroll among those tables enjoying all of the delicacies that they offer and enjoying the protea flowers, remember that most of that comes from the neighbor islands. I want you all to realize that our people are trying and working hard out there. They want a future for themselves and their families; they want to be able to stand on their own feet. If the corporations in Hawaii decide that maybe Hawaii has become too small for them, and that maybe they should look to other parts of the global economy, so be it. Our strength is our people, that is the na'au of this state. What we see at the displays upstairs are families who have struggled for generations to build a niche for themselves by helping themselves, by pulling themselves up by their bootstraps, and they are proud of who they are. Mr. President, we owe them all

the support and the kako'o to help them realize their dreams. And this is what the Democrat Party has been all these years.

"So with that, Mr. President, I'd like to thank you for this opportunity to express my concerns. I look forward to working on those House vehicles when they come over, and to lend my expertise in agriculture or whatever areas that I possibly can, so we can help fulfill these dreams that we definitely owe to our people.

"Mahalo."

Senator Taniguchi then rose on a point of personal privilege and said:

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

"I'd like to support the comments made by my colleague from Kohala, and ask that some additional comments that I have on Agriculture Awareness Day be included in the Journal."

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

"Agriculture: Hawaii's Growth Industry

DID YOU KNOW...

Hawaii's agriculture contributes \$2.91 billion to Hawaii's economy and supports more than 42,000 jobs statewide;

Hawaii's coffee industry produced seven million pounds of green coffee beans in 1997, a 40 percent increase from the previous year;

In addition to the \$96 million farm-level value posted in 1996, Hawaii's pineapple industry contributes more than \$58 million in state taxes and purchasing of goods and services such as transportation, construction and distribution;

Ranked by value, macadamia nut is the number one diversified crop in Hawaii and encompasses 20,200 acres statewide;

A recent Omni Track Group research revealed that Hawaii-grown flowers are universally recognized for their high quality, brilliant color and variety, yet half the population has not actually seen tropical flowers -- at most, half of those surveyed have seen exotic tropicals, while only one in four have seen Proteas;

Tropical fruits which include guava, mango, rambutan, lychee, atemoya/cherimoya, carambola and specialty pineapple are grown across the state with production expected to double in the next five to ten years;

Approximately 10,000 acres of forests are currently being managed for timber, with most popular native woods being Koa, Kamani and Milo.

On March 5, in a show of unity, the state's agricultural community is holding an 'Agriculture Awareness Day' to show policy makers that Hawaii's agriculture is alive and thriving. In fact, from 1994 - 1996, Hawaii's diversified agriculture is the only sector of the economy that has seen growth with coffee, seed crops, macadamia nuts, and pineapple posting increases of over 20 percent. Vegetables, fruits, and flowers & nursery products also saw gains."

Senator Slom then rose on a point of personal privilege and stated:

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

"One of the resolutions that we have just passed on for referral is S.C.R. No. 42, and S.C.R. No. 42 proposes a five-day recess so that the Legislature may gain a consensus from the community for the support of the Economic Revitalization Task Force. Mr. President, I would urge my colleagues to reject this concurrent resolution.

"We have just come back from a five-day recess. I don't think the public wants us to go into another five-day recess and I don't think that we need to have more community meetings on the ERTF because we've already had more than 19 town and community meetings. We've had all kinds of things. The ERTF is spending between a half-million and a million dollars to propagandize us with television and newsprint commercials. The public has demonstrated that they will support changes. They want changes now. They want us to act, but they will not support increases in taxes. They will not support the status quo. And as long as the ERTF proposals continue to try to tax our citizens more, every single mom, every family, every small business, every retiree, and as long as the ERTF proposals are based on the idea that we'll have to try to get more revenues so that we can shift the burden from some people and some businesses to others, then we will not have a consensus.

"So, Mr. President, I would urge that we listen to the comments that have already been made very loud and clear by our citizens, and that we not take an additional time off, instead use the time to act more expeditiously and solve the problems so we don't have any more of the headlines that the good Senator from the Big Island was referring to.

"Thank you, Mr. President."

Senator Baker, for the Committee on Ways and Means, requested a waiver to Senate Rule 20 on S.B. Nos. 2278, 2558, 2727, 3127, 3191 and 3220, and the Chair granted the waiver.

Senator Iwase also rose on a point of personal privilege and stated:

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

"Mr. President, I did not intend to say anything today, but I wanted to rise to express support for the comments made by the Senator from Hawaii Kai. I think, as politicians, particularly those who are running, I think we know when we sit here today what the public feels -- at least we should. We have our antennas up; we have our networks in our communities. And I think each one of us who sits here probably knows more than anyone else -- the newspaper editorial writers, lobbyists from special interest groups -- we know, more than anyone else, what the community feels.

"I think there is already consensus on the Economic Revitalization Task Force goals -- cut taxes, streamline government, create business-friendly laws. Those are the goals of the Economic Revitalization Task Force. Grant more autonomy, or flexibility, to the University of Hawaii to insure that the University will be an industry for the State of Hawaii, as well as a resource for the State of Hawaii. Improve the educational system in the State of Hawaii so that our children will have the opportunity to participate in a job market. They don't have to leave this state that we are fortunate enough to live in today. To create an environment so that someone like Jeanne Tamura doesn't have to have her face on the front page of the Honolulu Advertiser telling us that she hopes that in two months she will have a job so that she doesn't go bankrupt. Those are the goals of the Economic Revitalization Task Force.

"The challenge to us is not so much the goals, but the specifics. And that's where we are called upon. The brain power in this Legislature, the feelings of those of us who are here, we are called upon to act; we are called upon to meet the challenge. And we should come up with proposals that achieve those goals. We may diverge from the Economic Revitalization Task Force -- eliminate the Land Use Commission, for

example, no; but streamline the land use process, yes. And that's what we should be doing. We should spend the time ... hopefully, we have spent the time understanding what the heck this place is all about and the problems we face, how we're going to address it, and come forward with proposals. We do not need to defer anymore. We've deferred bills. We've not acted on bills. And the public is frustrated.

"Everyone in this chamber knows just how angry the public is. Everyone in this chamber knows that and everyone in this chamber knows that we'd better damn well go home with something to improve this economy or we are not going to be coming back. We don't need to be having any more delays. We'd better come forward with proposals. We'd better come forward with calls for action. We'd better be concrete. We'd better be specific. If we're going to deny something, we'd better be able to justify it, and if we're going to support something, we'd better be sure that we're going to have the courage to go out and defend it because it's going to be controversial. Changing paradigms in this state require strong actions. It's going to be controversial and we are not going to be able to hide behind shields anymore. And I hope we will do that, Mr. President.

"Thank you."

Senator Solomon rose again on a point of personal privilege and stated:

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

"I just would like to support the remarks of the previous speaker and incorporate them as though they were my own. Thank you."

Senator Chun Oakland rose on a point of personal privilege and said:

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

"With regard to the comments made by the Senator from Kohala, I would also like to incorporate her words as if they were my own. I also, though, wanted to respond to some of the previous Senator's remarks with regard to the resolution.

"I believe that there were health and human service organizations, persons that are being representative of those on fixed incomes, those that have not been at the table with the Economic Revitalization Task Force like the environmentalists, some of the community associations of small businesses, and, as I mentioned, the health and human service sectors that feel things are going too quickly. And I believe this resolution was in response to that.

"So, I hope that if you understand where it came from and heed, I guess, to their concerns as well, some of the impacts of the proposals may have negative influence on those that have not been to the table. That is basically why I think the resolution was introduced."

Senator Iwase rose again and said:

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

"I appreciate the comments of the Senator from Nuanu, and I know that they've worked very hard to achieve consensus in a very difficult area which is human service.

"But to go back to Jeanne Tamura again, when we talk about a delay of one day, Mr. President, that to her is almost a life time when she's talking two months left of savings in her bank account. When we talk about the people, and there were articles about people in last night's paper in the city government who are going to lose their jobs, the people at Foodland, the people at Amfac (I'm glad they're going to

probably hire back 100), the people at Bank of Hawaii, the people at the companies that are going down -- one day makes a big difference. One day may be when their mortgage is due; one day may be when their car payment is due.

"This economic doldrums that we're in has a great, great impact on the middle class of this state, and the middle class is the backbone of this state. The middle class has been the most affected, the most affected by the economic downturn. They're not asking for handouts -- they're asking for jobs. They're asking us for action. They're not asking for time anymore. They want us to act. The middle class in this state, the working people of this state -- and Miss Tamura is one of them, Miss Miller was one of them -- they're on the front pages now, not Bill Gates, not someone on welfare, but someone who was working. And this person who was working is now two months away from bankrupting herself.

"We cannot wait. I hope we understand the urgency. I hope we understand the need for action. I know many in this Legislature do. And that's what we have to deal with, Mr. President -- to help these people. That's what we're about. That's what we're supposed to be about.

"Thank you."

Senator Chun Oakland responded:

"Mr. President, to the former speaker, I couldn't agree more, and I think those concerns, in fact, are embraced by these particular organizations that are putting this forth. They would like to make sure that, for example, where corporate taxes, franchise taxes are reduced, that there be direct results. Corporate taxes being reduced equates to jobs created. Franchise taxes equated to small business loans. Venture capital that should be provided to small business. But we need to do it thoughtfully. We hope that, in fact, we can move forward unified, in a unified manner. So, I couldn't agree with the Senator from Mililani's comments. I just hope that by this particular measure and other efforts, that we keep those things in mind.

"Thank you."

Senator McCartney then rose on a point of personal privilege and said:

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

"Mr. President, just for the record, I think what you're hearing today is that we all know there's a problem. We all know that our economy is in dire straits. We all know that bold decisions need to be made. We all know that tough decisions need to be made, and soon. And we're talking about people's lives.

"Mr. President, I want to assure the members that I'm clear and I believe that the majority is ready to make some bold and tough decisions. Maybe not everybody will agree with those decisions, but they will be bold; they will be tough. And we are committed to moving forward because we know that's what we have to do for the people of Hawaii. And as the Senator from Kohala said, and I agree wholeheartedly, that we owe the people our support. We owe the people our effort and we owe the people a decision.

"It's easy, Mr. President, to make speeches. It's easy to throw stones. It's much harder to take those stones and build a house. And that's what we're committed to do, Mr. President, is building a house that everybody in Hawaii can be proud of.

"Thank you."

Senator Anderson then rose on a point of personal privilege and said:

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

"In the beginning when the Minority Floor Leader stood up on the resolution, it was primarily to say that there's money being spent to take care of the concerns in the newspapers. They're spending \$500,000 to \$1 million to let us know about the revitalization program for the task force.

"We did just come off a five-day recess. Most of us have talked to the community, or at least some of us have. Those of us who have talked to members in the community know very, very well what taxes are going to be raised, how they're going to give us a reduction on one side and raise the other. That's why we said we're putting in one pocket and pulling out of the other. They're quite aware of that, and I don't think anybody is throwing stones.

"And for the Senator from Nuuanu, we're not moving fast. We're moving so slow that we're going down the tubes.

"I wasn't even planning on standing this morning, but I read the paper about the good Representative from Hilo who had a meeting in his office that wasn't going to benefit him, but, however, he was trying to take care of the hospital system that has been costing us millions every year. And yet because he used his office, we find that offensive. I think that we deserve to take care of every problem that we can. I don't care if you use your office, your home, a bar, wherever we can take care of a problem and help the people of this state, that's what we're supposed to be doing.

"And five more days of recess and deferring bills and saying next year will get better, maybe ... and as I said yesterday, it's an election year. We can't afford to do certain things. That's not what we're here for. We are here to take care of the problems. We're here to make decisions, and we haven't been making them. And the people deserve a lot more than what we have been giving, Mr. President.

"I thank you, very much."

Senator Sakamoto then rose on a point of personal privilege as follows:

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

"I'm supportive of the Senator from Liliha and Nuuanu on her concerns about people that may get hurt from some of the proposals. I believe the alternative we need to look at, as opposed to a recess, is to hurriedly, hurriedly, quickly pass some bills that deal with duplication of services, that deal with efficiency in government. We can leave the tax proposals to last, Mr. President, but let's not leave everything to the last.

"I'm a building contractor and I agree with our Senator from the Kaneohe area about building, we need to start one stone at a time. And I don't stand to throw stones; I stand to say let's start building. And I don't feel we can hold all of these measures captive until conference committee and attempt to build a sensible house in the last week of April, Mr. President. I believe we should lay the foundation, piece by piece. That can start today. That can start tonight. I think there are bills that we can pass, that the House can pass, unamended, that are good bills, that will not deal with hurting anybody, but will give an opportunity for the Senator from Kohala to say we passed a bill that will enable small businesses to attempt to hire one person -- 5,000 jobs. We can pass some of those bills this very afternoon, Mr. President.

"So, I ask my colleagues to all work together, and again, I don't stand to throw stones; I stand to say let's start putting down the foundation and let's not keep all the stones on the side for the last week of this session."

Senator McCartney rose again on a point of personal privilege and said:

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

"I don't mean to be Pollyannish, but you know what, Mr. President, today's discussion and debate is good; it's healthy. I think everybody wants to get something done and everybody is moving in a direction where we need to go. I sense the energy, enthusiasm and commitment from all the members from both sides of the aisle, different persuasions, that something good is beginning and we need to become more optimistic. So I'm encouraged by the discussion and debate that has taken place on this floor today and I'm confident that we'll move forward to make a difference for the people of Hawaii."

#### **ADJOURNMENT**

At 12:20 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 6, 1998.

## TWENTY-SIXTH DAY

Friday, March 6, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Mario Pariante, SM, St. Louis School, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Twenty-Fifth Day.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 35 to 41) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 35, transmitting the following House bills which passed Third Reading in the House of Representatives on March 4, 1998, was placed on file and, on motion by Senator Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were deferred:

H.B. No. 2230, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII-HILO";

H.B. No. 2535, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES";

H.B. No. 2563, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED BUDGETING";

H.B. No. 2761, entitled: "A BILL FOR AN ACT RELATING TO SALARY PAYMENTS TO NEW EMPLOYEES";

H.B. No. 2787, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT";

H.B. No. 2834, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY";

H.B. No. 2842, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH";

H.B. No. 2857, entitled: "A BILL FOR AN ACT RELATING TO THE CHRONIC RENAL DISEASE PROGRAM";

H.B. No. 2859, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH ADULT MENTAL HEALTH DIVISION";

H.B. No. 2870, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION";

H.B. No. 3024, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE";

H.B. No. 3225, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKER'S COMPENSATION";

H.B. No. 3313, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE OFFICERS"; and

H.B. No. 3400, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Hse. Com. No. 36, transmitting the following House bills which passed Third Reading in the House of Representatives on March 4, 1998, was placed on file and, on motion by Senator Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were deferred:

H.B. No. 2376, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM";

H.B. No. 2551, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT";

H.B. No. 2561, H.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION, RELATING TO THE BOARD OF EDUCATION";

H.B. No. 2562, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION";

H.B. No. 2679, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNDERWATER ATTRACTIONS";

H.B. No. 2803, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

H.B. No. 2844, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS";

H.B. No. 2872, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION INSPECTIONS";

H.B. No. 2875, entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL LAND AND DEVELOPMENT FUND";

H.B. No. 2969, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION TAX CREDITS";

H.B. No. 2988, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL";

H.B. No. 3000, entitled: "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS FOR PART-TIME, TEMPORARY, AND SEASONAL OR CASUAL EMPLOYEES";

H.B. No. 3026, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL CARE SERVICES PAYMENT";

H.B. No. 3446, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES"; and

H.B. No. 3524, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES."

Hse. Com. No. 37, transmitting the following House bills which passed Third Reading in the House of Representatives on March 4, 1998, was placed on file and, on motion by Senator Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were deferred:

H.B. No. 2361, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING FEES";

H.B. No. 2497, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POSSESSION OF TOBACCO BY MINORS";

H.B. No. 2620, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED MOTOR VEHICLES";

H.B. No. 2712, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADJUDICATION OF TRAFFIC INFRACTIONS";

H.B. No. 2754, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION";

H.B. No. 2793, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII";

H.B. No. 2801, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII";

H.B. No. 2835, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION";

H.B. No. 2837, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE";

H.B. No. 2846, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS"; and

H.B. No. 2899, entitled: "A BILL FOR AN ACT RELATING TO DONATIONS TO GOVERNMENT AGENCIES."

Hse. Com. No. 38, transmitting the following House bills which passed Third Reading in the House of Representatives on March 4, 1998, was placed on file and, on motion by Senator Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were deferred:

H.B. No. 2762, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POOLED INSURANCE";

H.B. No. 2763, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PARKING REVOLVING FUND";

H.B. No. 2958, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS";

H.B. No. 3036, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES";

H.B. No. 3247, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONIES"; and

H.B. No. 3248, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAPSED WARRANTS."

At 11:45 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 o'clock a.m.

Hse. Com. No. 39, transmitting H.C.R. No. 39, which was adopted by the House of Representatives on March 4, 1998, was placed on file.

By unanimous consent, action on H.C.R. No. 39, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO MINIMIZE TRAUMA, BE SENSITIVE TO THE EMOTIONAL NEEDS

OF THE CHILD, AND CONSIDER UTILIZING PEOPLE SIGNIFICANT TO THE CHILD WHEN PICKING UP THE CHILD FOR CUSTODY," was deferred until Tuesday, March 10, 1998.

Hse. Com. No. 40, transmitting H.C.R. No. 48, H.D. 1, which was adopted by the House of Representatives on March 4, 1998, was placed on file.

By unanimous consent, action on H.C.R. No. 48, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION INVITING THE CHILDREN'S MILLENNIUM CONFERENCE TO HONOLULU IN OCTOBER 1999," was deferred until Tuesday, March 10, 1998.

Hse. Com. No. 41, transmitting the following House bills which passed Third Reading in the House of Representatives on March 5, 1998, was placed on file and, on motion by Senator Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were deferred:

H.B. No. 2520, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRIVOLOUS LOBBYING CHARGES";

H.B. No. 2596, entitled: "A BILL FOR AN ACT RELATING TO BARBERS POINT HARBOR";

H.B. No. 2614, entitled: "A BILL FOR AN ACT RELATING TO POLICE OFFICERS, FIREFIGHTERS, AND BANDSMEN PENSION SYSTEM";

H.B. No. 2660, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX";

H.B. No. 2695, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION";

H.B. No. 2774, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)";

H.B. No. 2778, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW";

H.B. No. 2798, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII";

H.B. No. 2802, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE UNCLAIMED PROPERTY PROGRAM";

H.B. No. 3031, entitled: "A BILL FOR AN ACT RELATING TO THE CAMPAIGN SPENDING COMMISSION";

H.B. No. 3039, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAX DEDUCTION FOR DIVIDENDS";

H.B. No. 3053, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE";

H.B. No. 3055, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE";

H.B. No. 3059, entitled: "A BILL FOR AN ACT RELATING TO THE STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICE"; and

H.B. No. 3317, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."



## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 46 to 48) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 46 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO INVESTIGATE AND DETERMINE THE FAIRNESS OF THE ELIGIBLE CHARGE REIMBURSEMENT RATES OF THE HAWAII MEDICAL SERVICE ASSOCIATION."

Offered by: Senator Levin.

No. 47 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII SCHOOL OF PUBLIC HEALTH TO STUDY THE FEASIBILITY OF UTILIZING COMPLEMENTARY AND ALTERNATIVE MEDICAL CARE IN THE HEALTH CARE SYSTEM IN HAWAII."

Offered by: Senator Levin.

No. 48 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR EARLY INTERVENTION SERVICES."

Offered by: Senator Levin.

## SENATE RESOLUTION

The following resolution (S.R. No. 15) was read by the Clerk and was deferred:

## Senate Resolution

No. 15 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII SCHOOL OF PUBLIC HEALTH TO STUDY THE FEASIBILITY OF UTILIZING COMPLEMENTARY AND ALTERNATIVE MEDICAL CARE IN THE HEALTH CARE SYSTEM IN HAWAII."

Offered by: Senator Levin.

## STANDING COMMITTEE REPORTS

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2439) recommending that S.B. No. 2327, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2327, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2440) recommending that S.B. No. 2225 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2440 and S.B. No. 2225, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST QUEST PROJECT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2441) recommending that S.B. No. 2581 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2441 and S.B. No. 2581, entitled: "A BILL FOR AN ACT

RELATING TO CEMETERY AND FUNERAL TRUSTS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2442) recommending that S.B. No. 2820 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2442 and S.B. No. 2820, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2443) recommending that S.B. No. 2835, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2443 and S.B. No. 2835, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2444) recommending that S.B. No. 3134 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2444 and S.B. No. 3134, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER AND COMMUNICATION SYSTEMS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2445) recommending that S.B. No. 3142, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2445 and S.B. No. 3142, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY WIRELESS TELEPHONE SERVICE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2446) recommending that S.B. No. 2236, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2446 and S.B. No. 2236, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR THE PLANS, DESIGN, AND CONSTRUCTION OF A NEW SLAUGHTERHOUSE FACILITY," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2447) recommending that S.B. No. 3156, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2447 and S.B. No. 3156, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING AND INDUSTRIAL ENTERPRISES ON THE ISLAND OF HAWAII," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2448) recommending that S.B. No. 3035, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2448 and S.B. No. 3035, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2449) recommending that S.B. No. 3114, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2449 and S.B. No. 3114, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2450) recommending that S.B. No. 3244, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2450 and S.B. No. 3244, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2451) recommending that S.B. No. 2845, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2451 and S.B. No. 2845, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2452) recommending that S.B. No. 3248, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2452 and S.B. No. 3248, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2453) recommending that S.B. No. 2866, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2453 and S.B. No. 2866, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONNEL FOR MENTAL HEALTH," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2454) recommending that S.B. No. 2622, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2454 and S.B. No. 2622, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARNED INCOME TAX CREDITS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2455) recommending that S.B. No. 2777, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2455 and S.B. No. 2777, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARY PAYMENTS TO NEW EMPLOYEES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2456) recommending that S.B. No. 2816, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2456 and S.B. No. 2816, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMPOSITION OF THE BOARD OF THE

HAWAII PUBLIC EMPLOYEES' HEALTH FUND," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2457) recommending that S.B. No. 2874, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2457 and S.B. No. 2874, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2458) recommending that S.B. No. 2877, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2458 and S.B. No. 2877, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL CARE SERVICES PAYMENT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2459) recommending that S.B. No. 2999, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2459 and S.B. No. 2999, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS OF THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2460) recommending that S.B. No. 3000, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2460 and S.B. No. 3000, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2461) recommending that S.B. No. 3002, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2461 and S.B. No. 3002, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2462) recommending that S.B. No. 2338, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2462 and S.B. No. 2338, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF HOISTING MACHINE OPERATORS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2463) recommending that S.B. No. 2768, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2463 and S.B. No. 2768, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS TO HEALTH CARE PROVIDERS FOR WORKERS' COMPENSATION CLAIMS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2464) recommending that S.B. No. 2987, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2464 and S.B. No. 2987, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2465) recommending that S.B. No. 3031, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2465 and S.B. No. 3031, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2466) recommending that S.B. No. 2658, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2466 and S.B. No. 2658, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAPSED WARRANTS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2467) recommending that S.B. No. 2759, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2467 and S.B. No. 2759, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2468) recommending that S.B. No. 1469, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 1469, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN EMERGENCY AND BUDGET STABILIZATION FUND," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2469) recommending that S.B. No. 2776, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2469 and S.B. No. 2776, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SALARY PERIODS," was deferred until Tuesday, March 10, 1998.

## ORDER OF THE DAY

### THIRD READING

S.B. No. 2509, S.D. 1:

By unanimous consent, action on S.B. No. 2509, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," was deferred until Tuesday, March 10, 1998.

S.B. No. 2903:

By unanimous consent, action on S.B. No. 2903, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN," was deferred until Tuesday, March 10, 1998.

Stand. Com. Rep. 2423 (H.B. No. 1649, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 2423 and H.B. No. 1649, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERJURY," was deferred until Tuesday, March 10, 1998.

S.B. No. 1081, S.D. 1:

By unanimous consent, action on S.B. No. 1081, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES," was deferred until Tuesday, March 10, 1998.

S.B. No. 2771:

By unanimous consent, action on S.B. No. 2771, entitled: "A BILL FOR AN ACT RELATING TO MILK," was deferred until Tuesday, March 10, 1998.

S.B. No. 2772, S.D. 1:

By unanimous consent, action on S.B. No. 2772, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PORK," was deferred until Tuesday, March 10, 1998.

S.B. No. 2773, S.D. 1:

By unanimous consent, action on S.B. No. 2773, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," was deferred until Tuesday, March 10, 1998.

S.B. No. 2895:

By unanimous consent, action on S.B. No. 2895, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," was deferred until Tuesday, March 10, 1998.

S.B. No. 1465:

By unanimous consent, action on S.B. No. 1465, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," was deferred until Tuesday, March 10, 1998.

S.B. No. 2885:

By unanimous consent, action on S.B. No. 2885, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," was deferred until Tuesday, March 10, 1998.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

Senator Baker, for the Committee on Ways and Means, requested a waiver to Senate Rule 20 for S.B. Nos. 1273, 2234, 2450, 2496, 2501 and 2618, and the Chair granted the waiver.

Senator Anderson rose on a point of personal privilege and stated:

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

"Mr. President, as you well know, in any of our committee hearings we have to more or less stick to the bill and its contents. It seems like last evening when we had the trust bill in front of us, some people don't realize that I may have deviated a little and they don't understand where I was coming

from. So I thought I would take this opportunity, if I may. I did say that I have a conflict of interest -- my wife works for the Bishop Estate and I think that one of the news people wrote that up like she was going to be making large sums of money, but she retired after 41 years with Hawaiian Airlines. She got appointed because she had the background.

"But I wanted to let you know that some of the problems that are going on, I related the other day that Billie Beamer, when she was in charge of Hawaiian Homes, was the first person who ever took that political football and ran with it. First thing she did, she made sure that she knew where the Hawaiian lands were located. That was top priority. She then turned around and made sure that those people who were back in payments, because they only paid a dollar a year on Hawaiian Homes but they had other expenses, that they pay up. So she wasn't very well liked or loved by some people.

"Well, with Bishop Estate, Mr. President, we have five trustees. In years back, as a member of the Association of Hawaiian Civic Clubs we were told exactly what position would be open for the trustees, and what they were looking for. We would come out with names, qualified names, of people in the community, not necessarily Hawaiian Civic Club members, who should be considered for that position. Unfortunately, Bishop Estate, like Hawaiian Homes, like OHA and a few others became a political football. Everybody believes that they should be doing what they want to, from the majority party putting people in position that they wanted to.

"But, after they went ahead and told us the last time that they were looking for a lady with an educational background from Kamehameha Schools, or whatever, they came out with a list that they thought was the person that we should be looking for. I sent in a letter saying that I thought Mrs. Rubin, Winona Rubin, was one of the best choices, following the background, being sure that she was one of the names that was submitted. Mrs. Lindsey's name was not submitted at that particular time. However, the Judiciary and the majority party, but her name came up and she got chosen. Now all of a sudden, she goes up to Kamehameha Schools and, like Billie Beamer, she may not have followed all of the criteria that people were happy with, so she gets attacked. And the newspapers start writing it up, and the governor and them are looking for a scapegoat, and that's who I think they're using.

"It doesn't make any difference about the reality of the \$5 million, because in the past, the people didn't get enough money from the trustees. They came to the Legislature. They had a very small percentage of lands that were sold. We had outsiders come in, insisted they wanted to buy our land, so we passed the land reform act.

"Well, I want you to know my wife and I, six months after we got married, we bought a piece of land in Waimanalo, fee simple. My daughter was born and we decided we would move to Enchanted Lakes on Bishop Estate land with a 55-year lease. And they changed the ball game. I had to buy the land. So the money that my wife and I had saved over the years went to pay for the land, rather than going to my grandchildren. I was brought up as a Hawaiian. My tutu used to lease land. I understood lease land. We had lease and fee, lots of lease and fee lands. But everybody, including the governor, said we didn't have enough fee lands in those days, so it was good to have the land reform act.

"Now, they're saying the trustees are making too much money. It was because of that particular law that we put forth that gave them a chance to make more money on the lands that were made to be sold, not that we wanted to sell.

"But I want to explain something to you. If they make \$5 million a year in total or even a little more, I explained the other day, with Kaiwi Shore they down-zoned Bishop Estate land, the last large piece of shoreline. It was originally assessed to be over \$80 million. And I won't use the word 'stolen,' Mr.

President, but I'll say that's \$69 million less than they could have had for Bishop Estate and since the administration and the attorney general and everybody else is so concerned about the Hawaiian community, that \$69 million will not go into their general fund. It will be taken away from the beneficiaries and I don't think that that's fair.

"But over and above that, our attorney general has been looking into it and charging ahead and the newspapers are writing it up, and spending my money as a taxpayer, and your money and the people out there. And now they need more money and probably more staff so that they can protect the Hawaiian community.

"That's why I asked some of the questions last night that diverted a little from the charitable trust. I think, if anything, the Hawaiian community should get together, meet with the trustees, come up with what they believe is fair, equitable and whatever, then come to the Legislature, rather than having government intrude. And where everybody says this never happened before, you might remember that Mr. Hung Wo Ching and Mr. Mats Takabuki had problems and that was brought out. There's been other problems within Bishop Estate. It didn't take us to settle it. They settled it amongst themselves. As a Hawaiian, I think that that's their right. They should settle it, and then come here and say this is what we have agreed upon; this is what I would hope that the Legislature would take into consideration. That's one of my problems.

"My other one is, this morning, Mr. President, we had a bill that's going to slash 10 percent across the board of every state employee, including all of us. Not one person in Ways and Means that testified agreed that this was constitutional. We don't get paid a percentage or whatever. We have a salary commission that tells us what we should be paid, so I don't think we can just say, 'The hell with the salary commission; we're going to do this.' I think that we'd have to look at that. Collective bargaining -- the unions worked for that. I think that they would challenge us, and they should.

"I forgot how the judges got paid, Mr. President. But it's a good election piece for the governor to tell over a million people, 'At least we were looking at the state employees, 42,000 of them. At least, we're looking at that. Then we found out it's unconstitutional.' If the AG's office couldn't have told him that originally, then I think that we've been missing the boat for a number of years. We've got every department that should be telling these people that. But what happens? We fill the room with people who are afraid that their salaries are going to be cut, they may lose their jobs, that all kinds of things are happening to them. And Mr. DeWeese, one of the union leaders did say that a lot of these people are two paychecks away of being homeless, like a lot of others that are here. But for a campaign deal, everybody gets to suffer because they can say, 'At least we tried. We looked at this. We were going to take our salaries and all 42,000 people.'

"Well, Mr. President, I feel sorry for the people that are out there. We're not doing our job. The economy is going down the tubes. I look at the Advertiser this morning and there's a cartoon that the Representatives in the House have passed a bill on smoking for juveniles. They're going to charge them so much and a hundred dollars over and above that for the parents. Now that's going to help the economy. The ship is sinking and we're coming up with 'diddly.' We're not addressing the problems that are happening in this state and it's a sorry thing that's happening to all of us because we sit here and we wonder just what can we pass that the people will be happy about, even though they're not saving a dollar.

"Thank you very much, Mr. President."

#### STANDING COMMITTEE REPORTS

On motion by Senator Ihara, seconded by Senator Slom and carried unanimously, the Senate authorized the adoption of

standing committee reports recommending that Senate bills and House bills pass Second Reading and be placed on the calendar for Third Reading. The Clerk was further authorized to receive standing committee reports recommending that Senate bills and House bills be placed on the calendar for Third Reading. In consequence thereof, and subsequent to its recessing at 12:12 o'clock p.m., the Senate took the following actions on the following Senate bills, House bills and standing committee reports:

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2470) recommending that S.B. No. 2346, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2470 and S.B. No. 2346, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2471) recommending that S.B. No. 2841 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2471 and S.B. No. 2841, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2472) recommending that S.B. No. 1012 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2472 and S.B. No. 1012, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2473) recommending that S.B. No. 2026, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2473 and S.B. No. 2026, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS INNOVATION RESEARCH GRANTS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2474) recommending that S.B. No. 2092, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2474 and S.B. No. 2092, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX LAW," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2475) recommending that S.B. No. 2624, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2475 and S.B. No. 2624, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2476) recommending that S.B. No. 2804, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2476 and S.B. No. 2804, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2477) recommending that S.B. No. 2812, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2477 and S.B. No. 2812, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2478) recommending that H.B. No. 1830, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2478 and H.B. No. 1830, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2479) recommending that S.B. No. 2349, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2479 and S.B. No. 2349, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL HEALTH," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2480) recommending that S.B. No. 2350, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2480 and S.B. No. 2350, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2481) recommending that S.B. No. 2641, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2481 and S.B. No. 2641, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MENTAL HEALTH AND SUBSTANCE ABUSE SPECIAL FUND," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2482) recommending that S.B. No. 2865, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2482 and S.B. No. 2865, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR DEVELOPMENTAL DISABILITIES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2483) recommending that S.B. No. 2970, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2483 and S.B. No. 2970, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2484) recommending that S.B. No. 2851, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2484 and S.B. No. 2851, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO IMMUNIZATION," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2485) recommending that S.B. No. 2855, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2485 and S.B. No. 2855, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEHEALTH," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2486) recommending that S.B. No. 1480, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2486 and S.B. No. 1480, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2487) recommending that S.B. No. 2437, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2487 and S.B. No. 2437, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2488) recommending that S.B. No. 2621, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2488 and S.B. No. 2621, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WELFARE TO WORK TRANSITION ASSISTANCE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2489) recommending that S.B. No. 2628, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2489 and S.B. No. 2628, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2490) recommending that S.B. No. 2744, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2490 and S.B. No. 2744, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO YOUTH," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2491) recommending that S.B. No. 2878, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2491 and S.B. No. 2878, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID OVERPAYMENT RECOVERY," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2492) recommending that S.B. No. 2879, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2492 and S.B. No. 2879, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO LONG-TERM CARE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2493) recommending that S.B. No. 2817, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2493 and S.B. No. 2817, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS FOR PART-TIME, TEMPORARY, AND SEASONAL OR CASUAL EMPLOYEES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2494) recommending that S.B. No. 2848, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2494 and S.B. No. 2848, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2495) recommending that S.B. No. 2883, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2495 and S.B. No. 2883, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEARINGS OF THE PUBLIC EMPLOYEES COMPENSATION APPEALS BOARD," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2496) recommending that S.B. No. 3123, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2496 and S.B. No. 3123, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUEST," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2497) recommending that S.B. No. 2986, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2497 and S.B. No. 2986, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A MEDICAID LONG-TERM CARE DEMONSTRATION PROJECT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2498) recommending that S.B. No. 3227, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2498 and S.B. No. 3227, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION SERVICES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2499) recommending that S.B. No. 705, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2499 and S.B. No. 705, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS FOR THE JUDICIARY," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2500) recommending that S.B. No. 2684, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2500 and S.B. No. 2684, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFICE HOURS FOR PUBLIC OFFICERS AND EMPLOYEES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2501) recommending that S.B. No. 2326, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2501 and S.B. No. 2326, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER'S MUTUAL INSURANCE COMPANY," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2502) recommending that S.B. No. 2123 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2502 and S.B. No. 2123, entitled: "A BILL FOR AN ACT RELATING TO BOARDS OF REGISTRATION," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2503) recommending that S.B. No. 2314 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2503 and S.B. No. 2314, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2504) recommending that S.B. No. 2319, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2504 and S.B. No. 2319, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF DELINQUENT FINES AND RESTITUTION IN THE JUDICIARY," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2505) recommending that S.B. No. 2705, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2505 and S.B. No. 2705, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2506) recommending that S.B. No. 2782 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2506 and S.B. No. 2782, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2507) recommending that S.B. No. 2945, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2507 and S.B. No. 2945, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2508) recommending that S.B. No. 2909, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2508 and S.B. No. 2909, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2509) recommending that S.B. No. 2914, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2509 and S.B. No. 2914, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2510) recommending that S.B. No. 2559, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2510 and S.B. No. 2559, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2511) recommending that S.B. No. 2910, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2511 and S.B. No. 2910, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2512) recommending that S.B. No. 2228, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2512 and S.B. No. 2228, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2513) recommending that S.B. No. 2340, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2513 and S.B. No. 2340, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2514) recommending that S.B. No. 3213, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2514 and S.B. No. 3213, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2515) recommending that S.B. No. 3024, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2515 and S.B. No. 3024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2516) recommending that S.B. No. 3025, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2516 and S.B. No. 3025, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2517) recommending that S.B. No. 3064 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2517 and S.B. No. 3064, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2518) recommending that S.B. No. 3075, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2518 and S.B. No. 3075, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2519) recommending that S.B. No. 3070, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2519 and S.B. No. 3070, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2520) recommending that S.B. No. 2258, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2520 and S.B. No. 2258, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2521) recommending that S.B. No. 2746, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2521 and S.B. No. 2746, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2522) recommending that S.B. No. 2873, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2522 and S.B. No. 2873, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO YOUTH FACILITY," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2523) recommending that S.B. No. 2991, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2523 and S.B. No. 2991, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMUNITY-BASED INTEGRATED SOCIAL SERVICE PILOT PROJECT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2524) recommending that S.B. No. 3003, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2524 and S.B. No. 3003, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE FACILITIES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2525) recommending that S.B. No. 2880, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2525 and S.B. No. 2880, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION PLAN," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2526) recommending that S.B. No. 2557, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2526 and S.B. No. 2557, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2527) recommending that S.B. No. 2904, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2527 and S.B. No. 2904, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2528) recommending that S.B. No. 3183, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2528 and S.B. No. 3183, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2529) recommending that S.B. No. 2394, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2529 and S.B. No. 2394, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERGOVERNMENTAL AGREEMENTS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2530)



recommending that S.B. No. 2063, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2530 and S.B. No. 2063, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2531) recommending that S.B. No. 2065, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2065, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2532) recommending that S.B. No. 2215, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2215, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2533) recommending that S.B. No. 2434, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2434, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2534) recommending that S.B. No. 3004, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3004, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2535) recommending that S.B. No. 3006 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3006, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Bunda and M. Ige, for the majority of the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2536) recommending that S.B. No. 2148, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2148, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2537) recommending that S.B. No. 3113, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3113, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2538) recommending that S.B. No. 2129 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2538 and S.B. No. 2129, entitled: "A BILL FOR AN ACT RELATING TO THE ETHICS COMMISSION," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2539) recommending that S.B. No. 2308 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2308, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRADE, VOCATIONAL, OR TECHNICAL SCHOOLS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2540) recommending that S.B. No. 2516, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2516, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2541) recommending that S.B. No. 2802, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2541 and S.B. No. 2802, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2542) recommending that S.B. No. 2847, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2542 and S.B. No. 2847, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2543) recommending that S.B. No. 2941, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2941, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2544) recommending that S.B. No. 2915 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2544 and S.B. No. 2915, entitled: "A BILL FOR AN ACT RELATING TO DONATIONS TO GOVERNMENT AGENCIES," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2545) recommending that S.B. No. 3094, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2545 and S.B. No. 3094, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2546) recommending that S.B. No. 3234 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2546 and S.B. No. 3234, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN ASSISTANTS," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2547) recommending that S.B. No. 3240 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2547 and S.B. No. 3240, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2548) recommending that S.B. No. 2411, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2548 and S.B. No. 2411, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2549) recommending that S.B. No. 2472 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2549 and S.B. No. 2472, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATIONS," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2550) recommending that S.B. No. 2554, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2550 and S.B. No. 2554, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT USE OF CREDIT CARD," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2551) recommending that S.B. No. 2785, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2551 and S.B. No. 2785, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2552) recommending that S.B. No. 2805, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2552 and S.B. No. 2805, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS FROM THE PUBLIC UTILITIES COMMISSION," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2553) recommending that S.B. No. 2832, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2553 and S.B. No. 2832, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIVE SUBPOENAS," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2554) recommending that S.B. No. 2836, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2554 and S.B. No. 2836, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2555) recommending that S.B. No. 3241, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2555 and S.B. No. 3241, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR TRADE PRACTICE," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2556) recommending that S.B. No. 1564, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2556 and S.B. No. 1564, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EPIDEMIOLOGIC INVESTIGATIONS," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2557) recommending that S.B. No. 2389, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2557 and S.B. No. 2389, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL

DEFIBRILLATORS," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2558) recommending that S.B. No. 2566 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2558 and S.B. No. 2566, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TREATMENT DECISIONS," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2559) recommending that S.B. No. 2846, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2559 and S.B. No. 2846, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2560) recommending that S.B. No. 3171, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2560 and S.B. No. 3171, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL, DENTAL, OR HOSPITAL RECORDS AND WRITINGS," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2561) recommending that S.B. No. 3228, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2561 and S.B. No. 3228, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2562) recommending that S.B. No. 2667, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2562 and S.B. No. 2667, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2563) recommending that S.B. No. 2099, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2563 and S.B. No. 2099, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2564) recommending that S.B. No. 2136, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2564 and S.B. No. 2136, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR CONTROL ADJUDICATION BOARD," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2565) recommending that S.B. No. 2358 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2565 and S.B. No. 2358, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2566) recommending that S.B. No. 2493, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2566 and S.B. No. 2493, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPAIRED DRIVERS," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2567) recommending that S.B. No. 3204 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2567 and S.B. No. 3204, entitled: "A BILL FOR AN ACT RELATING TO TRACKING DEVICES," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2568) recommending that S.B. No. 2125, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2125, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY TO SERVE AS A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2569) recommending that S.B. No. 2127, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2127, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ELECTIONS REQUIRING A RUNOFF," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2570) recommending that S.B. No. 2128, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2128, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOBBYING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2571) recommending that S.B. No. 2239 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2239, entitled: "A BILL FOR AN ACT RELATING TO VISITATION RIGHTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2572) recommending that S.B. No. 2249, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2249, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2573) recommending that S.B. No. 2253, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2253, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2574) recommending that S.B. No. 2318, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2318, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCOLLECTIBLE ACCOUNTS IN THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2575) recommending that S.B. No. 2398, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2398, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2576) recommending that S.B. No. 2403, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2403, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTIVE ORDERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2577) recommending that S.B. No. 2404, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2404, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2578)

recommending that S.B. No. 2465, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2465, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2579) recommending that S.B. No. 2565, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2565, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF NOTICE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2580) recommending that S.B. No. 2704, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2704, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2581) recommending that S.B. No. 2710 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2710, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH WARRANTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2582) recommending that S.B. No. 2712, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2712, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2583) recommending that S.B. No. 2736, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2736, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2584) recommending that S.B. No. 2740, as amended in S.D. 1, pass

Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2740, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRUSTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2585) recommending that S.B. No. 2854, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2854, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANDPARENTS' VISITATION RIGHTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2586) recommending that S.B. No. 3040, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3040, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2587) recommending that S.B. No. 3170, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3170, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMISSIBILITY OF PAID BILLS IN COURT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2588) recommending that S.B. No. 2121, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2121, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2589) recommending that S.B. No. 2323, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2323, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2590)

recommending that S.B. No. 2401, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2401, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2591) recommending that S.B. No. 2696, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2696, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS INSTRUMENTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2592) recommending that S.B. No. 2715, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2715, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2593) recommending that S.B. No. 2792 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2792, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REPEAT OFFENDERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2594) recommending that S.B. No. 2794, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2794, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HABITUAL CRIMINAL BEHAVIOR," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2595) recommending that S.B. No. 2795, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2795, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATES OF MIND," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2596)

recommending that S.B. No. 2796 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2796, entitled: "A BILL FOR AN ACT RELATING TO ROBBERY IN THE FIRST DEGREE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2597) recommending that S.B. No. 2786 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2786, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2598) recommending that S.B. No. 2580, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2580, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE STUDENT COUNCIL," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2599) recommending that S.B. No. 2625, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2600) recommending that S.B. No. 2171, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2600 and S.B. No. 2171, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES," was deferred until Tuesday, March 10, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2601) recommending that S.B. No. 2388, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2601 and S.B. No. 2388, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 10, 1998.

Senators Fernandes Salling and Levin, jointly with Senators Tanaka and Taniguchi, for the Committee on Health and Environment and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 2602) recommending that S.B. No. 2056, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2056, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO NOISE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Fernandes Salling and Levin, jointly with Senators Baker and Fukunaga, for the Committee on Health and Environment and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 2603) recommending that S.B. No. 2333, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2333, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2604) recommending that S.B. No. 2345, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2345, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THREATENED AND ENDANGERED SPECIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2605) recommending that S.B. No. 2347, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2347, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2606) recommending that S.B. No. 2390, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2390, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL ASSESSMENTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2607) recommending that S.B. No. 2757, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2757, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL ASSESSMENTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2608) recommending that S.B. No. 2852, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2852, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE VOLUNTARY RESPONSE PROGRAM," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2609) recommending that S.B. No. 1196, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1196, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2610) recommending that S.B. No. 2256, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2256, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BARBERS POINT HARBOR," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2611) recommending that S.B. No. 2556, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2611 and S.B. No. 2556, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE REGISTRATION OF VEHICLES," was deferred until Tuesday, March 10, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2612) recommending that S.B. No. 2655, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2655, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE AND MOPED REGISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2613) recommending that S.B. No. 2890, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2890, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION INSPECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2614) recommending that S.B. No. 2495, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2495, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGE AND HOUR LAW," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2615) recommending that S.B. No. 2680, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2680, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERFORMANCE RATINGS OF EMPLOYEES IN THE CIVIL SERVICE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2616) recommending that S.B. No. 2884, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2884, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2617) recommending that S.B. No. 2887, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2887, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMUSEMENT RIDES, INCLUDING BUNGEE JUMPING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chun Oakland and Kanno, jointly with Senators Chumbley and Matsunaga, for the Committee on Human Resources and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2618) recommending that S.B. No. 3088, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3088, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JOB REFERENCE LIABILITY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2619) recommending that S.B. No. 3159, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2619 and S.B. No. 3159, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TIME SHARE LAW," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2620) recommending that S.B. No. 2858, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2620 and S.B. No. 2858, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSE MIDWIVES," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2621) recommending that S.B. No. 2132, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2621 and S.B. No. 2132, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2622) recommending that S.B. No. 2332, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2622 and S.B. No. 2332, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2623) recommending that S.B. No. 3126, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2623 and S.B. No. 3126, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2624) recommending that S.B. No. 2309, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2309, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2625) recommending that S.B. No. 2583, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2583, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2626) recommending that S.B. No. 2608, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2608, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology,

presented a report (Stand. Com. Rep. No. 2627) recommending that S.B. No. 2807 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2807, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2628) recommending that S.B. No. 2819 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2819, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2629) recommending that S.B. No. 2821 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2821, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2630) recommending that S.B. No. 2825 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2825, entitled: "A BILL FOR AN ACT RELATING TO SENIOR PSYCHOLOGISTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2631) recommending that S.B. No. 2827 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2827, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE EXAMINATIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2632) recommending that S.B. No. 2839 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2839, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology,



presented a report (Stand. Com. Rep. No. 2633) recommending that S.B. No. 2842 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2842, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL MALPRACTICE UNDERWRITING PLAN," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2634) recommending that S.B. No. 2844 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2844, entitled: "A BILL FOR AN ACT RELATING TO ISSUANCE OF UTILITY VOTING STOCK," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2635) recommending that S.B. No. 3018 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3018, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2636) recommending that S.B. No. 3077 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3077, entitled: "A BILL FOR AN ACT RELATING TO RISK RETENTION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2637) recommending that S.B. No. 3105, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3105, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2638) recommending that S.B. No. 2078, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2078, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep.

No. 2639) recommending that S.B. No. 3215, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3215, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL IMPORTATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2640) recommending that H.B. No. 967, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 967, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION MANAGEMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2641) recommending that S.B. No. 2770, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2641 and S.B. No. 2770, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2642) recommending that S.B. No. 379, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2642 and S.B. No. 379, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2643) recommending that S.B. No. 2460, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2643 and S.B. No. 2460, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF HOSPITALS," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2644) recommending that S.B. No. 2494, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2644 and S.B. No. 2494, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE DRIVER'S LICENSE REVOCATION," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2645) recommending that S.B. No. 2692, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2645 and S.B. No. 2692, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING AFTER LICENSE SUSPENDED OR REVOKED," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2646)

recommending that S.B. No. 2957, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2646 and S.B. No. 2957, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, jointly with Senators D. Ige and Metcalf, for the Committee on Judiciary and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2647) recommending that S.B. No. 2400, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2400, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2648) recommending that S.B. No. 2466, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2466, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2649) recommending that S.B. No. 2697, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2697, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2650) recommending that S.B. No. 2717, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2717, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2651) recommending that H.B. No. 1868, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2651 and H.B. No. 1868, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2652) recommending that S.B. No. 2587, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2652 and S.B. No. 2587, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2653) recommending that S.B. No. 2025, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2653 and S.B. No. 2025, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2654) recommending that S.B. No. 2769 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2654 and S.B. No. 2769, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION PROJECTS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2655) recommending that S.B. No. 2800, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2655 and S.B. No. 2800, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORITY OF THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ISSUE ECONOMIC DEVELOPMENT GRANTS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2656) recommending that S.B. No. 3007, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2656 and S.B. No. 3007, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT CORPORATIONS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2657) recommending that S.B. No. 3130, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2657 and S.B. No. 3130, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FILM PRODUCTION FUNDING," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2658) recommending that S.B. No. 3223, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2658 and S.B. No. 3223, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2659) recommending that S.B. No. 2730 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2659 and S.B. No. 2730, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE PROVIDER EXCHANGE PROGRAM," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2660)

recommending that S.B. No. 2307, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2660 and S.B. No. 2307, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2661) recommending that S.B. No. 2496, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2661 and S.B. No. 2496, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2662) recommending that S.B. No. 2413, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2662 and S.B. No. 2413, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2663) recommending that S.B. No. 3051 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2663 and S.B. No. 3051, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2664) recommending that S.B. No. 2439, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2664 and S.B. No. 2439, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND DRUG DEPENDENCE BENEFITS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2665) recommending that S.B. No. 2336, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2665 and S.B. No. 2336, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2666) recommending that S.B. No. 2635, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2666 and S.B. No. 2635, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2667) recommending that H.B. No. 1815, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2667 and H.B. No. 1815, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2668) recommending that S.B. No. 2618, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2668 and S.B. No. 2618, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICALLY UNDERSERVED," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2669) recommending that S.B. No. 2385, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2669 and S.B. No. 2385, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2670) recommending that S.B. No. 2254, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2670 and S.B. No. 2254, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2671) recommending that S.B. No. 2399, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2671 and S.B. No. 2399, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2672) recommending that S.B. No. 2402, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2672 and S.B. No. 2402, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2673) recommending that S.B. No. 2906, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2673 and S.B. No. 2906, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF PUBLIC SAFETY," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2674) recommending that S.B. No. 2966, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2674 and S.B. No. 2966, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2675) recommending that S.B. No. 2185, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2675 and S.B. No. 2185, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING FEES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2676) recommending that S.B. No. 2396, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2676 and S.B. No. 2396, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS SAFETY," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2677) recommending that S.B. No. 2652, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2677 and S.B. No. 2652, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SAFETY AND SECURITY DISTRICT ASSESSMENT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2678) recommending that S.B. No. 2657 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2678 and S.B. No. 2657, entitled: "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONIES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2679) recommending that S.B. No. 616, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 616, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2680) recommending that S.B. No. 2363, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2680 and S.B. No. 2363, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2681) recommending that H.B. No. 1800, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1800, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CASH MANAGEMENT OF STATE FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2682) recommending that S.B. No. 2607 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2682 and S.B. No. 2607, entitled: "A BILL FOR AN ACT

RELATING TO PUBLIC UTILITIES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2683) recommending that S.B. No. 2808, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2683 and S.B. No. 2808, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSAL SERVICE FUND," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2684) recommending that S.B. No. 2969, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2684 and S.B. No. 2969, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2685) recommending that S.B. No. 2983, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2685 and S.B. No. 2983, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFICE OF INFORMATION PRACTICES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2686) recommending that S.B. No. 3043, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2686 and S.B. No. 3043, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT COMPUTER SYSTEMS WHICH ARE NOT YEAR 2000 COMPLIANT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2687) recommending that S.B. No. 2799, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2687 and S.B. No. 2799, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CLEAN HAWAII CENTER," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2688) recommending that S.B. No. 2501, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2688 and S.B. No. 2501, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE CONTRACTS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2689) recommending that S.B. No. 3127, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2689 and S.B. No. 3127, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2690) recommending that S.B. No. 3220, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2690 and S.B. No. 3220, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2691) recommending that S.B. No. 105, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2691 and S.B. No. 105, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON ENDANGERED PLANTS AND ANIMALS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2692) recommending that S.B. No. 1559, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2692 and S.B. No. 1559, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL HEALTH," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2693) recommending that S.B. No. 2418, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2693 and S.B. No. 2418, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2694) recommending that S.B. No. 2229, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2694 and S.B. No. 2229, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION LICENSE PLATES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2695) recommending that S.B. No. 3177 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2695 and S.B. No. 3177, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL REPORTING OF THE DEPARTMENT OF EDUCATION," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2696) recommending that S.B. No. 2689, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2696 and S.B. No. 2689, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES RETIREMENT SYSTEM," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2697) recommending that S.B. No. 2814, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2697 and S.B. No. 2814, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2698) recommending that S.B. No. 2875, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2698 and S.B. No. 2875, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2699) recommending that S.B. No. 2964, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2699 and S.B. No. 2964, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES HEALTH FUND," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2700) recommending that S.B. No. 2876, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2700 and S.B. No. 2876, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2701) recommending that S.B. No. 2739, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2701 and S.B. No. 2739, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF FINES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2702) recommending that S.B. No. 2849, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2702 and S.B. No. 2849, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2703) recommending that S.B. No. 3206, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2703 and S.B. No. 3206, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENDERS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2704) recommending that S.B. No. 1638, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2704 and S.B. No. 1638, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2705) recommending that S.B. No. 3232, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2705 and S.B. No. 3232, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING BOARDS AND COMMISSIONS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2706) recommending that S.B. No. 2234, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2234, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION OF SERVICES PERFORMED BY A RELATED ENTITY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2707) recommending that S.B. No. 2450 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2450, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2708) recommending that S.B. No. 2738, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2738, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE WARRANTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2709) recommending that S.B. No. 2727, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2727, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2710) recommending that S.B. No. 2246, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2710 and S.B. No. 2246, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2711) recommending that S.B. No. 2423, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2711 and S.B. No. 2423, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE PROTECTION UNDER THE WHISTLEBLOWER LAW," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, jointly with Senators D. Ige and Metcalf, for the Committee on Judiciary and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2712) recommending that S.B. No. 3084, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2712 and S.B. No. 3084, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE INFORMATION CONFIDENTIALITY," was deferred until Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, jointly with Senators Baker and Fukunaga, for the Committee on Judiciary and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 2713) recommending that S.B. No. 1273, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 1273, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF SEXUAL ASSAULT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, jointly with Senators Baker and Fukunaga, for the Committee on Judiciary and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 2714) recommending that S.B. No. 3037, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3037, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, jointly with Senators Baker and Fukunaga, for the Committee on Judiciary and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 2715) recommending that S.B. No. 3230, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 3230, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2716) recommending that S.B. No. 785, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 785, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2717) recommending that S.B. No. 2329, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No.

2329, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2718) recommending that S.B. No. 2297, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2718 and S.B. No. 2297, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2719) recommending that S.B. No. 2761, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2719 and S.B. No. 2761, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE INSURANCE," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2720) recommending that S.B. No. 1384 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2720 and S.B. No. 1384, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE INSURANCE," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, jointly with Senators Chumbley and Matsunaga, for the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2721) recommending that S.B. No. 2525, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2525, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMARKETING FRAUD," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, jointly with Senators Chumbley and Matsunaga, for the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary, presented a joint report of the majority of the committees (Stand. Com. Rep. No. 2722) recommending that S.B. No. 2850, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2722 and S.B. No. 2850, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," was deferred until Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2723) recommending that S.B. No. 1946, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1946, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF MEDICINE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2724) recommending that S.B. No. 2037, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2037, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2725) recommending that S.B. No. 2409, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2409, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2726) recommending that S.B. No. 2414, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2414, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2727) recommending that S.B. No. 2469, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2469, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2728) recommending that S.B. No. 2482 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2482, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2729) recommending that S.B. No. 2564, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2564, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2730) recommending that S.B. No. 2575, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2575, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2731) recommending that S.B. No. 2588, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2588, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2732) recommending that S.B. No. 2589, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2589, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2733) recommending that S.B. No. 2595, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2595, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2734) recommending that S.B. No. 2598 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2598, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE DIVISION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2735) recommending that S.B. No. 2602, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2602, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDSCAPE ARCHITECTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2736) recommending that S.B. No. 2610, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2610, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL LAND SURVEYORS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2737) recommending that S.B. No. 2633, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2633, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2738) recommending that S.B. No. 2640, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2640, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPY PRACTICE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2739) recommending that S.B. No. 2644, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2644, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2740) recommending that S.B. No. 2824, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2824, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF THE PROFESSIONAL AND VOCATIONAL LICENSING LAWS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology,



presented a report (Stand. Com. Rep. No. 2741) recommending that S.B. No. 2829 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2829, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIRS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2742) recommending that S.B. No. 2834, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2834, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2743) recommending that S.B. No. 2837, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2837, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITED MOTOR VEHICLE INSURANCE PRACTICES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2744) recommending that S.B. No. 2838, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2838, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2745) recommending that S.B. No. 2958, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2958, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLATINUM JEWELRY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2746) recommending that S.B. No. 3137, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3137, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology,

presented a report (Stand. Com. Rep. No. 2747) recommending that S.B. No. 3143, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3143, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITY TRANSMISSION LINES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2748) recommending that S.B. No. 721, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2748 and S.B. No. 721, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2749) recommending that S.B. No. 1587, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2749 and S.B. No. 1587, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2750) recommending that S.B. No. 2201, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2750 and S.B. No. 2201, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2751) recommending that S.B. No. 2582, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2751 and S.B. No. 2582, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURERS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2752) recommending that S.B. No. 2600, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2752 and S.B. No. 2600, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2753) recommending that S.B. No. 2774, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2753 and S.B. No. 2774, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2754) recommending that S.B. No. 2778, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2754 and S.B. No. 2778, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO POOLED INSURANCE," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2755) recommending that S.B. No. 2861, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2755 and S.B. No. 2861, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2756) recommending that S.B. No. 2862, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2756 and S.B. No. 2862, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH ADULT MENTAL HEALTH DIVISION," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2757) recommending that S.B. No. 2922, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2922, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2758) recommending that S.B. No. 3015, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2758 and S.B. No. 3015, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX EXEMPTION FOR AIRCRAFT SERVICE AND MAINTENANCE FACILITIES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2759) recommending that S.B. No. 3141, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 3141, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2760) recommending that S.B. No. 2204, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2760 and S.B. No. 2204, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY PROCESSES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2761)

recommending that S.B. No. 2213, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2761 and S.B. No. 2213, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2762) recommending that S.B. No. 3201, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2762 and S.B. No. 3201, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DUPLICATION OF GOVERNMENT SERVICES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2763) recommending that S.B. No. 3129, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2763 and S.B. No. 3129, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE REORGANIZATION OF THE PRINCIPAL EXECUTIVE DEPARTMENTS OF THE STATE GOVERNMENT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2764) recommending that S.B. No. 3076, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2764 and S.B. No. 3076, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2765) recommending that S.B. No. 2263, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2765 and S.B. No. 2263, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VACANCIES," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2766) recommending that S.B. No. 2222, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2766 and S.B. No. 2222, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2767) recommending that S.B. No. 2210, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2767 and S.B. No. 2210, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED BUDGETING," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2768) recommending that S.B. No. 2211, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2768 and S.B. No. 2211, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2769) recommending that S.B. No. 2207, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2769 and S.B. No. 2207, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2770) recommending that S.B. No. 3239, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2770 and S.B. No. 3239, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2771) recommending that S.B. No. 3191, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2771 and S.B. No. 3191, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LOW INCOME HOUSING TAX CREDIT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2772) recommending that S.B. No. 2259, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2259, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2773) recommending that S.B. No. 2260, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2260, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2774) recommending that H.B. No. 1699, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2774 and H.B. No. 1699, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CAPITAL LOAN PROGRAM," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2775) recommending that S.B. No. 2923, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2775 and S.B. No. 2923, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO THE OMBUDSMAN," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2776) recommending that S.B. No. 2292, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2776 and S.B. No. 2292, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2777) recommending that S.B. No. 2803, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2777 and S.B. No. 2803, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SMALL BUSINESS REGULATORY FLEXIBILITY ACT," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2778) recommending that H.B. No. 2222, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2778 and H.B. No. 2222, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR ESTABLISHMENT OF MANUFACTURING EXTENSION PROGRAMS," was deferred until Tuesday, March 10, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2779) recommending that S.B. No. 3258, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2779 and S.B. No. 3258, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," was deferred until Tuesday, March 10, 1998.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 9:30 o'clock a.m., Tuesday, March 10, 1998.

## TWENTY-SEVENTH DAY

**Tuesday, March 10, 1998**

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 9:48 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Rosalyn H. Baker, Hawaii State Senate, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Twenty-Sixth Day.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 42 to 51) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 42, transmitting the following House bills which passed Third Reading in the House of Representatives on March 6, 1998, was placed on file and, on motion by Senator Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2357, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

H.B. No. 2685, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-TO-WORK OPPORTUNITIES," was referred jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2901, H.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE UNIVERSITY OF HAWAII," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2985, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION AND WATER UTILIZATION PROJECTS," was referred jointly to the Committee on Economic Development and the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2997, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM MARKETING," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 3032, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR PUBLIC SAFETY," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 3087, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SEARCH AND RESCUE COSTS," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 3207, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means.

Hse. Com. No. 43, transmitting the following House bills which passed Third Reading in the House of Representatives on March 6, 1998, was placed on file and, on motion by Senator

Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2854, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

H.B. No. 2858, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 44, transmitting the following House bills which passed Third Reading in the House of Representatives on March 6, 1998, was placed on file and, on motion by Senator Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2655, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 2714, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNCOLLECTIBLE ACCOUNTS IN THE JUDICIARY," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 2760, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARY PERIODS," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2792, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SMALL BUSINESS REGULATORY FLEXIBILITY ACT," was referred jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 2992, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 3002, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS OF THE EMPLOYEES' RETIREMENT SYSTEM," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 3416, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRISONS," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 3616, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL SAFETY," was referred jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means.

Hse. Com. No. 45, transmitting the following House bills which passed Third Reading in the House of Representatives on March 6, 1998, was placed on file and, on motion by Senator Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 1813, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT

SYSTEM," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2358, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

H.B. No. 2443, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY ENCROACHMENT," was referred to the Committee on Judiciary.

H.B. No. 2486, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 2598, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," was referred to the Committee on Health and Environment, then to the Committee on Judiciary.

H.B. No. 2648, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 3613, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

Hse. Com. No. 46, transmitting the following House bills which passed Third Reading in the House of Representatives on March 6, 1998, was placed on file and, on motion by Senator Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2671, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 2993, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL IDENTIFICATION PROGRAM," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 3022, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO YOUTH FACILITY," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 3063, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES RETIREMENT SYSTEM," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 3072, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE ANALYST," was referred to the Committee on Ways and Means.

H.B. No. 3365, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 3457, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA," was referred to the

Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 3527, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PROJECTS ON THE ISLAND OF HAWAII," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 47, transmitting the following House bills which passed Third Reading in the House of Representatives on March 6, 1998, was placed on file and, on motion by Senator Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2791, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER," was referred to the Committee on Economic Development, then to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3224, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

Hse. Com. No. 48, transmitting the following House bills which passed Third Reading in the House of Representatives on March 6, 1998, was placed on file and, on motion by Senator Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2362, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS," was referred jointly to the Committee on Judiciary and the Committee on Ways and Means.

H.B. No. 2544, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL JUSTICE REFORM," was referred to the Committee on Judiciary.

H.B. No. 2649, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Human Resources.

H.B. No. 3056, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 3132, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGE AND HOUR LAW," was referred to the Committee on Human Resources.

Hse. Com. No. 49, transmitting the following House bills which passed Third Reading in the House of Representatives on March 6, 1998, was placed on file and, on motion by Senator Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2401, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR TAX LAW," was referred to the Committee on Ways and Means.

H.B. No. 2424, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," was referred to the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

H.B. No. 2764, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2765, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was referred to the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

H.B. No. 2790, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was referred to the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

H.B. No. 2892, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 50, transmitting the following House bills which passed Third Reading in the House of Representatives on March 6, 1998, was placed on file and, on motion by Senator Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2438, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

H.B. No. 2459, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH WARRANTS," was referred to the Committee on Judiciary.

H.B. No. 2912, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION," was referred to the Committee on Ways and Means.

H.B. No. 3044, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX SUBLEASE DEDUCTION," was referred to the Committee on Ways and Means.

H.B. No. 3054, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERFORMANCE RATINGS OF EMPLOYEES IN THE CIVIL SERVICE," was referred to the Committee on Human Resources.

Hse. Com. No. 51, transmitting the following House bills which passed Third Reading in the House of Representatives on March 6, 1998, was placed on file and, on motion by Senator Ihara, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2711, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 2967, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SURFING," was referred to the Committee on Economic Development.

**ORDER OF THE DAY**

**MATTERS DEFERRED FROM FRIDAY, MARCH 6, 1998**

**REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The President referred the following House concurrent resolutions that were received on Friday, March 6, 1998:

House  
Concurrent  
Resolution                      Referred to:

No. 39                              Committee on Human Resources

No. 48, H.D. 1                      Committee on Human Resources, then to the Committee on Ways and Means

**RECOMMITTAL OF SENATE BILLS**

Stand. Com. Rep. No. 2524 (S.B. No. 3003, S.D. 2):

By unanimous consent, Stand Com. Rep. No. 2524 and S.B. No. 3003, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE FACILITIES," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 2556 (S.B. No. 1564, S.D. 2):

By unanimous consent, Stand Com. Rep. No. 2556 and S.B. No. 1564, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EPIDEMIOLOGIC INVESTIGATIONS," were recommitted to the Committee on Judiciary.

**THIRD READING**

S.B. No. 2509, S.D. 1:

On motion by Senator Tam, seconded by Senator Fernandes Salling and carried, S.B. No. 2509, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2903:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, S.B. No. 2903, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2423 (H.B. No. 1649, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2423 was adopted and H.B. No. 1649, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERJURY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2895:

On motion by Senator Tanaka, seconded by Senator Taniguchi and carried, S.B. No. 2895, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1465:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, S.B. No. 1465, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2885:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, S.B. No. 2885, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2840, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2840, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2981, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2586, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2889, S.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, S.B. No. 2889, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2438 (S.B. No. 2963, S.D. 2):

On motion by Senator Bunda, seconded by Senator M. Ige and carried, Stand. Com. Rep. No. 2438 was adopted and S.B. No. 2963, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2327, S.D. 1:

On motion by Senator Bunda, seconded by Senator M. Ige and carried, S.B. No. 2327, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2441 (S.B. No. 2581):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2441 was adopted and S.B. No. 2581, entitled: "A BILL FOR AN ACT RELATING TO

CEMETERY AND FUNERAL TRUSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2448 (S.B. No. 3035, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2448 was adopted and S.B. No. 3035, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2451 (S.B. No. 2845, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2451 was adopted and S.B. No. 2845, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2452 (S.B. No. 3248, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2452 was adopted and S.B. No. 3248, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2453 (S.B. No. 2866, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2453 was adopted and S.B. No. 2866, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONNEL FOR MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2456 (S.B. No. 2816, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2456 was adopted and S.B. No. 2816, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMPOSITION OF THE BOARD OF THE HAWAII PUBLIC EMPLOYEES' HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2457 (S.B. No. 2874, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2457 was adopted and S.B. No. 2874, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2458 (S.B. No. 2877, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2458 was adopted and S.B. No. 2877, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL CARE SERVICES PAYMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2460 (S.B. No. 3000, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2460 was adopted and S.B. No. 3000, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2462 (S.B. No. 2338, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2462 was adopted and S.B. No. 2338, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF HOISTING MACHINE OPERATORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2463 (S.B. No. 2768, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2463 was adopted and S.B. No. 2768, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS TO HEALTH CARE PROVIDERS FOR WORKERS' COMPENSATION CLAIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2465 (S.B. No. 3031, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2465 was adopted and S.B. No. 3031, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2466 (S.B. No. 2658, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2466 was adopted and S.B. No. 2658, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAPSED WARRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2467 (S.B. No. 2759, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2467 was adopted and S.B. No. 2759, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2470 (S.B. No. 2346, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2470 was adopted and S.B. No. 2346, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2472 (S.B. No. 1012):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2472 was adopted and S.B. No. 1012, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2473 (S.B. No. 2026, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2473 be adopted and S.B. No. 2026, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator D. Ige requested the following remarks be inserted into the Journal:

"Mr. President, I rise to speak in support of this measure. The purpose of the Small Business Innovation Grant program is to expand science and technology-based economic development, increase revenues, and create quality job opportunities in Hawaii by encouraging Hawaii companies to participate in the federal SBIR program.

"Prior to 1989 and the creation of the state SBIR program, only two Hawaii companies participated in the federal program. Since then, 24 companies have received more than \$21 million in federal awards. This program has been successful in highlighting Hawaii's place in the federal technology landscape.

"Senate Bill 2026 excludes from general excise taxes, all state SBIR grants received by these small, innovative technology companies. This exemption will provide needed funds to pursue additional federal awards. I urge all of my colleagues to support this measure."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2473 was adopted and S.B. No. 2026, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS INNOVATION RESEARCH GRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2474 (S.B. No. 2092, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2474 was adopted and S.B. No. 2092, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2475 (S.B. No. 2624, S.D. 2):



On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2475 was adopted and S.B. No. 2624, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2476 (S.B. No. 2804, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2476 was adopted and S.B. No. 2804, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2477 (S.B. No. 2812, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2477 was adopted and S.B. No. 2812, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2478 (H.B. No. 1830, H.D. 1, S.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Levin and carried, Stand. Com. Rep. No. 2478 was adopted and H.B. No. 1830, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2479 (S.B. No. 2349, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2479 was adopted and S.B. No. 2349, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2481 (S.B. No. 2641, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2481 was adopted and S.B. No. 2641, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MENTAL HEALTH AND SUBSTANCE ABUSE SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2484 (S.B. No. 2851, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2484 was adopted and S.B. No. 2851, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2486 (S.B. No. 1480, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2486 was adopted and S.B. No. 1480, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2487 (S.B. No. 2437, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2487 was adopted and S.B. No. 2437, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2488 (S.B. No. 2621, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2488 be adopted and S.B. No. 2621, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Chun Oakland requested the following remarks be inserted into the Journal:

"In 1995, the Hawaii State Legislature enacted significant and positive legislation to reform our welfare system by creating many incentives to assist families on public assistance transition into the work force and become self-sufficient. In 1996, the federal government enacted the Personal Responsibility and Work Opportunity Act which abolished the 61 year old Aid to Families with Dependent Children entitlement program and replaced it with a transitional aid program called Temporary Assistance to Needy Families (TANF). Both the new state and federal laws require that recipients who are able to work must secure employment at the earliest opportunity.

"The new federal law places a heavy burden on the states in the union due to the fact that each state must meet strict work participation requirements. In Hawaii's case, compliance with the federal law means that 25 percent of the state's employable public assistance recipients must be working by 1998. By the year 2002, that number doubles, meaning that 50 percent of the state's employable assistance recipients must be holding some type of job at least part-time. This means that approximately 15,000 families will need to enter or re-enter the work force in the next one to five years in order to meet the requirements set forth by the new federal law.

"As a result, the need to compete for and secure employment in this sluggish economy is a real and daily challenge for families on public assistance. This year, more than 3,500 families found paid or unpaid jobs or are enrolled in training programs in order to comply with the state and federal mandates. Each successive year, though, will only add to the job creation dilemma due to the fact that the passage of each year means that more and more workers must be employed for a greater number of hours per week. This is a reality we, as a state, must face and this is the dilemma we, as a state, must solve in order to assist families in their efforts to become self-sufficient.

"The Department of Human Services has already adopted several new welfare-to-work programs that assist families in transitioning from welfare to work. The department is currently developing a pilot program with a number of community

agencies in order to test the concept of voluntary grant diversion, in order to test the viability of using grants to create new jobs by converting those grants into wage subsidies for welfare recipients who become employees. In addition to that, the department has also modified its procedures regarding higher education by providing financial assistance to college students for four years if their course of study is likely to lead to a job.

"There is more that we can do to create a more comprehensive approach that involves government and other sectors of our community to truly help those transitioning into the work force.

"Senate Bill 2621, S.D. 2, requires that a master plan be developed by the DHS, the DLIR, the DBEDT, other government agencies, and the public to assist welfare recipients in transitioning from dependence to self-sufficiency -- from welfare to work. As stated in the bill's preamble, S.B. No. 2621, S.D. 2, should help to implement new welfare reform policies by eliminating employment disincentives, enhancing work readiness, and promoting the creation of new job opportunities by government, community organizations, and private businesses.

"In these times of extreme financial hardship, I know that finding new employment opportunities for those on assistance and those who become unemployed will be difficult. However, I know that this body is sincerely interested in supporting these families and the Department of Human Services and its collaborative partners in successfully building new and better lives for the people of Hawaii. Thank you for making this commitment and for your support of S.B. No. 2621, S.D. 2."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2488 was adopted and S.B. No. 2621, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WELFARE TO WORK TRANSITION ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2490 (S.B. No. 2744, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2490 was adopted and S.B. No. 2744, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO YOUTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2491 (S.B. No. 2878, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2491 was adopted and S.B. No. 2878, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID OVERPAYMENT RECOVERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2492 (S.B. No. 2879, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2492 was adopted and S.B. No. 2879, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2493 (S.B. No. 2817, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2493 was adopted and S.B. No. 2817, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH BENEFITS FOR PART-TIME, TEMPORARY, AND SEASONAL OR CASUAL EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2494 (S.B. No. 2848, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2494 was adopted and S.B. No. 2848, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2495 (S.B. No. 2883, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2495 was adopted and S.B. No. 2883, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEARINGS OF THE PUBLIC EMPLOYEES COMPENSATION APPEALS BOARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2497 (S.B. No. 2986, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2497 was adopted and S.B. No. 2986, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A MEDICAID LONG-TERM CARE DEMONSTRATION PROJECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2498 (S.B. No. 3227, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2498 was adopted and S.B. No. 3227, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2499 (S.B. No. 705, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2499 was adopted and S.B. No. 705, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS FOR THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2500 (S.B. No. 2684, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2500 was adopted and S.B. No. 2684, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFICE HOURS FOR PUBLIC OFFICERS

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

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

Stand. Com. Rep. No. 2501 (S.B. No. 2326, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2501 was adopted and S.B. No. 2326, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER'S MUTUAL INSURANCE COMPANY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2503 (S.B. No. 2314):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2503 was adopted and S.B. No. 2314, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2505 (S.B. No. 2705, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2505 was adopted and S.B. No. 2705, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2506 (S.B. No. 2782):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2506 was adopted and S.B. No. 2782, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2507 (S.B. No. 2945, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2507 was adopted and S.B. No. 2945, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2508 (S.B. No. 2909, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2508 was adopted and S.B. No. 2909, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2509 (S.B. No. 2914, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2509 was adopted and S.B. No. 2914, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2512 (S.B. No. 2228, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2512 was adopted and S.B. No. 2228, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2517 (S.B. No. 3064):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2517 was adopted and S.B. No. 3064, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2518 (S.B. No. 3075, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2518 was adopted and S.B. No. 3075, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2522 (S.B. No. 2873, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2522 was adopted and S.B. No. 2873, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO YOUTH FACILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2525 (S.B. No. 2880, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2525 was adopted and S.B. No. 2880, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2529 (S.B. No. 2394, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2529 was adopted and S.B. No. 2394, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERGOVERNMENTAL AGREEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2530 (S.B. No. 2063, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2530 was adopted and S.B. No. 2063, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2065, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, S.B. No. 2065, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3006:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, S.B. No. 3006, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3113, S.D. 1:

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

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

Stand. Com. Rep. No. 2538 (S.B. No. 2129):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 2538 was adopted and S.B. No. 2129, entitled: "A BILL FOR AN ACT RELATING TO THE ETHICS COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2308:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2308, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRADE, VOCATIONAL, OR TECHNICAL SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2516, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2516, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2541 (S.B. No. 2802, S.D. 1):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 2541 was adopted and S.B. No. 2802, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2542 (S.B. No. 2847, S.D. 1):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 2542 was adopted and S.B. No. 2847, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2941, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2941, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2545 (S.B. No. 3094, S.D. 2):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 2545 was adopted and S.B. No. 3094, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2546 (S.B. No. 3234):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 2546 was adopted and S.B. No. 3234, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN ASSISTANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2547 (S.B. No. 3240):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 2547 was adopted and S.B. No. 3240, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2548 (S.B. No. 2411, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2548 was adopted and S.B. No. 2411, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2549 (S.B. No. 2472):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2549 was adopted and S.B. No. 2472, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2550 (S.B. No. 2554, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2550 was adopted and S.B. No. 2554, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT USE OF CREDIT CARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2551 (S.B. No. 2785, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2551 was adopted and S.B. No. 2785, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2553 (S.B. No. 2832, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2553 was adopted and S.B. No. 2832, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIVE SUBPOENAS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2554 (S.B. No. 2836, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2554 was adopted and S.B. No. 2836, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2557 (S.B. No. 2389, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2557 was adopted and S.B. No. 2389, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2558 (S.B. No. 2566):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2558 was adopted and S.B. No. 2566, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TREATMENT DECISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2559 (S.B. No. 2846, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2559 was adopted and S.B. No. 2846, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2560 (S.B. No. 3171, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2560 was adopted and S.B. No. 3171, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL, DENTAL, OR HOSPITAL RECORDS AND WRITINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2561 (S.B. No. 3228, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2561 was adopted and S.B. No. 3228, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2563 (S.B. No. 2099, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2563 was adopted and S.B. No. 2099, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2564 (S.B. No. 2136, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2564 was adopted and S.B. No. 2136, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR CONTROL ADJUDICATION BOARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2566 (S.B. No. 2493, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2566 was adopted and S.B. No. 2493, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPAIRED DRIVERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2567 (S.B. No. 3204):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2567 was adopted and S.B. No. 3204, entitled: "A BILL FOR AN ACT RELATING TO TRACKING DEVICES," having been read

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

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

S.B. No. 2127, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2127, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ELECTIONS REQUIRING A RUNOFF," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2128, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2128, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOBBYING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2239:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2239, entitled: "A BILL FOR AN ACT RELATING TO VISITATION RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2249, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2249, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2253, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2253, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2398, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2398, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2403, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2403, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTIVE ORDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2404, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2404, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2565, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2565, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF NOTICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2704, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2704, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2712, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2712, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2740, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2740, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRUSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2854, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2854, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANDPARENTS' VISITATION RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3040, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 3040, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3170, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 3170, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMISSIBILITY OF PAID BILLS IN COURT," having been read throughout,

passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2323, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2323, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2696, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2696, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS INSTRUMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2715, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2715, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2795, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2795, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATES OF MIND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2796:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2796, entitled: "A BILL FOR AN ACT RELATING TO ROBBERY IN THE FIRST DEGREE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2786:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2786, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2580, S.D. 1:

On motion by Senator Tam, seconded by Senator Fernandes Salling and carried, S.B. No. 2580, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE STUDENT COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2625, S.D. 1:

On motion by Senator Tam, seconded by Senator Fernandes Salling and carried, S.B. No. 2625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2600 (S.B. No. 2171, S.D. 2):

On motion by Senator Fernandes Salling, seconded by Senator Levin and carried, Stand. Com. Rep. No. 2600 was adopted and S.B. No. 2171, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2601 (S.B. No. 2388, S.D. 1):

On motion by Senator Fernandes Salling, seconded by Senator Levin and carried, Stand. Com. Rep. No. 2601 was adopted and S.B. No. 2388, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2056, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Tanaka and carried, S.B. No. 2056, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2345, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Levin and carried, S.B. No. 2345, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THREATENED AND ENDANGERED SPECIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2347, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Levin and carried, S.B. No. 2347, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2390, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Levin and carried, S.B. No. 2390, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL ASSESSMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2757, S.D. 1:

On motion by Senator Fernandes Salling, seconded by Senator Levin and carried, S.B. No. 2757, S.D. 1, entitled: "A

BILL FOR AN ACT RELATING TO ENVIRONMENTAL ASSESSMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2852, S.D. 1:

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

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

S.B. No. 1196, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, S.B. No. 1196, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2256, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, S.B. No. 2256, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BARBERS POINT HARBOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2611 (S.B. No. 2556, S.D. 2):

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, Stand. Com. Rep. No. 2611 was adopted and S.B. No. 2556, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE REGISTRATION OF VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2655, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, S.B. No. 2655, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE AND MOPED REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2890, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, S.B. No. 2890, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION INSPECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

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

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

S.B. No. 2680, S.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, S.B. No. 2680, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERFORMANCE RATINGS OF EMPLOYEES IN THE CIVIL SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2887, S.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, S.B. No. 2887, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMUSEMENT RIDES, INCLUDING BUNGEE JUMPING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2619 (S.B. No. 3159, S.D. 2):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 2619 was adopted and S.B. No. 3159, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TIME SHARE LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2620 (S.B. No. 2858, S.D. 1):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 2620 was adopted and S.B. No. 2858, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSE MIDWIVES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2621 (S.B. No. 2132, S.D. 1):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 2621 was adopted and S.B. No. 2132, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2622 (S.B. No. 2332, S.D. 1):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 2622 was adopted and S.B. No. 2332, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2623 (S.B. No. 3126, S.D. 2):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 2623 was adopted and S.B. No. 3126, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:



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

S.B. No. 2309, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2309, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2583, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2583, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2608, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2608, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2807:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2807, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2819:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2819, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2821:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2821, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2825:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2825, entitled: "A BILL FOR AN ACT RELATING TO SENIOR PSYCHOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2827:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2827, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE EXAMINATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2839:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2839, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2842:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2842, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL MALPRACTICE UNDERWRITING PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2844:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2844, entitled: "A BILL FOR AN ACT RELATING TO ISSUANCE OF UTILITY VOTING STOCK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3018:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 3018, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3077:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 3077, entitled: "A BILL FOR AN ACT RELATING TO RISK RETENTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2641 (S.B. No. 2770, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2641 was adopted and S.B. No. 2770, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2643 (S.B. No. 2460, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2643 was adopted and S.B. No. 2460, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF HOSPITALS,"

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

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

Stand. Com. Rep. No. 2644 (S.B. No. 2494, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2644 was adopted and S.B. No. 2494, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE DRIVER'S LICENSE REVOCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2646 (S.B. No. 2957, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2646 was adopted and S.B. No. 2957, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2466, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2466, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2697, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 2697, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2717, S.D. 1:

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

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

Stand. Com. Rep. No. 2652 (S.B. No. 2587, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2652 was adopted and S.B. No. 2587, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2658 (S.B. No. 3223, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2658 was adopted and S.B. No. 3223, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS," having been

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

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

Stand. Com. Rep. No. 2659 (S.B. No. 2730):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2659 was adopted and S.B. No. 2730, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE PROVIDER EXCHANGE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2660 (S.B. No. 2307, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2660 was adopted and S.B. No. 2307, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING REVOLVING FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2662 (S.B. No. 2413, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2662 was adopted and S.B. No. 2413, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2663 (S.B. No. 3051):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2663 was adopted and S.B. No. 3051, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2664 (S.B. No. 2439, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2664 was adopted and S.B. No. 2439, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND DRUG DEPENDENCE BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2665 (S.B. No. 2336, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2665 was adopted and S.B. No. 2336, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2666 (S.B. No. 2635, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2666 was adopted and S.B.

No. 2635, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2667 (H.B. No. 1815, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2667 was adopted and H.B. No. 1815, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2668 (S.B. No. 2618, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2668 was adopted and S.B. No. 2618, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICALLY UNDERSERVED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2670 (S.B. No. 2254, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2670 was adopted and S.B. No. 2254, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2672 (S.B. No. 2402, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2672 was adopted and S.B. No. 2402, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2673 (S.B. No. 2906, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2673 was adopted and S.B. No. 2906, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2674 (S.B. No. 2966, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2674 was adopted and S.B. No. 2966, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2678 (S.B. No. 2657):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2678 was adopted and S.B. No. 2657, entitled: "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 616, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, S.B. No. 616, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1800, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, H.B. No. 1800, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CASH MANAGEMENT OF STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2683 (S.B. No. 2808, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2683 was adopted and S.B. No. 2808, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSAL SERVICE FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2691 (S.B. No. 105, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2691 was adopted and S.B. No. 105, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON ENDANGERED PLANTS AND ANIMALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2692 (S.B. No. 1559, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2692 was adopted and S.B. No. 1559, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2694 (S.B. No. 2229, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2694 was adopted and S.B. No. 2229, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION LICENSE PLATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2698 (S.B. No. 2875, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2698 was adopted and S.B. No. 2875, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2701 (S.B. No. 2739, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2701 was adopted and S.B. No. 2739, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF FINES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2702 (S.B. No. 2849, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2702 was adopted and S.B. No. 2849, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2234, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, S.B. No. 2234, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION OF SERVICES PERFORMED BY A RELATED ENTITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2450:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, S.B. No. 2450, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2738, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, S.B. No. 2738, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE WARRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1273, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Baker and carried, S.B. No. 1273, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF SEXUAL ASSAULT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 785, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 785, S.D. 1, entitled: "A BILL

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

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

Stand. Com. Rep. No. 2718 (S.B. No. 2297, S.D. 2):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 2718 was adopted and S.B. No. 2297, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2719 (S.B. No. 2761, S.D. 2):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 2719 was adopted and S.B. No. 2761, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2720 (S.B. No. 1384):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 2720 was adopted and S.B. No. 1384, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 1946, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF MEDICINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2037, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2037, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2409, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2409, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2469, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2469, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2482:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2482, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2575, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2575, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2633, S.D. 1:

By unanimous consent, action on S.B. No. 2633, S.D. 1, was deferred until later on the calendar.

S.B. No. 2640, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2640, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPY PRACTICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2644, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2829:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2829, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2838, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2958, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2958, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLATINUM JEWELRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3137, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 3137, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 3143, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITY TRANSMISSION LINES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2749 (S.B. No. 1587, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2749 was adopted and S.B. No. 1587, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2751 (S.B. No. 2582, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2751 was adopted and S.B. No. 2582, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2754 (S.B. No. 2778, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2754 was adopted and S.B. No. 2778, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO POOLED INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2755 (S.B. No. 2861, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2755 was adopted and S.B. No. 2861, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2756 (S.B. No. 2862, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2756 was adopted and S.B. No. 2862, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH ADULT MENTAL HEALTH DIVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2760 (S.B. No. 2204, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2760 be adopted and S.B. No. 2204, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Metcalf requested the following remarks be inserted into the Journal:

"Mr. President, I rise to speak in favor of S.B. No. 2204, S.D. 2, A Bill for an Act Relating to Regulatory Processes.

"This bill seeks to implement recommendations of the Economic Revitalization Task Force convened by you, the Governor, and the Speaker of the House.

"I believe we all recognize the need to take positive and constructive steps to improve Hawaii's business climate. Businesses have described the lengthy and indeterminate time required for business and development-related regulatory approvals, and the duplicative nature of the approval process as areas that require immediate attention.

"This bill seeks to address these issues by improving the state's regulatory climate. Specifically, the bill requires agencies to establish rules that set specific time frames for the approval process on any application for business or development-related permits, licenses, and other required approvals.

"Proponents of this bill noted that applications for permits, licenses, and other required approvals that are not acted upon in a timely manner add considerable costs to doing business in Hawaii. Establishing time frames for the approval process will compel agencies to among other things:

- (1) Prioritize the permitting and approval process; and
- (2) Streamline and eliminate any requirements for unnecessary application information.

"I would like to note that these time frames are goals that agencies must work towards rather than 'maximum' time limits.

"In seeking to streamline the approval process for these types of applications, the bill still allows for the continued safeguard of legitimate review and public comment on environmental concerns, as we are mindful of the importance of preserving our unique environment.

"This bill will serve to provide all parties a greater level of certainty in the time required to have an application reviewed by an agency and obtain a final determination.

"Mr. President, I believe that this bill provides for substantive changes in these processes and in doing so, sends a strong signal of the state's genuine intent to:

- (1) Improve its overall regulatory climate; and
- (2) Streamline government operations."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2760 was adopted and S.B. No. 2204, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY PROCESSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2770 (S.B. No. 3239, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2770 was adopted and S.B. No. 3239, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2771 (S.B. No. 3191, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2771 was adopted and S.B. No. 3191, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LOW INCOME HOUSING TAX CREDIT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 9:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:08 o'clock a.m.

There being no objections, consideration of the following Senate bills was advanced to consider the offering of floor amendments:

At 10:09 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

S.B. No. 2736, S.D. 1:

Senator Chumbley moved that S.B. No. 2736, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Chumbley then offered the following amendment (Floor Amendment No. 1) to S.B. No. 2736, S.D. 1:

SECTION 1. Senate Bill No. 2736, S.D. 1, is amended by amending section 707-730, Hawaii Revised Statutes, as amended by Section 2 of the bill to read as follows:

"SECTION 2. Section 707-730, Hawaii Revised Statutes, is amended to read as follows:

"§707-730 Sexual assault in the first degree. (1) A person commits the offense of sexual assault in the first degree if:

- (a) The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
- (b) The person knowingly subjects to sexual penetration another person who is less than fourteen years old; or
- (c) The person knowingly subjects to sexual penetration another person who is at least fourteen years old and under eighteen years old; provided that the actor is at least five years older.

[provided this paragraph] Paragraphs (b) and (c) shall not be construed to prohibit practitioners licensed under chapter 453, 455, or 460, from performing any act within their respective practices.

- (2) Sexual assault in the first degree is a class A felony."

Senator Chumbley moved that the amendment be adopted, seconded by Senator Matsunaga.

Senator Chumbley rose in support of the floor amendment and said:

"Mr. President, last year, your Committee on Judiciary heard and held a measure establishing a 'statutory rape' law raising the age of consent to 16, because of concerns raised about

limiting access to family planning and related health care services for consenting sexually active teens. During the interim, research was done and we found that statutory rape laws are found in other states but have been passed by narrowing the focus to teens who may be coerced into sexual relationships by older adults.

"Thus, in S.D. 1, we attempted to address the concerns about sexually active consenting teens and the older predator individual by recommending that for persons age 14 and above, if the actor was five years older, then the actor could be charged with first degree sexual assault. Unfortunately, we didn't take into account that this should only apply to persons age 14 to 17, because once the victim is 18, the other elements of sexual assault offenses should apply.

"Upon the recommendation of our Senate Majority Attorney, I am recommending that we adopt the floor amendment to assure that we are only addressing sexual relationships of teens between the ages of 14 and 17 with persons who are at least five years older, whether the act was consensual or not.

"I urge all the members to support this amendment."

The motion to adopt Floor Amendment No. 1 was put by the Chair and carried.

By unanimous consent, S.B. No. 2736, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," was placed on the calendar for Third Reading on Thursday, March 12, 1998.

**SECOND READING**

Stand. Com. Rep. No. 2680 (S.B. No. 2363, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2680 be received and placed on file, seconded by Senator Fukunaga.

Senator Baker rose and explained:

"Mr. President, the committee report is in error. It recommends that this measure be passed on Third Reading. However, the bill has not yet passed Second Reading. Therefore, we need to separate the committee report so that we may continue to consider this measure."

The motion was put by the Chair and carried.

On motion by Senator Baker, seconded by Senator Fukunaga and carried, S.B. No. 2363, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 12, 1998.

**THIRD READING**

S.B. No. 2727, S.D. 1:

Senator Baker moved that S.B. No. 2727, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Baker then offered the following amendment (Floor Amendment No. 3) to S.B. No. 2727, S.D. 1:

SECTION 1. Senate Bill No. 2727, S.D. 1, is amended by amending section 245-3, Hawaii Revised Statutes, as amended by Section 3 of the bill to read as follows:

"SECTION 3. Section 245-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Every wholesaler or dealer, in addition to any other taxes provided by law, shall pay for the privilege of conducting business and other activities in the State an:

- (1) Excise tax equal to:

- (A) 4.00 cents for each cigarette sold, used, or possessed by the wholesaler or dealer, after August 31, 1997; and

- (B) 5.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer after June 30, 1998,

whether or not sold at wholesale, or if not sold then at the same rate upon the use by the wholesaler or dealer; and

- (2) Excise tax equal to forty per cent of the wholesale price of each article or item of tobacco products sold by the wholesaler or dealer, whether or not sold at wholesale, or if not sold then at the same rate upon the use by the wholesaler or dealer.

Where the tax imposed has been paid on cigarettes or tobacco products which thereafter become the subject of a casualty loss deduction allowable under chapter 235, the tax paid shall be refunded or credited to the account of the wholesaler or dealer. In applying the tax[,] to tobacco products, the tax shall be applied against the latest of the activities of selling, using, or possessing[,] the tobacco products. The tax shall be imposed at the time of the last of the following activities to occur: the sale; the use; or the possession of [cigarettes or] tobacco products. The tax shall be applied to cigarettes through the use of stamps and meter impressions."

Senator Baker moved that the amendment be adopted, seconded by Senator Fukunaga.

Senator Baker rose to speak on the floor amendment as follows:

"Mr. President, Floor Amendment No. 3 would effectuate the actions of your Committee on Ways and Means in moving this measure forward. The intent of the committee, as announced at decision making, was that the second phase of the cigarette tax would not be repealed but would go into effect, as contemplated by previous legislatures, on July 1, 1998. Unfortunately, the bill that was decked has moved the effective date of the tax increase back to January 1, 1999. This amendment returns the bill to the original Ways and Means position and current law."

Senator Fernandes Salling then said:

"Mr. President, just a clarification because this was from last year's committee.

"So, the tax that we imposed last year will go into effect as planned, and we've made a lot of those groups that came in and testified in opposition to the original bill happy then?"

Senator Baker responded:

"Yes, Senator, that is correct."

Senator Fernandes Salling continued:

"And the second question would be, then the only other provision that is new to this bill would be dealing with these stamped and metering sections?"

Senator Baker responded:

"That is correct, Senator."

The motion to adopt Floor Amendment No. 3 was put by the Chair and carried.

By unanimous consent, S.B. No. 2727, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was placed on the calendar for Third Reading on Thursday, March 12, 1998.

At 10:16 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:18 o'clock a.m.

Stand. Com. Rep. No. 2753 (S.B. No. 2774, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2753 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Baker moved that S.B. No. 2774, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Baker then offered the following amendment (Floor Amendment No. 4) to S.B. No. 2774, S.D. 2:

SECTION 1. Senate Bill No. 2774, S.D. 2, is amended by amending the second and third new sections of section 5 to read as follows:

**"§103D- Preference for qualified community rehabilitation programs.** When a governmental agency contracts for purchases of services, a five per cent preference shall be given to services to be provided by nonprofit corporations or public agencies operating qualified community rehabilitation programs in conformance with criteria established by the department of labor and industrial relations pursuant to chapter 91; provided that contracts awarded under this section shall be exempt from the wages provision of section 103-55. The policy board shall adopt rules under chapter 91 to establish the preference for nonprofit corporations or public agencies operating qualified community rehabilitation programs consistent with this section.

**§103D- Purchases from qualified community rehabilitation programs.** (a) Any public agency, without advertising or calling for bids, may purchase goods or services provided by qualified community rehabilitation programs serving persons with disabilities that have indicated an interest in supplying the goods or services, and on an equitable basis may apportion the business among the interested programs; provided that the goods and services meet the specifications and needs of the purchasing agency and are purchased at a fair market price as determined by the appropriate public agency; and provided further that the programs comply with the following:

- (1) Meet all of the requirements of a qualified community rehabilitation program under section 103D-1001; and
- (2) Maintain a disabled to non-disabled employee ratio equal to or in excess of three-to-one for work hours of direct labor at all times on the work contracted.
- (b) The purchasing agency shall:
  - (1) Receive and review proposals submitted by qualified community rehabilitation programs to provide goods or services, and determine if they are suitable for purchase by the agency;
  - (2) Negotiate the conditions and terms for the purchase, including the price of the offer, between the agency and the qualified community rehabilitation program; provided that the price of the offer shall not exceed the fair market price and there is assurance that the qualified community rehabilitation program proposal is in compliance with all administrative rules related to purchasing; and
  - (3) Ensure that any good or service purchased from a qualified community rehabilitation program shall not be placed on the Hawaii products list under section 103D-1002."

Senator Baker moved that the amendment be adopted, seconded by Senator Fukunaga.

Senator Baker then stated:

"Mr. President and members, this amendment will effectuate a correction in the measure that was passed by Senate Ways and Means. It was not the committee's intent to reinsert the word 'construction' in Sections 2 and 3 of the new Section 5 of the

bill as listed below. The amendment before you is exactly how the measure came from subject matter and the committee's intent was to keep the amendments made by the subject matter committee. This amendment will return that bill to that particular form. Thank you."

The motion to adopt Floor Amendment No. 4 was put by the Chair and carried.

By unanimous consent, S.B. No. 2774, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was placed on the calendar for Third Reading on Thursday, March 12, 1998.

Stand. Com. Rep. No. 2762 (S.B. No. 3201, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2762 be adopted and S.B. No. 3201, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Sakamoto then offered the following amendment (Floor Amendment No. 2) to S.B. No. 3201, S.D. 2:

SECTION 1. Senate Bill No. 3201, S.D. 2, is amended by amending the last paragraph of Section 1 of the bill to read as follows:

"The time has come to make hard choices. Few other measures to reduce or eliminate unnecessary government expenditures are as obvious, justifiable, and compelling as eliminating duplication in providing highway and road maintenance and parks services. The purpose of this Act is to require the governor and the mayors of the respective counties to develop a viable process to eliminate duplication of government services at the state and county levels with respect to highway and road maintenance and parks services."

SECTION 2. Senate Bill No. 3201, S.D. 2, is amended by amending Section 2 of the bill to read as follows:

"SECTION 2. (a) The governor and the mayors of the respective counties, with respect to highway and road maintenance and parks services at both the state and county levels, shall:

- (1) Identify specific functions, programs, services, and personnel that are duplicative and unnecessary;
- (2) Develop a viable process to eliminate duplication of government services;
- (3) Select a specific approach including, but not limited to:
  - (A) Wholesale transfer of all jurisdiction, responsibility, programs, services, personnel, and funding to one government level only;
  - (B) Rational consolidation of functions, programs, services, and personnel if a wholesale transfer under subparagraph (A) is not feasible;
  - (C) Wholesale transfer, as in subparagraph (A), supplemented by privatization of services;
  - (D) Rational consolidation, as in subparagraph (B), supplemented by privatization of services; and
  - (E) Elimination of government jurisdiction and replacement with privatization of services;

provided that any duplicative but filled positions identified shall be terminated either by attrition or other means and all unfilled positions relating to the provision of highway and road maintenance and parks services, as of the effective date of this Act, shall remain unfilled and terminated.

(b) The governor and the mayors of the respective counties shall submit a final plan in writing, including any necessary proposed legislation, to the legislature not later than November 30, 1998.

(c) The final plan, including any necessary proposed legislation shall eliminate duplicative services but shall not diminish, abridge, or eliminate any of the currently existing services relating to highways, public and private roads, and parks, whether provided by the State or counties."



SECTION 3. Senate Bill No. 3201, S.D. 2, is amended by deleting section 3 of the bill.

SECTION 4. Senate Bill No. 3201, S.D. 2, is amended by renumbering and amending Section 4 of the bill to read as follows:

"SECTION 3. This Act shall take effect upon its approval."

Senator Sakamoto then moved that Floor Amendment No. 2 be withdrawn, seconded by Senator Kawamoto and carried.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2762 was adopted and S.B. No. 3201, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DUPLICATION OF GOVERNMENT SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, McCartney).

**MATTER DEFERRED FROM  
EARLIER ON THE CALENDAR**

**THIRD READING**

S.B. No. 2633, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2633, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Iwase, Solomon). Excused, 2 (Aki, McCartney).

**THIRD READING**

S.B. No. 1081, S.D. 1:

Senator Tanaka moved that S.B. No. 1081, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Anderson rose in opposition and stated:

"Mr. President, I'll be voting 'no' on this particular measure even though it says 'repeals the exemption of employees.' When I read the bill, it was rather vague. If I owned a few acres or a few hundred acres, I couldn't even hunt on my own property. And that's the way that I happened to read the bill and for those reasons I will be going 'no' because I don't think it will be fair.

"Thank you."

The motion was then put by the Chair and carried, S.B. No. 1081, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Anderson). Excused, 2 (Aki, McCartney).

S.B. No. 2771:

Senator Tanaka moved that S.B. No. 2771, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak against the measure as follows:

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

"While the milk industry continues to want the government to regulate them and set prices, what we've seen is that the more regulation we've had, the less milk we've had. I think this is a bad bill. It's a bad precedent. I think the industry should be helped in other ways by improving the business climate and not by regulating prices. So, I will be voting 'no.'

"Thank you, Mr. President."

The motion was then put by the Chair and carried, S.B. No. 2771, entitled: "A BILL FOR AN ACT RELATING TO MILK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Aki, McCartney).

S.B. No. 2772, S.D. 1:

On motion by Senator Tanaka, seconded by Senator Taniguchi and carried, S.B. No. 2772, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PORK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 9 (Bunda, Fernandes Salling, Ige, M., Iwase, Kawamoto, Sakamoto, Slom, Solomon, Tanaka). Excused, 2 (Aki, McCartney).

S.B. No. 2773, S.D. 1:

Senator Tanaka moved that S.B. No. 2773, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Slom opposed the measure as follows:

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

"This is a bill that would introduce a live snake, specifically a sterilized male snake, into Hawaii for the purpose of updating the nose techniques of our dogs here. I think it's a bad precedent. We're spending all this money and all this effort to keep live snakes out of this state. It might be cheaper if we sent our dogs down to Guam to update their education there.

"Thank you, Mr. President."

At 10:26 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:35 o'clock a.m.

Senator Solomon also rose in opposition and stated:

"Mr. President, I rise to speak in opposition.

"Mr. President, when I chaired your Committee on Higher Education, I had the opportunity to visit Guam and I took an extensive tour of the snake farm facility. They have an excellent facility down there, Mr. President. They know how to train dogs and the people who handle the dogs for detection of the snakes. I feel very strongly that that is where we should be sending our dogs to be trained.

"I adamantly oppose entry of any kind of snakes, Mr. President, into Hawaii. These snakes are extremely dangerous. As a matter of fact, when you check into any hotel, they tell you a horror story. The snakes can sneak through your air vents, through your toilet -- they tell you to keep your toilet lids down in your hotel rooms. Not only that, Mr. President, there have been reports that they not only eat birds and so on and so forth, they also attack babies.

"My concern is, Mr. President, What is the whole plan? Is it to be one sterile snake this year, two sterile snakes next year?

What is the complete program? I think that we should definitely have a policy of how we are going to handle this.

"I had the honor to be one of the first legislators, when I chaired your Committee on Agriculture, to deal with this issue. The problem is really with the military bases in the State of Hawaii because their cargoes are not inspected properly when they arrive from Guam.

"So, Mr. President, I really urge my colleagues to think again. We don't want to be in a situation where Hawaii becomes a birdless paradise.

"I know everyone is chuckling and saying, 'Gee, one snake.' Well, to me, any legislation we pass sets a precedent. It sets a policy of what this Legislature feels is important.

"And with that, Mr. President, I'm urging all my colleagues to vote 'no.' Thank you."

Senator Levin rose in support of the measure and stated:

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

"I really appreciate the comments from the Senator from Kohala and the concerns expressed, but I do want to make sure that we don't unduly panic the populace. What we actually are doing with this bill is amending a statute that already allows a couple of snakes into Hawaii for placement in the zoo. So instead of two snakes being allowed in the state, there would now be three. I think with the provisions put into the bill to protect against escape and to protect against procreation, I think we will be adequately protected.

"I certainly share the Senator's concerns for the environment and for the bird population, but I think we'll be quite safe if this bill passes.

"Thank you."

Senator Iwase rose to speak against the measure as follows:

"Mr. President, I'm rising to speak against this bill.

"I'd like to incorporate the comments of the Senator from Kohala, on the Big Island, as though they were my own. The only thing I would like to say is I believe they probably had this debate about one coming in when we talked about the mongoose, and now they're all over the state. (Mongee or whatever they are now.) I don't know what they are now, but it's more than one. (Laughter.)

"Thank you, Mr. President."

Senator Metcalf then said:

"Mr. President, the proper terminology is mongooses." (Laughter.)

Senator Fernandes Salling then rose and said:

"I have a question for the Senator who chairs the committee that voted in favor, which is Senator Taniguchi. I understand Senator Tanaka voted against it.

"Senator Taniguchi, Did the committee look at, perhaps, sending these people and the dogs down to Guam and how much that would cost? And in light of what Senator Levin said, Are those snakes in the zoo sterilized also? Otherwise, we may have a real problem."

Senator Taniguchi responded:

"Mr. President, I yield to Senator Fernandes Salling's question.

"The reason why they wanted the one snake into Hawaii was because of the costs involved in sending the dogs down to Guam. I don't know the exact cost; it wasn't mentioned at the hearing. But I guess what they do now is, they use a dead snake for its smell and basically they need the smell of a live snake to train the dogs here in Hawaii."

Senator Fernandes Salling then said:

"Thank you, Senator Taniguchi. Perhaps Senator Levin would be able to answer this. The two snakes that are already at the zoo, are they sterilized? This is serious because snakes and animals get out of zoos and we have one sterilized, which I can see the need for, and the cost is too prohibitive to send dogs down to Guam, but if we have two already in the zoo that are not. Do you know the answer to that, Senator?"

Senator Levin responded:

"Mr. President, no, I don't know the answer. Thank you."

Senator Fernandes Salling then said:

"Pardon me, I missed that."

Senator Levin responded:

"I don't know whether they are sterile or not."

Senator Fernandes Salling then added:

"They are treated humanely, did you say? I'm so happy to hear that. Thank you."

Senator Solomon rose again and stated:

"Mr. President, in response to the chairman of Economic Development and Agriculture.

"Mr. President, you could easily make an arrangement with the military. They would be very glad to transport our people from Hawaii to go to Guam and pick up the expenses because they were very, very open when we had discussed this matter ten years ago as to what we were going to do about these brown snakes coming to Hawaii. So, as far as the cost being prohibitive, that is baloney. You can easily work that out with the military. They could provide transportation. They could provide accommodations. We have a great working relationship with the University of Guam that our College of Tropical Agriculture works with. There's faculty housing there. I'm sure we could work something out. So I don't see what the problem is.

"Again, I'm urging my colleagues to be careful, this is very serious. Maybe one day you should all go to Guam. It's devastating! The snakes climb up utility poles and cause shortages. So, as far as I am concerned, Mr. President, I feel we should have no snakes in Hawaii. Also, maybe we should sterilize those snakes in the zoo. Maybe that is something we should consider, instead of using our valuable resources from DLNR, hunting snakes in the forests in case the snakes become established.

"Mr. President, I'm again urging my colleagues to vote 'no.'"

The motion was then put by the Chair and carried, S.B. No. 2773, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 8 (Bunda, Fernandes Salling, Ige, M., Iwase, Sakamoto, Slom, Solomon, Tanaka). Excused, 1 (Aki).

Stand. Com. Rep. No. 2440 (S.B. No. 2225):

Senator Baker moved that Stand. Com. Rep. No. 2440 be adopted and S.B. No. 2225, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Solomon rose in opposition to the measure and stated:

"Mr. President, I'm rising to speak against this bill.

"Mr. President, I'm voting 'no' on principle. I feel that in times of economic crisis, we should be looking at special revenue bonds to be used for the purposes that directly impact our economy and I feel that this bill has no economic reality.

"I'm very concerned, also, because I do not want to set a precedent. As you know, for the 18-plus years that you and I have served in this Legislature, we've had many Hawaiian groups, Mr. President, come in and ask us for this consideration. They want to be able to worship in their heiaus. They want to be able to restore their heiaus as a place for meditation, healing, spirituality, ancient mysteries, metaphysics, and of course, all this ties in with world peace.

"So, Mr. President, I'm just warning my colleagues, if you vote for this bill, expect other groups to be here asking for the same consideration. I'm very concerned because we have denied our Hawaiian groups and we forced them to go to court. Remember that, colleagues, under religious freedom.

"So, again, Mr. President, I am asking my colleagues to think about this, think about the precedent we're setting, and what this is going to bring for us in the coming sessions. Again, I'm asking my colleagues to vote 'no.' Thank you."

Senator Baker rose to support the measure and stated:

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

"I respectfully disagree with my colleague from Kohala. I believe she misinterprets the bill. This is an economic development measure. It is a TV and film studio that is in the planning stages to be located in the research and technology park on Maui. It will bring not only jobs to the island, but it brings training opportunities and opportunities to promote Hawaii in different ways.

"It is consistent with what we have done in the past. We authorized special purpose revenue bonds for another manufacturing facility enterprise dealing with film products. This happens to be a TV studio. As with all other special purpose revenue bonds, the amount does not go against the ceiling of the state. This state is not the guarantor. It simply offers the user of the revenue bonds an opportunity to get a better rate. The user of the bonds still has to do the due diligence and has to prove to the lending institutions that they have the ability to repay the debt.

"I believe this measure has merit. The TV station offers an opportunity for economic growth on the Island of Maui and I ask my colleagues to move this measure forward. Thank you."

Senator Solomon responded as follows:

"Mr. President, I rise in response to the chairwoman of the Ways and Means Committee.

"I don't know, Mr. President, in my memory, if we ever floated special revenue bonds to help a private company create a film studio. And if you can correct me, that's fine. But I do know that we do have a film studio that's in operation, sitting right here on the Island of Oahu. And if you recall, Mr. President, you were part of that history when we felt that that film studio should have been located on any of the neighbor islands. We were defeated on this matter.

"Now I understand that that film studio is now struggling along. It's sitting there looking for job opportunities to create films. So it's sitting right there, already built, ready to roll. I can't understand why these people who are interested in doing this and if they're located on Maui, why they can't fly to Oahu, put these projects together, and enlighten us on environmental awareness, spirituality, health and healing.

"Mr. President, I want to state for the record that I'm not opposed to these concepts. As a native Hawaiian, I'm very much in support of these concepts, but I just feel that we already have a facility here that can be used for these purposes. I really do not feel that we should set this kind of precedent for these kinds of reasons when we, in fact, can already take care of them adequately right now. Tomorrow, they can go there and start filming.

"Thank you, Mr. President."

Senator Baker rose in response to the previous speaker:

"Mr. President, just to respond to the Senator from Kohala.

"This body, in fact this Legislature, authorized special purpose revenue bonds for Elephant TV several years ago. That was an attempt to bring some additional film production -- not in a studio format -- to the islands so the use of special purpose revenue bonds is very consistent.

"What special purpose revenue bonds do is allow private projects with a public purpose to obtain favorable financing. Special purpose revenue bonds have been authorized for utilities, health care facilities, and manufacturing processors. The purposes are set forth in the measure and are consistent with the statute.

"Thank you, Mr. President."

Senator Slom then rose in opposition and stated:

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

"I think what this last discussion has identified is that maybe we should take a much closer look at the purposes of the special purpose revenue bonds and the state's involvement in private enterprises. I don't think the state should be involved in them, and I don't think that a careful reading of this measure falls within the compliance part of health, education, or the general welfare.

"In addition to that, though I think it's important because I sat through the hearing on this bill and we were talking about a 24-hour television network to increase the public's consciousness and awareness in spirituality, again things that I think we can all applaud, but I think rather than giving special purpose revenue bonds in the amount of \$10 million to one company, I think we could raise everybody's consciousness by lowering the taxes, removing burdensome regulations, and improving the business climate.

"Thank you, Mr. President."

Senator Sakamoto also rose to speak against the measure as follows:

"Mr. President, I also rise in opposition.

"Although the bill may create a limited number of jobs, the bill states it's a commercial television station. If the purported interest is to create a film studio, then maybe it should be a studio open to more than one user. But as far as what I think, what we need to do is, we need to lower the barriers and let government get out of the way. Maybe the state obligation doesn't get raised, but certainly the taxpayers will still stand to be guarantors.

"If this station can be commercially feasible, they can get commercial loans. They can get people who are interested in their products and let it be private enterprise that does the work. Let the government do what the government needs to do best, especially in these dire times -- especially in these dire times, Mr. President.

"Thank you."

Senator Fernandes Salling then rose and said:

"Mr. President, I'm reading the bill itself, Senator Baker, and maybe you can answer. It requires 'establishing a 24-hour a day television network and facility on Maui, to expand the consciousness and spirituality of the general public' and 'is planning, and is likely to inspire a surge of new businesses' (which is great) 'based on meditation, environmental awareness, spirituality, health and healing, exercise, nutrition, multiculturalism, metaphysics, ancient mysteries, and world peace.' So, I'm a little confused. It says a 24-hour a day television network, but you mention that it is to provide a film studio. I'm not up on film studios and networks and all of that, perhaps Senator McCartney could assist, but my reading of it is a 24-hour a day television network for those purposes, and that we're issuing an amount in special purpose revenue bonds, \$10 million. Could you clarify that? Is it a network television or is it a film studio? And am I correct in the reading of it? It's more for the spirituality, meditation, consciousness, and \$10 million for those purposes?"

Senator Baker replied:

"The Senator from Kauai has asked what the purpose of this facility would be. It would be a television network originating from the Island of Maui. They propose to construct the facility in the research and technology park. It would create programming. It would train persons in video and television and tape. It would create films there -- perhaps film is the wrong word, it's video, it's live broadcast, it's programming. It would be promoting Hawaii. It would operate 24 hours. It would provide some opportunities for the film and television industry that has begun in this state.

"With regard to the issuance of special purpose revenue bonds, the state does not issue them. The SPRBs are not a state obligation. The authorized entity must pass a due diligence and prove an ability to repay the bonds. The state does not pay for them. There is no backing from the state. The taxpayers are not on the hook. If the company cannot prove to the lending institutions that the project has merit, then the project obviously does not go forward.

"Authorizing special purpose revenue bonds is an opportunity for us to assist a company who has asked for assistance to get financing for the project. This project would offer an economic benefit to the island of Maui and our State. I believe support in the form of an SPRB authorization is appropriate.

"Thank you."

Senator Fernandes Salling continued:

"Just a quick mention.

"All of that sounds very good, but as I read it, it would be for the purposes set out in the bill that I read previously. Is that correct?"

Senator Baker answered: "Yes."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2440 was adopted and S.B. No. 2225, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST

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

Ayes, 15. Noes, 9 (Anderson, Bunda, Fernandes Salling, Ige, M., Iwase, Sakamoto, Slom, Solomon, Tanaka). Excused, 1 (Aki).

Stand. Com. Rep. No. 2442 (S.B. No. 2820):

Senator Baker moved that Stand. Com. Rep. No. 2442 be adopted and S.B. No. 2820, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Solomon then rose to speak on the measure as follows:

"Mr. President, I just have a question. Although I sit on the committee, I just have a question to the chairman. Whichever chairman would like to answer, that's fine with me.

"I just would like to ask -- I don't know if the Ways and Means Committee would like to answer, or the subject matter committee would like to answer -- but the question is, this bill, to me, appears to create two classes of financial institutions, is that true?"

At 10:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:06 o'clock a.m.

Senator Solomon continued:

"Thank you, Mr. President, for calling a recess. I did have an opportunity to discuss the matter with the chairmen and I've been satisfied. Thank you very much."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2442 was adopted and S.B. No. 2820, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2443 (S.B. No. 2835, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2443 was adopted and S.B. No. 2835, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2444 (S.B. No. 3134):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2444 was adopted and S.B. No. 3134, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER AND COMMUNICATION SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2445 (S.B. No. 3142, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2445 was adopted and S.B. No. 3142, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY WIRELESS TELEPHONE SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2446 (S.B. No. 2236, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2446 be adopted and S.B. No. 2236, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak with reservations on the measure:

"Mr. President, I'm going to speak with reservations on this bill for several reasons.

"One, of course, is the use of the special purpose revenue bonds. The second is the fact that in the bill, I can find no entity described that will receive the authorizations from the proceeds of the bill. Thirdly, certainly I realize that our local pork industry has had a great deal of hard times and pork, of course, is very important to Hawaii, both fresh pork and the congressional pork that's sent from Washington. So, while we want to help this industry, I think we should also be aware though that, again, here we are having the state involved in one specific industry and I think that we need overall planning to discourage this in the future.

"Thank you, Mr. President."

Senator Matsunaga rose to support the measure as follows:

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

"I, too, have reservations about this measure, especially when I heard the Senator from Ka'u and his vegetarian lobbying industry had a beef with this measure. They thought it was pork barrel politics at its worst, but when I looked at the measure closely, I realized that there were meaty issues involved and I think that this body would be chicken not to pass this measure.

"Thank you." (Laughter.)

The Chair remarked:

"That's the best speech so far this session." (Laughter.)

Senator Metcalf then stated:

"I would ask that the good Senator's speech be stricken from the record." (Laughter.)

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2446 was adopted and S.B. No. 2236, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR THE PLANS, DESIGN, AND CONSTRUCTION OF A NEW SLAUGHTERHOUSE FACILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2447 (S.B. No. 3156, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2447 be adopted and S.B. No. 3156, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose and stated:

"With reservations, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2447 was adopted and S.B. No. 3156, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PROCESSING AND INDUSTRIAL ENTERPRISES ON THE ISLAND OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2449 (S.B. No. 3114, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2449 was adopted and S.B. No. 3114, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2450 (S.B. No. 3244, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2450 be adopted and S.B. No. 3244, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Anderson rose to speak against the measure as follows:

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

"The bill requires that the HFDC of Hawaii mail a notice of liquor applications to each dwelling of a housing project. They already have a bulletin board type deal that they can pin a notice on. I think it just becomes more costly for Hawaii Housing to have to mail one to each public housing person who lives within a 500 radius of a new business. We also advertise it in the papers. And I do have a conflict. I used to own a bar and I most certainly would not have wanted to have more people come down to tell me why they didn't want me to go into business.

"For those reasons, I will be voting 'no', Mr. President."

Senator Sakamoto rose to speak with reservations as follows:

"Mr. President, I'd like to speak with reservations.

"Well, the costs aren't known. I asked what the costs were. The costs aren't known. I think we need, as a body, when anything has costs and the issue isn't of dire need at this particular time, we shouldn't move anything forward with costs on issues that are not dire. And we need to be sensitive to the cost. You know, the state is paying the cost; the Housing Trust Fund is paying the cost, blah, blah. Many businesses pay the cost, as well. We need to be very sensitive on what costs are critically important at this time."

Senator Slom added:

"Reservations for me, please, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2450 was adopted and S.B. No. 3244, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Anderson). Excused, 1 (Kanno).

Stand. Com. Rep. No. 2454 (S.B. No. 2622, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2454 be adopted and S.B. No. 2622, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

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

"Mr. President, I speak in support of S.B. No. 2622, S.D. 1.

"This establishes the pilot program to assist low income residents in filing for the federal earned income tax credit. Nationwide studies done by economist John Carl Scholz, deputy assistant for tax policy at the U.S. Department of Treasury, indicate that only 75 to 85 percent of those eligible claim the earned income tax credit. If these statistics are true, with the implementation of this EITC pilot program, Hawaii residents could realize a return in federal dollars in the amount of \$12 million to \$23 million. Not only would the estimated 20,000 Hawaii residents who have not filed in the past benefit from this measure, but so would the many businesses who would be patronized by these residents.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2454 was adopted and S.B. No. 2622, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARNED INCOME TAX CREDITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2455 (S.B. No. 2777, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2455 be adopted and S.B. No. 2777, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Sakamoto rose to support the measure and said:

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

"Mr. President, if paying new employees on an after the fact basis using electronic transfers is more efficient and cost effective, then I fully support that. But why have two systems? -- one for old employees, one for new employees. This is not efficient. If it's more cost effective and efficient, especially in these times, Mr. President, let's do it for everybody."

Senator Solomon rose to speak on the measure as follows:

"Mr. President, I would also like to note a W/R and I just would like to echo the remarks of the Senator from Moanalua as though they were my own. Thank you."

Senator Slom then rose and stated:

"Mr. President, I, too, will be voting with reservations.

"I echo those sentiments by the Senator from Moanalua and also note that there's no choice provisions in the bill for employees, both older existing employees and new employees, as well. Thank you, Mr. President."

Senator Iwase rose and said:

"Mr. President, W/R. Thank you."

Senator Anderson then added:

"Would you reflect a W/R for me for the same reasons as the Minority Floor Leader. Mahalo."

Senator Tanaka added:

"Mr. President, W/R for me too, please."

Senator Fernandes Salling then rose and said:

"No surprise, another W/R, but I would just like to point out that I think there will be other measures that deal with this same issue where the Senator from Moanalua raises a good point. If we're going to start a process, let's do it from the beginning for all employees. Otherwise there'll be a lot of confusion if you decide for new and for some that have been in the system six months. I think there are more bills dealing with this, and for that reason I'm going to go W/R."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2455 was adopted and S.B. No. 2777, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARY PAYMENTS TO NEW EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2459 (S.B. No. 2999, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2459 be adopted and S.B. No. 2999, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Anderson opposed the measure as follows:

"Mr. President, I will be going 'no' on this measure.

"What it does is it states in the bill that for the global effect, we can start using retirement system funds to go out and look more at investing outside. I do know that with Asia the way it is right now, if we had invested our money there, we would be in real trouble. I would fear that we'll not always have a Mr. Stanley Siu, but I would hope that if we're going to do anything, that we would allow the people to watch what we're doing in investments. I think we've been very careful and I think we have to look at what's happening globally and not just say that the investments there might be better than what we have been doing.

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

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2459 was adopted and S.B. No. 2999, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS OF THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Stand. Com. Rep. No. 2461 (S.B. No. 3002, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2461 was adopted and S.B. No. 3002, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2464 (S.B. No. 2987, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2464 be adopted and S.B. No. 2987, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

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

"Mr. President, I speak in support of S.B. 2987, S.D. 2.

"A number of tragic deaths in recent months have focused attention on some of the weaknesses in our Child Protective Service system. Perhaps change at an earlier date may have prevented some of these senseless deaths from occurring. Perhaps not. However, one thing is painfully obvious: something has to be done now in order to ensure that these types of tragic deaths due to abuse and neglect do not happen again. Some may think this is wishful thinking, but as a community we need to commit ourselves to this goal and be steadfast in our work to protect our children.

"Senate Bill No. 2987, S.D. 2, takes a positive step in this direction as it revises the current system of child protection in Hawaii in order to ensure that child abuse and neglect are prevented from happening.

"At its heart, this Senate bill expresses a philosophical change and emphasizes more clearly that family reunification is not the driving force which guides the thoughts, actions, and behaviors of Child Protective Services. Instead, CPS's main goal is to provide a safe home for a child, regardless of whether that safe home be with his or her natural family, adoptive family, or foster family.

"That is not to say that CPS will not do everything within its power, along with the community, to reunite children with their parents. It is just to say that we, as a Legislature and a society, will not allow a child to re-enter a home that is not safe for them. We will not allow another Reubyne Buentipo to live in a vegetative state for the rest of his or her short life.

"Of course, acting upon this course of action will not be as simple as just mandating that child safety be the primary focus of CPS. A number of other concerns must be addressed in order to make the protection of abused and neglected children a reality.

"The Department of Human Services, the Judiciary, and people from all sectors of our community worked in partnership over the past three years and more recently in the few months before this session, through Child Protective Services' roundtable discussions, to formulate suggestions that would improve the state's existing system. Some suggestions are being acted upon by the department and the judiciary without any statutory changes. I have attached these examples to my speech.

"Senate Bill No. 2987, S.D. 2, is necessary in order to further the work begun by the community because it contains other provisions that make positive changes that will help CPS in their efforts to ensure child safety.

"This Senate bill ensures that CPS will be more open, accessible, and communicative with others in the community, thereby strengthening its efforts to safeguard children. It ensures that the Department of Human Services will work with our state court system in order to defend the youngest and most vulnerable citizens of our state. It ensures that physicians will be able to share medical information on a child in CPS without getting parental consent in order to better meet the medical needs of that child. It ensures that all children in CPS system will receive the health insurance coverage necessary to receive appropriate and timely care.

"Nevertheless, regardless of these changes, both the Legislature and the public must not be lulled into thinking that passage of this bill will be a panacea that will solve all of our child protection problems. While the CPS system is responsible for the protection of identified victims of child abuse and neglect, I believe that the critical problem of child

abuse and neglect cannot be left solely to those individuals working in CPS. Each and every one of us must do our part in order to ensure that a child is not beaten into a coma again. Each and every one of us must do our part in order to ensure that every child is given the love, attention, and respect he or she deserves. Each and every one of us must take responsibility and care for our children's physical and emotional well-being.

"Senate Bill No. 2987, S.D. 2, must be seen as part of an integrated community effort to address child abuse and neglect. We, as a society, have to take a multitude of steps to build a child-centered system of care and protection so that child abuse does not occur. I thank the community, I thank my colleagues in the Senate for all having co-introduced the original omnibus CPS bill as well as our colleagues in the House for their unwavering support and concern for the safety and welfare of our state's children.

"Thank you, Mr. President."

The Chair having so ordered, Senator Chun Oakland's insertion of DHS Child Welfare Initiatives is identified as ATTACHMENT "A" to the Journal of this day.

Senator Solomon rose to support the measure and stated:

"Mr. President, I just would like to rise and speak in support. I'd like to congratulate the chairmen of the committee. They did a credible job.

"I want to thank the chairwoman for submitting her remarks. I hope that we will all work conscientiously so that it will not be wishful thinking and that our community needs to commit ourselves to help and protect our children.

"Also, Mr. President, I'd like to incorporate the paragraph in which the co-chairwoman is urging all of us to end our society's senseless cases of child abuse forever. And I would like to reiterate very strongly the paragraph in which the co-chairwoman states that each and every one of us must do our part in order to insure that a child is not beaten into a coma again. Each and every one of us must do our part in order to insure that every child is given love, attention and respect he or she deserves, and each and every one of us must take responsibility and care of our children's physical and emotional well-being.

"I do this, Mr. Chairman, with great respect. When I walked into this building sixteen years ago, this was my first committee, but in those days it was entitled 'Youth and Elderly.'

"So with that, Mr. President, I'm urging all my colleagues to please vote in the affirmative. Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2464 was adopted and S.B. No. 2987, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1469, S.D. 1:

Senator Baker moved that S.B. No. 1469, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak against the measure as follows:

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

"This is the son of the rainy day fund bill, and I have several problems with it. First of all, I think, more properly, this should have been introduced as a constitutional amendment.

And I have some concern that we have an appointed agency head rather than an elected official who would be responsible for the so-called emergency budget stabilization. In addition to that, the standing committee report states that the bill changes the required majority vote to appropriate funds, lowering it from three-fourths to two-thirds, and I'm unable to find a reference in the bill that actually changes the vote total. I would appreciate a clarification on that.

"Finally, though, if the state has any money left over, particularly in the general fund, I think we should have done what we had done before by constitution, and that is require that the money be refunded to the taxpayers who supplied it.

"Thank you, Mr. President."

Senator Anderson also rose in opposition and stated:

"Mr. President, I'll also be voting 'no,' and the concerns are the same as the Minority Floor leader. And also on checking, there might be some discrepancies by having an appointed agency head rather than an elected official responsible for the emergency fund.

"Thank you very much, Mr. President."

Senator Iwase rose to speak on the measure as follows:

"Mr. President, a W/R. I support the creation of a rainy day fund, but I do have some concerns about an appointed agency head, as well as whether or not it would require a constitutional amendment as opposed to a statutory amendment. So, I have those concerns, but support the fund creation and will vote in support of it with reservations. Thank you."

Senator Baker rose in support of the measure and stated:

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

"Mr. President, this measure will enable us to demonstrate affirmatively that we grasp the seriousness of the fiscal situation we face. By establishing a rainy day fund we will ensure this situation does not reoccur.

"When the administration came to testify on this measure, they preferred a constitutional amendment, not because that was the only vehicle with which to accomplish this method, but simply because they said it would stress the importance of the fund. However, the administration's representative stated that a rainy day fund could be created without a constitutional amendment. There was no problem with a statutorily established fund. To do so would be a little more complicated. However, we've taken steps in this measure to address those concerns and to soundly establish a rainy day fund without need of a constitutional amendment.

"The other aspect of the constitutional amendment that the administration was proposing was to repeal the excess revenue provisions. Your committee did not believe such a repeal was appropriate. This measure also provides for transfers automatically into the fund and funds can be taken out of the fund only by a vote of the Legislature. I believe these provisions should address the concerns of some of the previous speakers.

"I urge all of my colleagues to vote aye on this measure."

Senator Solomon then added:

"A W/R for me, Mr. President. Thank you."

The motion was then put by the Chair and carried, S.B. No. 1469, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN EMERGENCY AND BUDGET STABILIZATION FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2469 (S.B. No. 2776, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2469 be adopted and S.B. No. 2776, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Sakamoto then rose to speak on the measure as follows:

"Much as on the previous bill, this bill, if people don't have their vacation time or sick time but on their time sheet somehow get paid for the whole week, thus getting over-paid, this bill makes a provision for them to get slapped on the hand. I think we need to have one system. If the other bill passes creating two systems and this bill passes, then you'll have people who have at least two incidents that have a lot of different variations, Mr. President. Let's do one system. Let's be efficient. Let's do it now, Mr. President. Let's not play these games."

"Thank you."

Senator Slom then added:

"Please indicate a W/R for me, Mr. President."

Senator Anderson rose and said:

"A W/R for me also, Mr. President. We did say earlier on the pay period that there were a couple of bills. Thank you."

Senator Solomon then added:

"W/R for me, Mr. President."

Senators Iwase and Fernandes Salling then requested that their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2469 was adopted and S.B. No. 2776, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SALARY PERIODS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2471 (S.B. No. 2841):

Senator Baker moved that Stand. Com. Rep. No. 2471 be adopted and S.B. No. 2841, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Solomon opposed the measure as follows:

"Mr. President, I rise to speak in opposition.

"Mr. President, just for the simple fact that I understand and I'm very sympathetic to our Insurance Commissioner. I'm sure he has a tremendous task, but I just feel that we really need to adopt a coherent policy regarding how we deal with government attorneys. And I just don't want to see us setting a precedent where we're going to have more and more requests of this sort, because my position has always been that the attorneys are situated in the Attorney General's Office, and different departments should access those services through the Attorney General's Office.

"Thank you."

Senator Sakamoto also rose in opposition and stated:



"I rise to speak in opposition, Mr. President.

"We're asking everybody else to cut positions. We're saying no more exempt positions, and at the same time this measure is giving authority to appoint positions. It doesn't say how many. It's kind of a carte blanche, Mr. President. So, I don't think this is right. I don't think with the hundreds of state workers calling my office saying we have a problem, that we ought to authorize anymore positions.

"Thank you."

Senator Iwase added his remarks in opposition and said:

"Mr. President, for the reason articulated by Senator from Moanalua, I'm casting a 'no' vote. Thank you."

Senator D. Ige rose to support the measure and stated:

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

"Mr. President, this provision was really supposed to be part of the auto insurance reform bill that we passed last session. The insurance division is grossly overworked in terms of their duty to regulate homeowners, auto, health insurance, and a wide range of insurance that they need to provide. This measure would allow the division flexibility to hire the employees. It also allows them to do a better job of protecting the public interest and insuring reasonable rates for all the citizens of Hawaii.

"I do ask that all of my colleagues support the measure. Thank you."

Senator Anderson rose to speak against the measure as follows:

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

"I'd like to note that in the past the attorney general did testify in opposition to similar exemptions in hiring of attorneys for this department, and this time they didn't even show up. So, I do cast a 'no' vote."

Senator Metcalf added his remarks as follows:

"Mr. President, just for the record, members, actually these attorneys are already in place and the requisite language that should have been included in last year's budget to confirm their existence unfortunately was omitted. And this is really a clean-up housekeeping measure.

"The reason why the division does have specialized legal expertise is that, if the members will note, the insurance code takes up virtually one entire volume of the Hawaii Revised Statutes and is very specialized in its nature. And we've had difficulty in the past securing the requisite expertise from the larger Attorney General's Office.

"Thank you."

Senator Iwase then inquired:

"Mr. President, just on a point of inquiry to the Senator from South Hilo on the statement he made that these attorneys are in place. If they are in place, why do we need the statute? Are they legal now or not?"

Senator Metcalf replied:

"The position counts were in place. The language necessary to make them exempt from Chapters 76 and 77 was omitted last year."

Senator Iwase continued to inquire:

"Am I to assume then that the insurance division can create these positions without legislative authorization and come to us to authorize by statute what they've created internally?"

Senator Metcalf answered:

"No, that's not correct. The Legislature created the positions. It just forgot all the conforming language."

Senator Iwase asked:

"Can I ask where we created the position if we're putting it in the statute now? Staff attorney, I'm talking specifically staff attorney for the moment."

Senator Metcalf responded:

"Last year's budget."

Senator Iwase further inquired:

"But they weren't authorized by statute. Maybe the question (we keep going back and forth) is that the question, I guess, I am asking is, we are amending the insurance law to create a position for a staff attorney, is that a prerequisite for us to fund the position? Is that a prerequisite for the insurance commissioner to create the position? Just yes or no."

Senator Metcalf replied:

"The positions were created in last year's budget and were established. The only question is the exempt nature of those positions. Traditionally, attorneys are exempt from Chapter 76 and 77. That was neglected to be placed in last year's budget."

Senator Iwase then said:

"Well, thank you for the answer. Mr. President, I'm still going to be voting 'no.' I used to be with that whole department. They've got a lot of regulations. It's a very important department. It's not always recognized as being very important. It regulates all the licensees, insurance, financial institutions -- Manoa Finance when it went down, Ron Rewald when he was fooling around in Hawaii. They do all kinds of stuff.

"We're cutting back on all of them. It's a time when everybody is being asked to cut back. And now we ought to be asking the insurance division to cut back. And instead of saying that because they have these responsibilities we've got to add people, perhaps another way to look at it is to say that if we do not have the personnel and if we do not have the money, then perhaps the state government ought not be there regulating because we do not have the expertise; we do not have the time; we do not have the personnel. We should stop giving the public a false sense of hope as I think we did when we created this fund insuring state financial institutions, and when they went down, we did not have the money to help the people. And thankfully with Walter Dodds and everyone else coming back with the thrift guaranty program, we were able to make the Manoa people whole. But we had this program and we never helped them because we didn't have the people.

"We've got to stop this and we should stop it and make some hard decisions now. Thank you."

Senator Anderson then added:

"Mr. President, if I may, just to go over some of the remarks made.

"With the staff's giving us a digest, it says 'It restores the exemptions for a better insurance examiner 3 which existed up until July '97 and inadvertently expired, but the bill also permits the insurance commissioner to hire qualified and exempt attorneys.' Now it does two things as far as we're

looking at it and the information that we got. So, I don't think it just takes care of a problem that we forgot to take care of. It also says that they can hire new attorneys. And that's what the attorney general was opposed to in the past -- also exempting the civil service part. But also, this time the AG didn't even come down.

"Thank you."

Senator Sakamoto added:

"Mr. President, just as the Senator from Mililani, Waipahu and Crestview said about the regulation, I believe our governor has talked about facilitate, not regulate. And if indeed the regulations are so voluminous, that is a problem in itself, Mr. President. We need to make the regulations simpler. We need to reduce the regulations. We don't need more attorneys to regulate even more, Mr. President. Let's go in the right direction."

Senator Fernandes Salling then said:

"Mr. President, would you register 'with reservations' for me, please."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2471 was adopted and S.B. No. 2841, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Aki, Anderson, Ige, M., Iwase, Sakamoto, Slom, Solomon, Tanaka).

Stand. Com. Rep. No. 2480 (S.B. No. 2350, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2480 be adopted and S.B. No. 2350, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom opposed the measure as follows:

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

"I'm all for recycling. I think the intent is good, but what the bill really does is add authority for the counties now to add a new fee or a new tax for recycling, in addition to the tax presently levied by the state.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2480 was adopted and S.B. No. 2350, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 11:39 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

Stand. Com. Rep. No. 2482 (S.B. No. 2865, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2482 be adopted and S.B. No. 2865, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator M. Ige rose in opposition and stated:

"Mr. President, I rise to speak against this measure. I voted 'no' in the Ways and Means Committee.

"Mr. President, this issue has been with us for quite some time. Back, I believe, in 1995 a task force was created to oversee, I guess, the movement of patients into the community. And that was back in 1995. We were supposed to come up with the final move, I believe, in 1998, this year. And the original bill by the department asked us to delay the implementation another two years. On one hand, government needs to be accountable. We need to answer to our taxpayers. On the other hand, we need to be sensitive to the needs of our people in the community.

"Mr. President, when you go to the hospital, you'll find that there are 26 patients that live in the institution. They range in ages from 23 to 67. The average age is 40. And they've been there for an average of 20 years.

"Mr. President, I believe we need to make it perfectly clear that if this project cannot work, let's end it here and let's try to do the best we can to provide the service at Waimano Home. If it can proceed, then let us invest our monies to make darn sure that our people that live there are treated in the best way possible, or treated the same way we want to be treated.

"I'm asking and I'm very glad that the chairs of the Health Committee did not agree with the Department of Health to go two years, but to go one year. I'm appreciative of that and I believe the parents of these patients are also very appreciative because they are very anxious to know the future of their siblings in this institution. So, with the 'no' vote, I hope that we will have the courage to fish or cut bait on this issue to provide the very best care for these individuals living at that facility. And, as I've said, I'm hoping that with the cooperation of the Health chairs, we will be able to accomplish that goal.

"Thank you."

Senator Anderson rose to speak with reservations on the measure:

"Mr. President, I have reservations on this particular bill.

"And just a little more than what the Senator from Kaneohe said, I don't think the bill really addresses the real reason for closing the Waimano Training Center. There's no explanation on why they're doing it that's really specific.

"Thank you very much."

Senator Solomon opposed the measure as follows:

"Mr. President, I'm also voting 'no' and I just would like to incorporate the remarks of the Senator from Kaneohe as though they were my own. Thank you."

Senator Iwase added his remarks in opposition and said:

"The same for myself, Mr. President, incorporating the comments of the Senator from Kaneohe. A 'no' vote. Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2482 was adopted and S.B. No. 2865, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR DEVELOPMENTAL DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Aki, Ige, M., Iwase, Solomon, Tanaka).

Stand. Com. Rep. No. 2483 (S.B. No. 2970, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2483 be adopted and S.B. No. 2970, S.D. 1, having been read

throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Sakamoto rose to speak against the measure as follows:

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

"This bill will give jurisdiction of the noise control at the Convention Center to the County Liquor Commission and the Health Department. Now, after spending \$200 million to build this, wrangling over this facility and spending who knows how many more dollars for this facility, why would we as the state punt this to the County Liquor Commission which may indeed create a problem that we don't want. Why do that? Would you ask your son if it's okay for you to do something, Mr. President?

"Let's take leadership on this matter. Let's use this facility for its intended use. Let's mitigate sound, if we have to, but let's not punt."

Senator Fukunaga rose to support the measure as follows:

"Mr. President, I rise to speak in support of this measure. I would like to respond to the comments made by the Senator from Moanalua.

"This bill attempts to address an inconsistency in our state statutes and county liquor laws that arose during the past nine months. The Attorney General's Office and the City and County Corp Counsel's Office had recommended that the changes be made to the statute to clarify whose jurisdiction was appropriate in liquor licensing and whose responsibility was appropriate under the Department of Health. This measure merely seeks to implement their recommendations.

"For the foregoing reasons, I urge my colleagues to vote in support. Thank you."

Senator Sakamoto then inquired:

"May I ask the Senator from Waikiki for clarification? On the premises, does the liquor license premises mean a particular room, a particular floor, or the whole building? I was under the assumption that the whole facility would be granted a license and that the license would then, in essence, be the whole thing."

Senator Fukunaga responded:

"Mr. President, responding to the prior speaker's question, the Liquor Commission has jurisdiction over the premises that are applied for by the Convention Center Authority. At the present time, the facilities that have been granted a liquor license include all of the facilities with the exception of the rooftop terrace."

Senator Sakamoto then said:

"Then in essence, if it applies to the whole facility, more so, Mr. President, we're saying, then, the Liquor Commission can hold the club, or the mayor or whoever is responsible for the County Liquor Commissioners, over our state convention center. This doesn't make sense."

Senator Anderson rose to speak with reservations on the measure:

"Mr. President, I have some reservations.

"After listening to everybody, we paid millions of dollars on that particular convention center. I don't see a bill that says that we shall put any money into trying to fix the noise situation and having any kind of study done so that you could eliminate that noise.

"The noises are from other businesses over the years, including the Shell. They've worked on them and tried to eliminate them. When we built that particular facility, we should have taken into consideration all of the people that were going to be around there, what type of facility we were building that was going to have a noise factor. And we didn't do that, unfortunately. In fact, they didn't even sit down and talk to me about this, Mr. President. But I do know that we should be able to do that.

"Thank you."

Senator Solomon rose and said:

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

The Chair so ordered.

Senators Iwase, Slom and M. Ige then requested that their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2483 was adopted and S.B. No. 2970, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Sakamoto).

Stand. Com. Rep. No. 2485 (S.B. No. 2855, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2485 be adopted and S.B. No. 2855, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator D. Ige rose in support of the measure and stated:

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

"The purpose of this bill is to create an environment in Hawaii that will facilitate and accelerate telehealth projects and services. More specifically, this bill recognizes telehealth services as a reimbursable medical service for mutual benefit societies, health maintenance organizations, and other health insurers and providers.

"Telehealth is defined as the use of telecommunications and information technology to deliver health and healthcare services and information to parties separated by distance. Telehealth does not include services provided by the antiquated telephone or facsimile machine. The miracle of modern telecommunications and computer technology have been combined to reduce the cost and improve the quality of healthcare for the people of Hawaii.

"At the federal level, the Department of Defense has initiated a \$670 million telemedicine project to deliver quality healthcare to military personnel and their dependants across the country and around the world. Our congressional delegation has worked hard to ensure that the Tripler Medical Center is the key hub in the Pacific. Hawaii's share of this project is \$71 million.

"At the local level, the state and the private sector, healthcare providers and telecommunication companies have worked in partnership to deliver quality healthcare across the state, especially to rural and medically underserved communities on the neighbor islands. Shortly, citizens seeking medical services at Maui Memorial, Wilcox, Molokai General, or Hilo Hospital will be able to benefit from the expertise of the best experts and specialists in the state, or the world for that matter, without the expense and inconvenience of leaving their communities. The Weinberg Foundation has donated \$10 million to build a statewide telehealth network that connects all major healthcare facilities across the state. Soon, everyone will have equal

access to the best doctors and specialists in this state, regardless of where they live.

"For the past few years, Mr. President, this administration has been working aggressively to establish Hawaii as the Telehealth Center of the Pacific. This measure moves us a billion light pulses forward in this regard. I urge all of my colleagues to support it.

"Thank you."

Senator Solomon also rose to support the measure as follows:

"Mr. President, I'm also rising to speak in support and also I'd like to note for the Journal that I would like the remarks of the Senator from Pearl City to be incorporated as my own, with special emphasis on how this would benefit all of our rural districts and our neighbor islands. We look forward to be given those opportunities.

"Thank you."

Senator Metcalf rose to support the measure and said:

"Mr. President, I would also like to have the Senator from Pearl City's remarks as well as the Senator from Kohala's remarks inserted into the Journal as my own. Just to note further that this summer in Hilo we did a ground-breaking involving a joint federal, state and private partnership for the construction of a facility that will be devoted to telehealth and the servicing of the Hilo community.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2485 was adopted and S.B. No. 2855, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEHEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2489 (S.B. No. 2628, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2489 was adopted and S.B. No. 2628, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2496 (S.B. No. 3123, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2496 was adopted and S.B. No. 3123, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUEST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2502 (S.B. No. 2123):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2502 was adopted and S.B. No. 2123, entitled: "A BILL FOR AN ACT RELATING TO BOARDS OF REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2504 (S.B. No. 2319, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 2504 and S.B. No. 2319, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2510 (S.B. No. 2559, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2510 be adopted and S.B. No. 2559, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Sakamoto rose to support the measure as follows:

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

"We need explosives for concrete work, construction work, etc., and apparently there was a problem which this bill attempts to address. The committee report notes that \$19,000 was appropriated but I don't see it in the bill. Last year \$40,000 was needed. Does Senator Kawamoto have the answer?"

"The committee report showed that if we don't have the funds as of June 30, according to the Department of labor, they won't be able to issue permits, and that will be a problem. So, hopefully the budget will include sufficient funds to carry on this necessary work, Mr. President."

Senator Metcalf rose to support the measure and said:

"Mr. President, I have some written remarks in support of the bill and I request it be inserted into the Journal."

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

"Mr. President, I rise in support of S.B. No. 2559, S.D. 2, Relating to Explosives.

"The measure before us is intended to relieve the Department of Labor and Industrial Relations of the responsibility for regulating the manufacture, storage, and transport of explosives.

"The measure also:

1. Extends the regulation of explosives by the Department of Labor and Industrial Relations to specifically include corporations, partnerships, associations, association of dealers, and other forms of business enterprise;
2. Requires all persons, including dealers, to obtain a certificate of fitness from the department in order to store, deal in, or possess explosives;
3. Repeals the requirement that a person obtain a permit from the department in order to purchase, deal in, sell, or deliver explosives;
4. Repeals the authority of the governor to purchase, seize, and hold all explosives possessed or controlled by other persons during times of national emergency of crisis; and
5. Exempts state and county police and fire departments from the requirement of having to possess certificates of fitness.

"Without this measure, the issuance of permits for the constructions of important public projects will come to a standstill come June 30 of this year, adversely affecting Hawaii's economy in a serious way at a time when economic revitalization is of prime importance."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2510 was adopted and S.B. No. 2559, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2511 (S.B. No. 2910, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2511 was adopted and S.B. No. 2910, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2513 (S.B. No. 2340, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2513 be adopted and S.B. No. 2340, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Iwase rose to speak with reservations on the measure:

"Mr. President, I'm rising to speak with reservations on this bill which creates licensing for marriage and family therapists.

"The reason for my reservation, Mr. President, is we'll be taking up a bill later, S.B. No. 3232, which would abolish all boards and commissions but allow the Department of Commerce and Consumer Affairs to regulate. And although this bill doesn't create a new board, I think what we want to do, and we should be doing, is to look at those types of areas that we should regulate and what we want to regulate. And this bill merely adds another licensing area and we really have not applied, I think, that kind of philosophical view of what we should regulate.

"Secondly, in reading the bill, I think the bill should have been more carefully crafted in terms of what this area is all about. They're talking about marriage and family therapy practice and it means the application of psychotherapeutics and family system theories and techniques in order to diagnose and treat mental, emotional and nervous disorders. Is that psychology? Is that psychiatry? Is there a conflict? A family, while they do not define psychotherapeutics, it does define the bill family system theories, which is 'a body of research which focuses on understanding the family system and other social systems of the individual as integral to evaluating the etiology ....' I don't see etiology defined in the bill, so I don't know what that means.

"But I just think that this bill is, perhaps, overly broad. It may clash with other licensing areas. Moreover, in defining these terms, there will not be a body of experts there to assist in defining these terms. And I think that's important. And I think that's the value, by the way, of having professionals on boards and commissions. And I'll raise that issue later as we discuss 3232. So for that reason, I'm expressing my reservation.

"Thank you."

Senator Solomon also rose to speak with reservations on the measure:

"Mr. President, I'd also like to register with reservations on this bill. Mr. President, and I'd like to speak in support of the previous remarks that were made by the Senator from Mililani.

"Mr. President, I'd like to add to those remarks. My concern basically is, and I had brought this up in committee when this issue came up last session as to what the impact would be on our insurance costs if we're going to be including these marriage and family therapists. I think that it sets a precedent

in terms of allowing these groups to become part of our other types of insurance that we do mandate by law. And these are great concerns and for that reason, Mr. President, I'll be going with a W/R.

"Thank you."

Senator Sakamoto then added:

"Mr. President, I also rise to speak with reservations.

"This measure creates a new program at a time when we're deleting valuable existing programs, Mr. President. So this is not the time. This measure calls for appointing an administrative assistant and a secretary -- exempt positions. Similar as previously spoken, this is not the time to do that.

"This deals with people calling themselves or advertising as marriage and family therapists. That may be okay. It's a good thing. What if down the road we start regulating people who are just helping people with family and marriage problems? What about lay people at the churches? What about the kupuna in the communities? Is somebody going to start saying, 'You're doing family and marriage therapy. You need to be regulated.' We're not at that point, Mr. President, but this goes down the wrong road. So, strong reservations, Mr. President."

Senator Anderson also added his remarks on the measure:

"Mr. President, I'm going to have some reservations.

"The Senator from Moanalua did such a great job with his explosive deal, I even forgot to vote 'no' on the bill after that. So, this time I was listening and I will vote W/R. I missed out on my public lands. I want you to understand that, Senator."

Senator Slom then said:

"Reservations, please, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2513 was adopted and S.B. No. 2340, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2514 (S.B. No. 3213, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2514 be adopted and S.B. No. 3213, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Tam requested a conflict ruling as follows:

"Mr. President, I rise to declare a possible conflict of interest. In my part-time occupation, I sell life insurance."

The Chair responded: "No conflict, you may vote."

Senator Slom rose to speak against the measure as follows:

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

"The bill was couched in terms of providing continuing education for those in the insurance industry and while the people who testified all testified in favor of it, the bill also contains a provision to double every one of the fees related to those in the insurance profession. There's no justification why the fees are automatically doubled, or the ultimate use of all those fees, nor the fact that if we have more educated insurance

sales people, will that, in fact, result in better insurance or lower premiums?

"Thank you, Mr. President."

Senator Solomon then said:

"A W/R for me, Mr. President."

The Chair so ordered.

Senator Iwase also requested a W/R vote, and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2514 was adopted and S.B. No. 3213, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2515 (S.B. No. 3024, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 2515 and S.B. No. 3024, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2516 (S.B. No. 3025, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 2516 and S.B. No. 3025, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2519 (S.B. No. 3070, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2519 was adopted and S.B. No. 3070, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2520 (S.B. No. 2258, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2520 be adopted and S.B. No. 2258, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Bunda rose and said:

"Mr. President, reservations for me, please."

The Chair so ordered.

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

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2520 was adopted and S.B. No. 2258, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2521 (S.B. No. 2746, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2521 be adopted and S.B. No. 2746, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose in opposition and stated:

"Mr. President, I rise to speak against the bill, not because I'm against the intent, but because there is no amount that is specified in the bill, no amount that may be checked off, no limitation. And I think that's a precarious position in our financial times.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2521 was adopted and S.B. No. 2746, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2523 (S.B. No. 2991, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2523 was adopted and S.B. No. 2991, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMUNITY-BASED INTEGRATED SOCIAL SERVICE PILOT PROJECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2526 (S.B. No. 2557, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2526 be adopted and S.B. No. 2557, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak against the measure as follows:

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

"I think the bill's intent is laudable to indemnify state employees and I think that in most cases this may be justified. But the bill allows the payment, or the protection for punitive damages, and I don't think that the state should ever be in a position where we pay either directly or indirectly through legal fees, amounts for punitive damages for a state employee.

"Thank you, Mr. President."

Senator Sakamoto then said:

"With reservations, Mr. President."

The Chair so ordered.

Senator Fernandes Salling added:

"With reservations, please."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2526 was adopted and S.B. No. 2557, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Anderson, Iwase, Slom, Solomon, Tanaka).

Stand. Com. Rep. No. 2527 (S.B. No. 2904, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2527 be adopted and S.B. No. 2904, S.D. 1, having been read

throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom opposed the measure as follows:

"Mr. President, I rise to speak against the bill primarily because the bill talks about just compensation for certain persons. And it's my understanding that among the certain persons, which are not identified in the bill, are those that are presently incarcerated. I would like a clarification on that if, in fact, we are providing compensation for those that are prisoners.

"Secondarily, if that is the case, as I am led to believe, there's also no provision in here for an apportionment or joint and several liability portion of the payment to be made so that, for example, if a prisoner gets into a fight or an altercation and is 60 percent or 80 percent responsible for the injuries or damage to himself or herself, I don't think that the taxpayers should be forced to pay 100 percent, particularly when we haven't done anything for real tort reform in the joint and several liability area.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2527 was adopted and S.B. No. 2904, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2528 (S.B. No. 3183, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2528 was adopted and S.B. No. 3183, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2215, S.D. 1:

Senator Baker moved that S.B. No. 2215, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Baker rose to support the measure as follows:

"Mr. President, we're all aware of the task before us. Our state is in the midst of a prolonged economic downturn at a time when our sister states on the mainland are entering yet another year of economic growth. The economies of Japan and other Asian countries are struggling and this phenomenon has further complicated Hawaii's bid to recover. Clearly, there are global and external forces exerting a negative influence on our economy that are beyond our control. However, there are steps this legislature can and I believe will take to move Hawaii toward economic health.

"Mr. President, your majority has assembled a comprehensive plan of policies and actions to move Hawaii forward. We recognize that economic recovery will not happen overnight, so we must begin now. Building on past legislative actions, we will continue to engage all segments of our community in the dialogue to shape our future. We're encouraged by the successful models we've seen from the mainland -- places like Seattle, Phoenix, Austin, Chattanooga -- whose economic situation was as bleak and as dire as Hawaii's is now, and yet, by all segments of the community coming together, rolling up their sleeves and working together, sharing

in the pain so that all could share in the prosperity that was to follow was central to each one's success.

"Mr. President, government cannot create a vibrant economy by itself, but government can make a contribution -- it can be more efficient. It can live within its means, just as our families must do. Part of government's contribution is outlined in several bills we'll consider today, but government can also facilitate economic recovery by putting in place tools that businesses, potential entrepreneurs and individuals can use to expand job and business opportunities and to become a more productive work force.

"We believe that one of the key elements to setting the stage for economic revitalization is tax relief and tax reform as contained in S.B. No. 2215. It is a measure that does not raise the general excise tax but, rather, puts money into the hands of our residents right away. It encourages job creation. Coupled with the provisions of the tax conformity bill we just enacted and one that will follow this measure on the calendar, S.B. No. 2215 provides the necessary consumer and business confidence needed to encourage real growth in our economy -- growth that will translate into jobs for our people and a better quality of life.

"Mr. President, tax reform is but one element in the majority's package. Government will do its part too, as we seek to live within our means. We will see other elements of the Senate plan contained in other bills, but to further explore the specifics of this particular measure, I yield to my co-chair."

Senator Fukunaga rose in support of the measure and stated:

"Mr. President, this is a bill whose time has come. We've heard the call from our communities that we must provide relief in these tough economic times and we have responded with a package of tax cuts that will truly benefit our people.

"Your Economic Revitalization Task Force made some bold recommendations in the area of tax reform. However, in our public hearings and in our discussions with various segments of the community, including small business, we encountered tremendous opposition to any increase in the general excise tax. This posed a challenge to your committee to come up with an alternative plan that provided tax relief to families and individuals without adversely affecting business.

"Senate Bill No. 2215, S.D. 1, is the result of our best efforts to provide true tax relief to the people of our state. Highlights of this proposal include:

No increase in the general excise tax;

Elimination of the general excise tax on food consumed in the home;

Restructuring of the brackets on individual income taxes; and

Maintenance of the Economic Revitalization Task Force packages of recommendations to reduce corporate income tax and franchise taxes.

"At the same time, we are aware of the need to emphasize and to highlight jobs creation. Thus, in our proposal to reduce corporate and franchise taxes, we have inserted provisions to require corporations and franchise tax payers to use some of their tax savings to assist the Department of Business, Economic Development, and Tourism with new and emerging industries having good growth potential or prospects involving jobs, exports and new products. We have also required franchise tax payers to commit not less than 75 percent of their tax savings to loans for small businesses. In this way, we have sought to tie tax relief to our broader goal of job creation to stimulate Hawaii's economy.

"For all of the foregoing reasons, we encourage our colleagues to take a bold step with us in passing true tax reform for the people of our state. Thank you."

Senator Slom rose to support the measure as follows:

"Mr. President, I rise in strong support of this bill and commend the co-chairs and the members of the committee.

"What a concept! No tax increases. Let's say it again -- no tax increases. The Senate got the message. The Senate listened to the people. We listened to small businesses. We listened to the poor. We listened to the retirees. We listened to those on commission. And we found a way and a plan in which to provide real economic revitalization without increasing the already high tax burden. And what a concept! What a concept! Exempt the tax on food for home consumption. Gee, it's something that's new and bold -- it's only been around for about 25 years from Republicans, but the time has come and so I commend all the members and urge the swift passage of this bill.

"Thank you, Mr. President."

Senator Anderson rose in support of the measure and stated:

"Mr. President, I'd like to also echo that I back this bill 100 percent, and I am glad that we're not going to be raising the GET tax.

"But I would like to say, since the Senator from Maui did say that it was a Democrat push to do this, that I think it was a partnership. For many years, the Republicans have been asking for an exemption from food, and we said so on opening day that there should be no increase in certain taxes, that we went along with part of what the Economic Revitalization Task Force said.

"So, I'm very happy that we've come out with something like this, and I would like to say that I believe it's a partnering of both sides. And that's what government, I would think, should be all about, once we get elected.

"Thank you very much, Mr. President."

Senator Taniguchi noted his reservations on the measure as follows:

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

The Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 2215, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2434, S.D. 1:

Senator Baker moved that S.B. No. 2434, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Fukunaga rose to support the measure and said:

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

"I would like to note for our colleagues that this measure was the product of the Small Business Coalition. And in keeping with the spirit of collaboration and partnership, the provisions of this bill were originally developed as an alternative to the Economic Revitalization Task Force package. Because of the committee's actions on S.B. No. 2215, those provisions which provided an alternative tax proposal have been removed and the portion which remains before us is a provision to accelerate the

exemption of subleases from the general excise tax, and thereby reduce pyramiding.

"For these reasons, we would urge all of our colleagues to support this measure. Thank you."

Senator Iwase rose to support the measure as follows:

"Mr. President, I'm rising to speak in support of the measure.

"I commend the chairs and this body for moving forward with two bills -- S.B. No. 2215 and S.B. No. 2434, dealing with tax cuts -- because I think that is what the people of this state deserve and the small businesses deserve. I am disappointed, however, with respect to S.B. No. 2434, which was a small business caucus measure and provided a well thought out program of tax reduction, that the provision relating to the value added tax commission and a study of the value added tax was deleted. I hope that it is restored. It is a taxing system that is perhaps fairer than the GET tax system. It is a system that, if we are going to talk about long-term relief and if we are going to talk about reforming our tax structure, not just tax brackets but tax structure, and the philosophy of the tax system, then we ought to look at the value added tax system.

"The bill, S.B. No. 2434, as it was introduced, called for a commission with the Director of Taxation to study this and to make recommendations to us in two years because, clearly, the GET system, as it is presently applied in the State of Hawaii, is not fair and we've got to address that. And I hope that is restored because we will be moving forward. Even though we're dealing with no GET increase, we still have an unfair system.

"Thank you."

Senator Sakamoto rose to support the measure and said:

"Mr. President, I'd like to rise in support of the issue.

"I'd like to commend the Senators from West Maui and Makiki for acknowledging that this is an important issue for small business and that other measures that were in the original bill are also in other bills. I appreciate their efforts in that part.

"This will go a great way to really help build a firmer foundation for our small businesses, big business as well, but small businesses.

"Thank you."

Senator Slom supported the measure as follows:

"Mr. President, I also speak in support of the bill, but I would also like to point out that while it is good that we changed the sublease arrangement from seven years, as we passed it last year, to four years, that there are still many, many businesses that are struggling and we need to take more appropriate and swifter action because some of them will not be here in four years to enjoy that exemption.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, S.B. No. 2434, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3004, S.D. 1:

Senator Baker moved that S.B. No. 3004, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.



Senator Baker rose in support of the measure and stated:

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

"Mr. President, this is not the usual Internal Revenue Code conformity bill that we enact once changes are made at the federal level. There are two more very important provisions of S.B. No. 3004, S.D. 1, that I'd like to call to the members' attention because these provisions are very important in our overall scheme to revitalize our economy while ensuring that our safety net remains in place.

"One provision is the conforming amendment allowing Hawaii residents to utilize the hope scholarship credit and life time learning credit. Although we've limited the credit's application only to institutions in Hawaii for economic reasons, conformity does allow a maximum credit of \$1,500 per student for each of the first two years of post secondary education and a life time learning credit of up to 20 percent of qualified tuition expenses paid by the taxpayer in any year that the hope credit is not claimed. This will be a boon to our struggling families and folks wanting to go back to school to improve their skills, further their education by completing a baccalaureate masters degree or enrolling in post graduate studies.

"I think this will be a tremendous help to rebuild our work force, enhance our work force and bring it up to the standards that new businesses coming into Hawaii expect. These two tax credits will help Hawaii's people develop the skill levels for these jobs of the 21st century.

"Additionally, this conformity measure will repeal the limit on deductions for long term care insurance and services. We know that this area will be in great demand as all of us baby boomers age. And this measure will be one way that we can help folks stay out of institutions and care for themselves without having to deplete their own assets.

"These are very important provisions of the conformity bill that your Committee on Ways and Means is proposing for further consideration. I urge all my colleagues to support this measure. Thank you."

The motion was then put by the Chair and carried, S.B. No. 3004, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2148, S.D. 1:

Senator Bunda moved that S.B. No. 2148, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator M. Ige.

Senator Matsunaga then stated:

"Mr. President, please instruct the Clerk to record my 'aye' vote with reservations."

The Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 2148, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Levin).

Stand. Com. Rep. No. 2544 (S.B. No. 2915):

Senator D. Ige moved that Stand. Com. Rep. No. 2544 be adopted and S.B. No. 2915, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

Senator Slom opposed the measure as follows:

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

"The bill authorizes a board to hold meetings closed to the public for the purpose of considering matters related to the solicitation and acceptance of private donations. The argument was that, for example, somebody that would like to make a donation to a state agency or, for example, the university, might be persuaded to go elsewhere and make his or her donation to another institution in another state if it weren't confidential. My problem with that is, Mr. President, that we have too many closed door meetings and they produce very negative results as was seen by the closed door meetings of the ERTF task force. I think these meetings should be open to the public.

"And furthermore, if we're talking about the university as an example, in the past I know there have been donations made and there's been a quid pro quo -- we will donate a certain amount of money and later on we'll have a building or something named in our honor. If we do that, if we allow that, we don't have discussion at the time, we may get into a situation that we have right now, considering the naming or renaming of Porteus Hall. So I think the better process is that if we have it open from the very beginning and we allow the questions to be made and answered at that time.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2544 was adopted and S.B. No. 2915, entitled: "A BILL FOR AN ACT RELATING TO DONATIONS TO GOVERNMENT AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2552 (S.B. No. 2805, S.D. 1):

Senator Chumbley moved that Stand. Com. Rep. No. 2552 be adopted and S.B. No. 2805, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Anderson rose in opposition and stated:

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

"It seems like we're fast tracking and I know that there are problems at times, but I looked at it and talked to different attorneys and it could possibly be that the person who is a land owner, and not a large land owner, or a person that's trying to facilitate or fast track some of the appeals from the PUC might want to go a different direction rather than having everything go to the Supreme Court immediately. So, I'll be voting 'no.'

"Thank you."

Senator Slom then said:

"Mr. President, reservations, please."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2552 was adopted and S.B. No. 2805, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS FROM THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Stand. Com. Rep. No. 2555 (S.B. No. 3241, S.D. 1):

Senator Chumbley moved that Stand. Com. Rep. No. 2555 be adopted and S.B. No. 3241, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Solomon rose to speak with reservations on the measure:

"Mr. President, I'll be voting with reservations on this bill.

"I know that this is a pressing problem on the Big Island, especially because of our drought situation, however, I feel that this should be regulated by the marketplace and we, in fact, should not be interfering with that. And with that, Mr. President, I'd like to record a W/R."

Senator Slom rose to speak against the measure as follows:

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

"As the good Senator from the Big Island brought up, this bill is prompted by the current drought situation and the bill does not allow a water distributor to raise their prices. The question that I raised in committee and the information that I have right now is that some of the water distributors, in order to do a very good job, have added additional equipment. They've added additional personnel. They've worked additional hours, and these all increase costs.

"So, it puts the burden of proof on them to prove that they should not have raised their prices in the first place. And I think it's a bad precedent and I don't think it's the same circumstances as what we did during the time of Iniki.

"Thank you, Mr. President."

Senator Sakamoto also rose to speak with reservations on the measure:

"Also voting with reservations similar to the Senator from Hawaii Kai's concerns that for the business to increase service, you have new equipment, etc., you want the service provided, you want the businesses to do what they need to do, you need to let them get adequate compensation, Mr. President."

Senator Iwase then added:

"Mr. President, W/R for the reasons articulated by the previous speakers. Thank you."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2555 was adopted and S.B. No. 3241, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR TRADE PRACTICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2562 (S.B. No. 2667, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2562 was adopted and S.B. No. 2667, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2565 (S.B. No. 2358):

Senator Chumbley moved that Stand. Com. Rep. No. 2565 be adopted and S.B. No. 2358, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Solomon opposed the measure as follows:

"Mr. President, I urge a 'no' vote by my colleagues.

"Although I'm very much in support of providing the best safety we can to our children in moving vehicles, I do feel that this bill is sending the wrong message. It's an insult to the people that we represent, forcing people now to go to classes. I feel it will create a hardship, especially on those living in rural districts as to how they would possibly get there. I feel that it is just not appropriate.

"With that, Mr. President, I would like urge my colleagues to think about all of these concerns. I just feel that it is not timely in terms of what it can afford and I really don't feel that it's going to really help and encourage parents from being more mindful of putting their children in car seats. So with that, Mr. President, I'm urging my colleagues to vote 'no.'"

Senator Iwase rose in opposition and stated:

"Mr. President, we're all for child restraints. I have three sons. Every single one of them was put into a child seat until they were old enough to get out of it. But for the reasons articulated by the Senator from the Big Island, I think this bill ought to have taken into account the concerns and situations encountered by people in rural districts where you have to drive long distances, and it does not at this point and hopefully it will be at some point in the future if this bill moves forward.

"Thank you, Mr. President."

Senator Bunda then said:

"Reservations for me, please."

Senator Slom added:

"Mr. President, reservations, please."

Senator M. Ige stated:

"A W/R for me, Mr. President."

The Chair so ordered.

Senator Fernandes Salling then said:

"Mr. President, I would also like to echo the comments that were raised by the two previous Senators, and ask the chair to please take a look at the requirements for classes. We've had a lot of problems, as you know, with requiring, on the neighbor islands and rural areas, classes for motorcycle training. And I'd hate to see us get into this kind of situation where these classes are not provided and then these people, I believe, would be fined further because they haven't gone to these classes.

"Increasing fines for child passenger restraint violations, I can see, but with that in mind -- the motorcycle class problem we've had -- I urge the Senators who chair transportation to please keep that in mind. And with that, I will be voting with reservations."

Senator Kawamoto added:

"Mr. President, as far as that's concerned, we did not hear that concern at our hearings. We'll take that up and will address it at our hearings.

"Thank you."

Senator Sakamoto then said:

"I echo my co-chair's concerns.

"Just for your information, the average national rate of car seat usage is 65 percent; on Oahu 31 percent; on Kauai 42 percent; on Maui 54 percent. My statistics don't include the Big Island. But the safety restraints in 1996 ... a statistic shows that 5,596 children between the ages 1 and 18 were injured in collisions in 1996 and 25 percent were ages 1 to 4.

"Part of the bill lowers penalties and instead of fining, I guess the class provision was put in. But certainly we need to address the concerns expressed, so we'll look at those as we go forward."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2565 was adopted and S.B. No. 2358, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Iwase, Solomon).

S.B. No. 2125, S.D. 1:

Senator Chumbley moved that S.B. No. 2125, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Anderson rose to speak against the measure as follows:

"Mr. President, I was going to go 'with reservations' but I'm going to be voting 'no' on this particular measure, primarily because I think we've seen, over the years ... originally it says that in order to qualify for an office, you had to be there at least by general election. Over the years, because we've had reapportionment, I've seen people taken out of office because they happen to be one or two blocks away. When I brought that up in committee, evidently it had not been considered before.

"I personally have lived in my particular home for 20-something years, and it wasn't until reapportionment that I fell into the Senate district that I'm in now. Prior years, I would have been in Kaneohe. So, even though my other home in Waimanalo was in the district, my home was not, and I probably would never have moved. However, because of reapportionment it has given me where I came into a different senatorial district.

"I do know of Representatives who were taken out of their districts by just a few blocks. At least if they wanted to consider running again because it would have been the same constituency over the years, it would have given them a chance to decide one way or the other if they wanted to run for that particular office and by the general election, if they knew that they were going to be a real viable candidate, they could then move. So, for that reason, I will be voting 'no,' Mr. President."

Senator Chumbley rose to support the measure as follows:

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

"The good Senator from Kailua has raised a very valid point on this measure, and I want to assure him and the other members that as we move forward with this issue, we will look at the concerns of reapportionment.

"As you know, in the year 2000 the feds will be doing a count to see what the census is and that will result in a reapportionment commission being appointed in the year 2000 with the work completed in 2001. We surely wouldn't want the good Senator to be held in violation of the constitution simply

because he's been reapportioned out of his district. So, we will be looking at that.

"Thank you."

Senator Slom rose and said:

"Mr. President, because I have the utmost confidence in the good Senator from East Maui/North Kauai to keep his word and to do that, I will only vote with reservations.

"Thank you."

The motion was then put by the Chair and carried, S.B. No. 2125, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY TO SERVE AS A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

S.B. No. 2318, S.D. 1:

Senator Chumbley moved that S.B. No. 2318, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak with reservations on the measure:

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

"Certainly, the Judiciary, like anyone else, should have the ability to write off uncollectable debts after a period of time, in this case two years, but unlike a private business, the Judiciary keeps coming to us and asking us for more money, more salaries and more staff. Therefore, I think we should do everything possible to increase the incentives for the Judiciary to pursue the uncollectable amounts which I understand are in excess of \$27 million.

"Thank you."

Senator Fernandes Salling also rose to speak with reservations on the measure and said:

"I, too, will be voting with reservations on this matter.

"When I chaired the Transportation Committee I was aware that there were a lot of rental car companies that couldn't collect these fines, and so, therefore the Judiciary needed some flexibility to deal with that.

"However, the Judiciary does have a problem in that, as we have read, they have not been able to collect approximately \$27 million in fines. I hope they are not all from rental car companies. But with that in mind, I think the bill, as it reads, will give them a lot of flexibility to, perhaps, forgive a good portion of that, if not all. And I would hate to see that because we would like to get money into the coffers. I think the intent of the Judiciary chairs is to get money back into the Judiciary, rather than allowing them a lot of flexibility so that they could possibly forgive that large amount of sums that they should be collecting.

"So, for those reasons, I'm voting W/R."

Senator Solomon then said:

"A W/R for me, Mr. President, for the same reasons as iterated by the Senator from Kauai."

Senator Anderson added:

"A W/R for me for the same reasons as the Minority Floor Leader."

The motion was then put by the Chair and carried, S.B. No. 2318, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCOLLECTIBLE ACCOUNTS IN THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2465, S.D. 1:

Senator Chumbley moved that S.B. No. 2465, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose to support the measure as follows:

"Mr. President, I vote to support this bill with reservations.

"Certainly we want to do something about the scourge of domestic abuse in our state. But the problem is some of the legislation that we're constructing is overly broad and vague, as is the case here. We are adding additional definitions of family or household members, and one of those definitions is 'persons who have or have had a dating relationship regardless of whether they have lived together ....'

"I guess my reservation and my question is that we do not clearly define what a dating relationship is. For instance, the time and the amount or number of dates. And I think this bill is a good idea, but I think, unfortunately, this is too vague and poorly written.

"Thank you."

Senator Sakamoto then inquired:

"I also wish to vote with reservations for some of the similar concerns, dating relationships. Also, it talks about persons related by consanguinity. May I ask what that means -- consanguinity -- I guess, to one of the co-chairs of Judiciary."

The President then recognized Senator Metcalf, a former Judiciary chair, who replied:

"It means your first cousin or other related family members."

Senator Sakamoto further inquired:

"They would be included in ... first cousins are included? Whether they live together, or date or not?"

Senator Metcalf answered:

"That's correct."

The motion was then put by the Chair and carried, S.B. No. 2465, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2710:

Senator Chumbley moved that S.B. No. 2710, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose to support the measure as follows:

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

"Again, we certainly support the efforts of the police and the law enforcement authorities, but I think we're embarking in a new area here where we're going to expand and broaden search warrants into anticipatory search warrants -- not just what we're looking for and what the police are looking for, but what they anticipate to be found. I think that this can have tremendous problems and implications in both privacy and individual rights."

Senator Iwase rose to speak with reservations on the measure:

"Mr. President, I rise to speak with reservations.

"I share the same concern expressed by the previous speaker because now, as it is written and the law is passed, under this bill the search warrant would issue to search for articles supposed to be in the possession -- that's the present law -- and the addition is 'or which is anticipated to be in the possession' of someone. And I know this was supported by the Attorney General and the Prosecuting Attorneys and the HPD, and I would like to support them, but maybe if one of the co-chairs of Judiciary can give an example of what is meant by that because if it is anticipated and you don't have it ... anticipated means that you don't have it yet. So, if you could just clarify what that might be so it's not abused. Thank you."

Senator Matsunaga rose to respond in support of the measure as follows:

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

"For the prior speaker's information, anticipatory search warrants are particularly useful in situations where contraband, such as drugs, being delivered to a location is intercepted by law enforcement personnel, using a trained dog (not one for snakes, but one for drugs), that has determined that drugs in a package are going to be delivered to a particular location.

"The Supreme Court ruled in a recent decision, I believe it was State v. Scott, that HRS Section 803-31 did not allow anticipatory search warrants, and this bill would address that problem."

Senator Iwase then replied:

"Thank you for the explanation. Thank you very much."

Senator Solomon then stated:

"A W/R, Mr. President, just for the reasons that were given by the previous speakers."

The Chair so ordered.

Senator Fernandes Salling rose to speak with reservations on the measure:

"I will be voting W/R. I think if that is the problem, then let's limit it too. If they anticipate that the drugs are there and not stated, as it is in the bill, which opens it up to all kinds of situations where a police officer can say, 'I anticipate something is going on in this person's home that may be a crime and so therefore I want a search warrant to go in there.'

"I'm all for limiting it to drugs, if that is the reason for the bill. And for that reason, I'm going to be voting W/R and I again urge the chairs to please take a look at this. I think it's overly broad, and we want to protect people's individual rights."

The motion was then put by the Chair and carried, S.B. No. 2710, entitled: "A BILL FOR AN ACT RELATING TO SEARCH WARRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2121, S.D. 1:

Senator Chumbley moved that S.B. No. 2121, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Sakamoto rose to speak against the measure as follows:

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

"I'm not in favor of this bill because there's some major questions yet to be answered about elections by mail. The Chief Elections Officer said they're still looking at what other states, other jurisdictions, have done. All the facts are not in, yet we are saying we want to go full speed ahead with this measure.

"Mr. President, the election is a fundamental part of the democratic process. If we are going to do elections, we need to be very, very clear we are going to do it right, if by mail.

"When I mail to my registered voter list, I get untold return mail. Even though my labels say for registered or current resident, I still get return mail. So that means on top of the returned mail there's untold hundreds of others that are not being delivered to the registered voter, Mr. President. There are problems.

"We wouldn't want to go through an election by mail and then end up just being in a mess again after that. We need to get it all straight first, Mr. President."

Senator Slom rose in opposition and stated:

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

"The good Senator from Moanalua, I think, made very good points. In addition to that, certainly we all want to encourage people to vote, particularly in our state which has such an abysmal voting record of those that are actually eligible but do not register. But at the same time, in addition to all of the mail ballots coming back, the bill does not address the problem as to whether or not they are going to be counted as 'no' ballots, blank ballots, or whatever. We already saw what kind of problem that causes with the recent constitutional convention.

"Thank you."

Senator Chumbley rose in support of the measure and stated:

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

"In July of 1997, a U.S. District Court held that our 1996 constitutional question on the ConCon was ruled invalid. It was ruled void. If the federal court had ordered, without the appeal that went forward, the State of Hawaii to hold that election, it may have cost us in excess of \$3 million to simply re-ask the public, 'Shall there be a constitutional convention through the normal voting process.'

"This measure, upon its adoption, would simply allow the Office of Elections to promulgate rules in which the process of an election by mail could take place.

"There are currently 13 states -- Arizona, Alaska, California, Colorado, Florida, Kansas, Minnesota, Missouri, Montana, New Mexico, Oregon, Washington, Utah -- and Washington, D.C., who use this process. They can't all be wrong. It's a tool that we can use to create an efficient process to allow our public an opportunity to vote.

"For the previous speaker's question about the clarity on a blank vote or a spoiled vote being a 'no' or 'yes,' it would

simply be as the existing process where if a registered voter doesn't show up to the poll to vote. If you, as a recipient of a mail ballot, do not return your ballot, you have chosen not to participate, and your vote does not count as a 'yes' or 'no' vote.

"So, with all those supporting statements, I would urge that our members move this measure forward. Thank you."

Senator Matsunaga also rose to support the measure as follows:

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

"I'd like to echo the comments of my co-chair of Judiciary, and I'd also like to add that this bill is also particularly important to OHA because it allows special elections, such as OHA's statewide election, to be conducted by mail as well as by polling places. Voting by mail is an important element of OHA's attempt to get Hawaiian beneficiaries to vote.

"Thank you, Mr. President."

Senator Anderson opposed the measure as follows:

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

"The reason being, I think that the more we try to make sure that it gets easier to vote, the more the people decide that they don't even want to participate.

"We've taken away everybody's rights, that were running, to put up signs because people didn't want signs (a particular group). What we should have done is enforce that they take down the signs when they were finished. But we didn't do that. We did away with the signs. We now say that you have to be a thousand feet away from election booths, otherwise you're going to be in trouble. So your workers are not there.

"You can't do so many things that it's no longer an enjoyment to vote, and people do not want to participate. Now, you're saying, 'Stay at home, forget it. Don't even bother going to the polls; just mail it in. It's even going to be easier.' For those reasons, I don't think, as a person who's been around a little bit, that I've even enjoyed what's happened over the years to the election process. It used to be that you could even buy a lunch for those people who worked in the election booth. And we worked it out between majority and minority. We'd say, 'You buy for this group; I'll buy for that,' and it was fun. Now you can't even do that because you're buying votes.

"So, for all of these reasons, I will be voting 'no' on this measure. Thank you very much, Mr. President."

Senator Slom then added:

"Mr. President, just a point of mathematical clarification for the good Senator from East Maui and North Kauai. The good Senator said 14 states -- of course he included the District of Columbia which I don't think has become a state yet -- so that limits it to 13 states can't be wrong. But then, of course, that means that the other 37 states that do not have this form must be even less wrong and we haven't even considered Puerto Rico.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, S.B. No. 2121, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Anderson, Levin, Sakamoto, Slom).

S.B. No. 2401, S.D. 1:

Senator Chumbley moved that S.B. No. 2401, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose in opposition and stated:

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

"Again, I think all of us share the concern about domestic violence and certainly want to do something about it, and also particularly where firearms are involved. However, this bill, again, is extremely broad and takes out the term 'recent' offense; does not define it; does not allow any time concern. So what that means is that the authorities may have the right to go into homes and take and remove and seize firearms because of something that may have been alleged a very long time ago and may not, in fact, be directly related to domestic abuse as we keep changing the definitions.

"Thank you, Mr. President."

Senator Anderson also rose to speak against the measure as follows:

"Mr. President, I'll also be voting 'no.'

"What the good Minority Senator said is true. Also, the idea of having someone phone up and say there's a problem next door and I think that the person is threatening his wife or she's threatening him with a firearm that may never, never even have come into the argument, and when the police get there and the person has a revolver, they can confiscate it. And that person has never threatened their spouse with that particular weapon, and yet they can confiscate it, and I think that this is wrong.

"Thank you very much, Mr. President."

Senator Matsunaga rose to support the measure as follows:

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

"I'd like to direct the good Senator from Waimanalo to pages 3 and 4 of the measure which should assuage his concerns. The measure states that firearms and ammunition may only be seized 'when the police officer has reasonable grounds to believe that: A person has assaulted or threatened to assault a family or household member; and There is a probable danger of further physical abuse or harm being inflicted . . . ; or' that 'Firearms or ammunition were used or threatened to be used in the commission of the offense.'

"Thank you, Mr. President."

The motion was then put by the Chair and carried, S.B. No. 2401, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2792:

Senator Chumbley moved that S.B. No. 2792, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Anderson rose in opposition and stated:

"Mr. President, I believe that's 'Relating to Repeat Offenders' and that happens to be three offenses at any time within 20 years. It includes all Class C felonies to be listed and I believe that the Class C felonies could be anything from street walkers, it could be DUI. So, anytime that you have had a minor offense within three periods, within your lifetime or 20 years, you could then be charged with a Class C felony. So I

don't think this is a very good bill to catch people, if you would, for a number of years for something that the average person would never really be held accountable for as it is now, and yet you're going to mix them all together. Three offenses within a 20-year frame, I just can't buy that. I do know that it's minor offenses that happen and the period is too long and I wish that you would amend it so that it is narrower and it takes in and does the law the way it should be.

"Thank you."

The motion was then put by the Chair and carried, S.B. No. 2792, entitled: "A BILL FOR AN ACT RELATING TO REPEAT OFFENDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

S.B. No. 2794, S.D. 1:

Senator Chumbley moved that S.B. No. 2794, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak with reservations as follows:

"Mr. President, I rise to speak with reservations on this bill.

"This bill creates a new felony offense for habitual offenders and there are a number of problems with this bill. I really feel uncomfortable, Mr. President. I keep rising for civil liberties items and I keep looking around for the ACLU. They're spending all their time, I guess, getting hot food for the murderers and rapists and new VCRs, and I think they should be here on some of these particular measures because this bill is extremely broad. It does not have any time limit or time period in which these offenses are created. There is, I think, a presumption of nonenforceability. I don't know of any judge that actually would be willing to enforce this.

"And finally, we're debating everyday about over-crowding in the prisons, and here we are creating a new offense where we're going to throw people in jail because of shoplifting or because of prior offenses over a period of time that may extend 20, 30, or 40 years.

"Thank you, Mr. President."

Senator Fernandes Salling said:

"With reservations, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 2794, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HABITUAL CRIMINAL BEHAVIOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2333, S.D. 1:

Senator Fernandes Salling moved that S.B. No. 2333, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Solomon rose to support the measure and said:

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

"I urge all my colleagues to vote 'yes' but also hope that we are open to any kind of House vehicles that may come over to help us fund the existing services, especially as it pertains to the Island of Hawaii.

"As you know, Mr. President, the whole goal of a medical facility is one that provides 24-hour emergency room services. The problems that we do have on the Big Island is that these facilities are separated by great distances as well as geographical barriers.

"In certain circumstances, depending on the location of the emergency, these problems reflect a 45-minute to a one-hour transport time via ground ambulance. With the use of aero-medical helicopter transport, time is reduced tremendously, translating into better patient prognosis. On the Big Island the aero-medical flight service protects the population of approximately 132,000, but they reside on 4,038 square miles, isolated by water to the nearest urban center which is sometimes located more than 200 miles away.

"So, with that, Mr. President, I'm hoping that when we're deliberating our statewide emergency aero-medical services system that we will not forget that we do need emergency services right at this moment. And again, I'm hoping that if there is an appropriate vehicle that is still with us or coming over from the House, that we will take that into consideration.

"Thank you very much."

Senator Baker also rose in support of the measure and stated:

"Mr. President, I, too, rise in support of this measure as it is very important to the emergency services that are provided in our rural areas, and it's very important that we have access to services here on Oahu since all of the medical services may not be available on the neighbor islands.

"I would ask that I be permitted to insert some additional remarks in support of this measure in the Journal. Thank you."

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

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

"Mr. President, this bill would allow the Department of Health to develop a statewide, strategic aeromedical plan to coordinate much needed emergency air transportation services. As an island state, with limited medical resources on the neighbor islands, it is critical that we provide our citizens with safe and expedient transportation so that they may receive the life-saving treatment they need.

"I would note for you, Mr. President, and my colleagues that the island of Maui has been without helicopter service for over a year, since the previous operator could no longer fulfill its contract. This situation poses a serious threat to the safety of our community by limiting access to emergency medical services. The need to restore and maintain reliable air medical service is urgent.

"I am confident that the Department of Health will work diligently with the various parties involved to come up with a plan that will ensure the short and long-term viability of emergency air transportation in our state. I urge my colleagues to vote aye on this measure."

Senator Metcalf then said:

"Mr. President, I, too, would like to insert into the record some remarks in support of the measure."

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

"Mr. President, I rise in support of S.B. No. 2333, S.D. 1, Relating to Emergency Medical Services.

"There is significant need to ensure that all persons of the state, no matter how rurally situated, have expedient access to emergency medical services in times of need.

"This kind of service is especially important on the Big Island where communities are geographically situated so far apart. The availability of emergency medical services for these outlying areas is of grave concern and must be addressed. The state must provide these services to all of its citizens.

"Therefore, this measure directs the Department of Health to plan and develop a statewide emergency aeromedical services system and to report its progress to the Legislature next session.

"Thus, I urge my colleagues to vote in support of this measure."

The motion was then put by the Chair and carried, S.B. No. 2333, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 1:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:54 o'clock p.m.

S.B. No. 2884, S.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, S.B. No. 2884, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Fernandes Salling).

S.B. No. 3088, S.D. 1:

Senator Chun Oakland moved that S.B. No. 3088, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chumbley.

Senator Slom rose to speak on the measure as follows:

"Mr. President, I'm going to support the bill with reservations.

"I think that the bill, as it started out, was a lot stronger and I think there should be more powers given to employers to disclose information that is factual and is important without any malice or negligence. But I don't think there should be restrictions on the disclosure of that information.

"Thank you."

The motion was then put by the Chair and carried, S.B. No. 3088, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JOB REFERENCE LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Fernandes Salling).

S.B. No. 3105, S.D. 1:

Senator D. Ige moved that S.B. No. 3105, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

Senator Tam requested a conflict ruling as follows:

"Mr. President, I rise to declare a possible conflict of interest. In my part-time occupation, I sell life insurance."

The Chair ruled that Senator Tam was not in conflict.

Senator Bunda then said:

"Mr. President, reservations for me, please."

The Chair so ordered.

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

The motion was then put by the Chair and carried, S.B. No. 3105, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Aki, Fernandes Salling).

S.B. No. 2078, S.D. 1:

On motion by Senator Tanaka, seconded by Senator Taniguchi and carried, S.B. No. 2078, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3215, S.D. 1:

Senator Tanaka moved that S.B. No. 3215, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Slom opposed the measure as follows:

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

"This is a very grave measure, Mr. President. It involves wolf dogs and I must declare a conflict because I'm a cat person and prefer cats. But I think we have a real problem here in trying to set up a panel that's going to examine dogs coming into the state to see whether or not there is any wolf in the dogs. It's my understanding, even though I am a cat person, that most dogs, if not all dogs, came from wolves before, and I think that we could do much better things and utilize our time better than to worry about wolf dogs.

"Thank you, Mr. President."

Senator Solomon added her remarks in opposition and said:

"I'm also speaking in opposition, Mr. President, for some of the reasons that were given by the previous speaker.

"But also, Mr. President, where does it end? Pedigree dogs entering into the state. Is it going to be cocker spaniels next year? I just feel that we have a lot of other more important tasks at hand and I just feel that this is just unnecessary.

"Thank you, Mr. President."

Senator Sakamoto rose to speak against the measure as follows:

"Similarly, Mr. President, I also speak in opposition.

"We have a dog at home and it's a poi dog and probably some people could say it's part wolf. I think we're getting off on the wrong tangent here."

Senator Anderson added:

"I'll be voting 'no.' Thank you very much."

The motion was then put by the Chair and carried, S.B. No. 3215, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL IMPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 8 (Anderson, Bunda, Ige, M., Iwase, Sakamoto, Slom, Solomon, Tanaka). Excused, 1 (Aki).

H.B. No. 967, H.D. 2:

Senator Tanaka moved that H.B. No. 967, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Anderson rose to speak with reservations on the measure:

"Mr. President, I have some reservations on this particular measure. It says that it directs the Department of the Land and Natural Resources to implement all conclusions in Kaneohe Bay Master Plan, requires rule making, it directs the Office of Planning, Department of Business and Economic Development and Tourism. All of these of people are going to take care of Kaneohe Bay.

"Yet, when I went down to Kaneohe Bay, and I spoke to the harbor master, not one individual from either the task force, the Department of Land and Natural Resources, the Administration, any Legislators, no one went down to see what was happening to Kaneohe Bay. And we have had that task force for a good number of years. I'm just wondering exactly what's going to happen. We make all kinds of laws but we're not having anybody to make sure that they are being enforced properly. The council themselves, I'm not sure if they're going to be just taking care of their concerns and not the others.

"There's a whole bunch of things that have happened in Kaneohe Bay that have evolved over the years. They have had more commercial business. The Department of Land and Natural Resources have given out permits, then all of a sudden this year or last they have taken away the permits by saying that they're too large a vessel. When I talked to the harbor master, we do have some vessels that are even larger that are coming in from Kaneohe Marine Base and asking for permission to come in and take care of some of the servicing.

"So, I have reservations as to what's really happening with this particular bay and ocean use activity. So, for those reasons I am going with reservations.

"Thank you very much, Mr. President."

Senator Slom then said:

"Reservations please, Mr. President."

Senator Tanaka added:

"Mr. President, reservations for me too."

The Chair so ordered.

Senator McCartney rose and said:

"Mr. President, I'd just like to insert some remarks in the Journal in support of the bill, and thank the two co-chairs for hearing the bill and moving the bill out of committee."

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



"Mr. President, basically, this bill represents a decade of community work, as well as 18 months of consensus building among all of the affected parties to reach agreement on resolving the conflicts in Kaneohe Bay. The underlying guiding philosophy is that Kaneohe Bay is a public natural resource that belongs to everyone, and the granting of commercial permits which allows commercial activity on the Bay is a privilege -- not a right.

"The Kaneohe Bay Master Plan is a community-based attempt to balance the granting of commercial privileges on the Bay while protecting this great natural resource. The master plan should be used as a template for formulating departmental administrative rules with respect to managing ocean recreation issues in the Bay.

"Hundreds of people within the community worked on the master plan, and as you know, the plan is only as good as the people who support it. In this case, the plan is supported by a large cross section of the community because they truly have ownership in it. Your support of the bill will acknowledge their hard work and effort to make our community a better place.

"Thank you."

The motion was then put by the Chair and carried, H.B. No. 967, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2642 (S.B. No. 379, S.D. 2):

Senator Chumbley moved that Stand. Com. Rep. No. 2642 be adopted and S.B. No. 379, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose to support the measure as follows:

"Mr. President, I rise to speak in support, with reservations.

"I think, again, recycling is a good intentioned activity. We should all be doing it. In fact, there have been a number of private/public partnerships. Business has been very active in this area. I don't, however, like mandates. This bill excludes office buildings or office complexes below 20,000 square feet. I think that's a good sign. But I'm just going to be cautious that the bill is not amended in the future to take away any kind of exclusion so that the smallest of businesses will be forced to mandate this.

"Thank you."

Senator Sakamoto supported the measure as follows:

"I rise in support with reservations, Mr. President.

"The costs aren't clear and the intent is good in recycling. One ramification, however, could be that the landlord or building owner can agree and can do the recycling, but all of these costs then are passed along to the small businesses and then to the consumers. So we need to be cost effective."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2642 was adopted and S.B. No. 379, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2645 (S.B. No. 2692, S.D. 1):

Senator Chumbley moved that Stand. Com. Rep. No. 2645 be adopted and S.B. No. 2692, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Solomon rose to speak against the measure as follows:

"Mr. President, I'm rising to speak in opposition.

"Mr. President, in general, I am very much in support of stiffer penalties and so forth for those driving under the influence of intoxicating liquor. However, Mr. President, to prohibit the use of mopeds by these people, and I don't know whatever else we intend to do, is too much. Maybe we're going to stop people from riding a bicycle. I just don't know.

"But for the rural districts that I represent, this would be devastating. As you know, we do not have a decent rapid transit system that people can use and commute to work. So this would make it literally impossible for these people to get to work and it would cost them their jobs, their livelihood. It would bring stress to their families. It would just create chaos because many of them, although they have been cited with DUI, they do use a moped and this allows them to commute back and forth to get to work. Most of my constituents, as you know, with the closure of the plantations, have to commute sometimes 50 miles or more. And for those that are lucky, they can get a job or they can relocate themselves.

"I would urge my colleagues to think very cautiously on this, and again, Mr. President, urging to vote 'no.'

"Thank you."

Senators Iwase, Fernandes Salling and Bunda then requested that their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2645 was adopted and S.B. No. 2692, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING AFTER LICENSE SUSPENDED OR REVOKED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Ige, M., Solomon, Tanaka).

S.B. No. 2400, S.D. 1:

Senator Chumbley moved that S.B. No. 2400, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator D. Ige.

Senator Slom rose to support the measure and said:

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

"I think the bill, basically, is a sound bill and it patterns Hawaii State law after the federal law which is what law enforcement personnel want and have suggested. I just have a couple of concerns. I think it should be on the record.

"One is that, of course, we are broadening the use of wire tapping in the State of Hawaii. As was testified at the hearings, there have been very few local wire taps utilized in the past. Most of the wire taps in the State of Hawaii have come from the Federal Bureau of Investigation and they primarily had to deal with issues involving drugs and organized crime. The local law enforcement agencies testified that with this bill there will be more wire taps, and I think we should be on guard that everyone's privacy and individual rights are protected.

"In addition to that, the federal wire tap law provides for an independent body to oversee and to look at the request for wire tap. In this bill here, we are placing a surveillance review unit

within the Office of the Attorney General. First of all, it's not an objective unit. Secondly, the Attorney General's Office is so busy these days with Bishop Estate, they may not have time to adequately look over wiretap requests. So I just add a word of caution.

"Thank you."

Senator Fernandes Salling then said:

"With reservations, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 2400, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WIRE TAPPING AND ELECTRONIC SURVEILLANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2651 (H.B. No. 1868, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2651 was adopted and H.B. No. 1868, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2653 (S.B. No. 2025, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2653 be adopted and S.B. No. 2025, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Tam rose to speak against the measure as follows:

"Mr. President, I rise to speak in opposition to S.B. No. 2025, relating to plant and non-domestic animal quarantine.

"This bill removes Chapter 91 of the Hawaii Revised Statutes, as desired by the Department of Agriculture of the State of Hawaii. Chapter 91 ensures the open government public hearing process, the essence of democracy.

"Thank you."

Senator Anderson spoke on the measure as follows:

"Mr. President, I'm going to be with reservations so far, unless I can tie the two bills together, then I may go 'no' as I did on the other dog bill.

"Is there someone who can explain the difference. When we did the wolf quarantine it was because of the criteria used and what the Department of Ag was going to do. Now, if I read this bill, it exempts the adoption identifying approved, restricted, prohibited plants, animals, microorganisms from public notice. But it says the DOA must adopt rules to provide for public input prior to adopting new laws. And I think we just voted on S.B. No. 3215, that those new laws were going to be to see if a dog had any blood line of a wolf.

"Now, is this the same criteria that the Department of AG is going to have to follow? If it is, then I would vote 'no' as I did on the other bill. If it is not, then I would have reservations only. That's why I got rid of my shepherds and got a poodle, because I didn't want anybody to think that I was raising wolves.

"Thank you very much, Mr. President."

Senator Chumbley responded:

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

"Mr. President and members, having been a former member of the Board of Agriculture from 1988 to 1992, I'm very familiar with the process and procedures that that board undertakes when looking at approved, conditionally approved or restricted lists.

"As written, this measure would simply allow the department to forego the requirement that they take this public hearing throughout the state. But I assure you that the public hearing process and the Chapter 91 procedures will not be eliminated because the board will still have to follow those procedures, will still hold an open hearing and will, in fact, still give the public ample opportunity to comment with respect to the changes on those lists that are governed by the Board of Agriculture.

"I urge my colleagues to support the measure."

Senator Anderson then stated:

"Thank you very much, Mr. President.

"If what the Senator from Maui is saying is that it's not going to be following the same criteria, then I would vote with reservations, and I will not vote 'no' on that particular bill."

Senator Chumbley then inquired:

"Would the Senator reconsider his earlier vote on the constitutional amendment?"

Senator Anderson replied:

"No, but I would like to go ahead and correct my statement. I said that I went into a poodle, but I meant that I went and purchased a poodle. Thank you." (Laughter.)

The Chair remarked:

"Thank you for that clarification, Senator."

Senator Fernandes Salling then said:

"Reservations, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2653 was adopted and S.B. No. 2025, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Ige, M., Tam).

Stand. Com. Rep. No. 2654 (S.B. No. 2769):

Senator Baker moved that Stand. Com. Rep. No. 2654 be adopted and S.B. No. 2769, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Solomon rose to speak with reservations on the measure:

"Mr. President, I rise to speak with reservations on this bill.

"Although I'm very much in support of the Department of Agriculture in their efforts related to irrigation projects, I really feel that the Agriculture Development Corporation is the proper agency that should be handling all of these projects. I think that

as we look to the future and we look to the acquisition of different irrigation systems throughout the state as our plantation systems shut down, I feel that the Ag Development Corporation is the one that is more suitable. It has more flexibility. It can engage in private/public partnerships when it comes to the construction and the operation and the maintenance of these state irrigation water systems. Not only that, Mr. President, but they have more flexibility in dealing with the issues between the major land owners, as well as the small farmers, as we move into more and more diversified agriculture.

"Your Committee on Water, Land, and Hawaiian Affairs had a very lengthy hearing when we discussed the acquisition of the Waiahole irrigation project. As the hearing evolved, these questions came up and we had recommended that although the Agriculture Development Corporation is on the executive hit list, in terms of elimination, we felt it was the appropriate agency. It was the wisdom of this legislative body that formed the corporation in anticipation of the plantations shutting down, and to deal with the value of irrigation water and the necessity of irrigation water to encourage diversified agriculture.

"With that, Mr. President, I'm hoping that as this bill advances that the Committee on Ways and Means and the Committee on Economic Development will be mindful of those positions. And perhaps we can look at some other vehicles to restore the integrity of the Agriculture Development Corporation which will be responsible for these kinds of projects.

"Thank you, Mr. President."

Senator Anderson then rose to speak on the measure as follows:

"Mr. President, I have some reservations with the Department of Ag running the state irrigation projects.

"We have a project in Waimanalo. The last big storm that they had, had a tree fall over. It broke a portion of the irrigation ditch. I personally walked up there through the water. There was water flowing. The tree was not touching the ditch, but however, it had broken the cement. It was eroding the rest of it. That was in October. They were told that they would probably take that out to bid and that would be taken care of sometime in 1998, maybe 1999. After I went up there, they promised me that it would be done in February.

"Well, the other day I get a call from the Waimanalo farmers saying that because of summer coming along, because there's been less water from Maunawili, they are asked to restrict their water and they may have to purchase water from the City and County. And low and behold, that bid to take care of the ditch hasn't gone out yet because the Department of Land and Natural Resources were using their engineers and they are busy and they haven't been able to write up the proper papers so that this thing can go in for bid. So that means that these people are going to be without water until sometime, maybe in 1999. In the mean time, they are restricted and they're having a whole bunch of problems with the farmers in Waimanalo.

"And that's why I have some reservations about the Department of Ag, Department of Land and Natural Resources, and many other departments running everything that we have within the state.

"Thank you very much, Mr. President."

Senator McCartney then said:

"Mr. President, could you mark me down with reservations, also."

Senator Slom added:

"Mr. President, reservations, please"

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2654 was adopted and S.B. No. 2769, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2655 (S.B. No. 2800, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2655 be adopted and S.B. No. 2800, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Solomon rose to speak with reservations on the measure:

"Mr. President, I'm speaking with reservations.

"I'm very much concerned. I'm very much in support of the Department of Business, Economic Development and Tourism to issue economic development grants to new businesses, but my concern, Mr. President, is what about the existing businesses? We have many businesses now, family businesses that are trying to expand their businesses; existing businesses that want to be able to renovate their business so they, in fact, can possibly accommodate their young people coming home to be part of these businesses. They're not going to be allowed to take advantage of these grants.

"I have no problem, Mr. President. I've always supported the help that the Legislature has given to businesses. We've never had a problem with public partnerships. We never had a problem with investing in our economy. But I just cannot see why, Mr. President, this legislation was not broadened to include existing businesses because they, in fact, need help just as much as new businesses.

"Thank you."

Senator Sakamoto then said:

"With reservations for the same reasons."

Senator Slom also rose to speak with reservations on the measure:

"Mr. President, reservations and I would like to add also that there's a provision in the bill for qualifying grants to non-profit organizations, and I think what we really want to do is encourage profitable organizations that are going to be creating jobs and wealth in our community.

"And in addition to that, one of the clauses in the bill says that 'new and emerging industries often lack required financial and professional expertise to develop sound business plans.' I think this has been one of the problems that we've had in having state support for businesses. Any business that has not had the expertise and the ability to develop its own business plan should not be getting support and subsidies from one group of businesses to another.

"Thank you, Mr. President."

Senator Fernandes Salling spoke on the measure as follows:

"I'll be voting with reservations for the reasons that were stated by the Senator from Kohala, but also because I think that we need to be cautious when we exempt departments from the Chapter 42 process and the Procurement Code, which is what is being asked for in this bill. Although the purpose is good, I

have mentioned that in the Ways and Means hearing and asked the Chairs and the members to please consider that."

Senator Iwase then stated:

"Mr. President, for the reasons stated by the previous speaker, W/R for me, please."

The Chair so ordered.

Senator Anderson added:

"Mr. President, I have some reservations in the same line that I believe we should be taking care of our existing local businesses and give them a fair playing field like everybody else.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2655 was adopted and S.B. No. 2800, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORITY OF THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ISSUE ECONOMIC DEVELOPMENT GRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2656 (S.B. No. 3007, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2656 was adopted and S.B. No. 3007, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2657 (S.B. No. 3130, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2657 be adopted and S.B. No. 3130, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose in support of the measure and stated:

"Mr. President, I rise to speak in support with reservations.

"The bill proposes to grant the ability for film funding and additional grants and there is no dollar amount specified. And I think we should know these things before we go in.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2657 was adopted and S.B. No. 3130, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FILM PRODUCTION FUNDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2661 (S.B. No. 2496, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2661 be adopted and S.B. No. 2496, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Kawamoto rose to support the measure as follows:

"Mr. President, I rise to speak in support of S.B. No. 2496, project labor agreement.

"Mr. President, this bill is about jobs, jobs for local residents, and not about non-unions versus unions as the opponents of this bill have tried to make it. This bill is an enabling bill to allow our governor and our congressional delegation an opportunity to select the project labor agreement as a process for military defense projects in Hawaii.

"Mr. President, this bill may provide the link for local residents getting federal contract jobs, in view of the special dispensation for Hawaii and Alaska when our unemployment rate goes higher than the national rate, as you spoke of on opening day.

"Mr. President, this is not, not accepting the status quo as my friends here to my right have indicated sometimes or claimed that we are doing so.

"Mr. President, with this bill, we address our concerns of the 12,000 construction workers who lost their jobs in the last four years. We address our concerns of the highest foreclosures we've seen in the history of our state over the last two years. We address our concerns of the negative 8.9 percent growth rate of our construction industry, the highest negative growth rate among all the industries of Hawaii in the past year.

"These bleak construction industry statistics come on the heels of a press release last month by our Senior Senator in Washington that he and our congressional delegation brought \$3.8 billion, billion with a 'b,' federal dollars to Hawaii in the past four years, for which we are most grateful. But, what's wrong with this picture? Where did the money go?

"Mr. President, the closest project costing these kinds of dollars was proposed when we proposed the fixed rail transit for Honolulu which would have cost about \$1.7 billion, half of what the great Senator brought to Hawaii in the last four years. At that time, we were talking about 20,000 jobs in 10 years, not a loss of 12,000 jobs.

"Mr. President, this bill, if implemented, could provide an option for the powers to be to use 'Project Labor Agreement' as encouraged by our President, Mr. Clinton for the \$500-600 million for infrastructure bids to be released in the next couple of years for Ford Island.

"Mr. President, small business was one of the opponents of this bill, and I don't understand. As the good Senator from Hawaii Kai reads the obituaries of businesses that ran out of business, who do you think buy the goods and services of these businesses. Who do you think patronize their restaurants -- local construction workers and their families who have jobs and have money to spend.

"To make matters worse for our economy, we have a local tax rule that if you are a non-resident worker here for less than 60 days, the employer does not have to withhold state income tax from the employee's paycheck. You guessed it. What do the non-resident workers do? They come here for 59 days, go back to the mainland, return back and start their 59 days again. They do this for the duration of the project without paying state tax.

"Mr. President, the road to economic recovery for Hawaii is through jobs for local residents, paying taxes, buying houses, cars, and enjoying a comfortable Hawaiian lifestyle, as they should and deserve because this is their home.

"With that, Mr. President, I urge all my colleagues to vote 'aye' on this enabling legislation. Thank you."

Senator Slom rose in opposition to the measure as follows:

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

"I thank the good Senator from Waipahu for reminding us all of our economic woes, and certainly, we all support the creation of jobs and, particularly, jobs for our local industries, our local workers. The unfortunate thing is, however, that this bill will not protect local jobs, will not encourage local jobs. And while people argue back and forth whether this is a union measure versus a non-union measure, maybe more accurately we can describe it as a choice measure versus non-choice.

"And we've had, during the hearing process of this bill which is now in its second draft, countless testimonies from contractors around the state -- old time contractors, newer construction companies, construction companies headed by and operated by women, by minorities, by all kinds of groups -- saying they don't want this bill, that they want a choice. And the key sticking point from the very beginning of this bill was the term, project labor agreement, which requires people that are non-union to be part of an organized union agreement. This is the only sticking point. If this were to have been removed, as was suggested by the Minority and others at the very beginning, we would all be joining hands and supporting this bill.

"If this project labor agreement language had been removed, then you would not have the objection from the Maui Contractors Association and the Kauai Contractors Association and from the folks from the Big Island, or all around the state. Now, either they are all wrong or, based on their experience, they know what they want to do and they know how they can contribute.

"This bill does not protect or encourage local jobs. We submitted language that would have done that, that would have required residency, that would have made it very specific. But time and time again, it comes back to this phrase of project labor agreements. So, because of this argument and because of the fact there's no guarantees in here, I'm forced to vote 'no' against this bill.

"Thank you, Mr. President."

Senator Anderson rose to speak on the measure and stated:

"Mr. President, I have some reservations but I'll be voting for the bill.

"It says, project labor agreements can include. We've tried to change to make sure that it would be licensed contractors, but not necessarily union contractors. We've said that you can be an employee not unionized. There's other things that were spelled out.

"The other night in Ways and Means, I did have an amendment that would have spelled it out a lot clearer that we would utilize local employees, local labor. If I had a chance to write it, I would say that you would have to be a two-year resident. But that would be against the constitution, and I know damn well I couldn't do that, but I would put that stipulation in if I could. But we've come close to making sure that the bill, if amended the way we wanted it, would be as explicit as possible to make sure that we use our own people. Without this, we have nothing. We haven't got any jobs for union people, non-union people and most certainly not our people.

"And as long as we have a bill that I can fight for and try to amend, I will have to vote with reservations and I will continue to do so. I will run to the other side and work with the House members. I will do everything that I possibly can to make sure that it will be as explicit as possible, that we utilize our people, people from the State of Hawaii and not have people shipped in, taking the jobs that belong to us.

"For those reasons, I do have some reservations but I'll certainly work on them, Mr. President."

Senator Iwase spoke in favor of the measure and said:

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

"Mr. President, the bill that we have before us to vote on today is far different from the bill which was in committee and which apparently caused a lot of controversy. This bill has been compromised down and is applicable to federal projects where the state is involved.

"I want to support this bill not only because it's the result of the great efforts to compromise by the committee co-chairs, but also because we are in tough economic times, and various organizations and segments of our society have come to us for help to bail them out and to provide support for their efforts to survive. In this case, the building trades have come and said this is what we need. This is what we need for the unions. This is what we need for our members. This is what we need to survive.

"We can argue about whether or not this bill is good or bad, what it will do, what it is intended people say it's going to do or not. But they believe that this is what they need to help -- the unions and their members. And I'm going to buy into that, and I'm going to support that, because they need our support, just as I believe we must buy into to please a small business when they come to us for help on workers' comp reform, on job reference liability, on no new taxes, on streamlining regulations. We've got to help small business by doing that. We've got a long way to go to help small business in that regard, but this is something for the unions that they believe will help them and their members in these tough economic times.

"It is a compromise version. It is something that will be discussed further as it moves to the House. But at this point in time, I'm going to accept all of what they said. This is very important to them, just as the four points I talked about are important to small business.

"Thank you, Mr. President."

Senator Sakamoto rose to speak against the measure and said:

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

"Nobody is in opposition to all the intent, all of the problems and the woes and the good things that can be done. And as the speaker from Mililani mentioned, the bill was compromised down. When this bill left your three standing committees, it was supportive of small business with a \$75 million cap.

"The Boston Harbor, the genesis of this measure, is a \$10-13 billion project. Project agreements work when there's labor strife, when there's problems on big projects. This bill has no dollar limit. But particularly, one part of this bill, in spite of all the remarks on limiting to federal projects, this bill still says, 'This section does not require a department or agency of the State to use a project labor agreement on any federal defense project, nor does it preclude use of a project labor agreement in circumstances not covered in this section.'

"I think, Mr. President, we cannot speak out of two sides of our mouths. This is not right."

Senator Chumbley also rose in opposition to the measure and said:

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

"Mr. President, I admire the efforts of the good Senator from Waipahu and his concern about jobs for our state residents who are unemployed and sitting on the bench. My opposition against this measure is not against the opposition of providing jobs for those people who are on the bench. My opposition is much, much simpler than that, Mr. President. My opposition is simply because the measure as proposed to us is unnecessary.

"In June of 1996, the U.S. President handed down a memorandum which directed the federal government to enter into project/labor agreements in situations where they felt it was appropriate and where the states would cooperate. So in essence, members, we've had PLA since June of 1996. For the last 21 months this state could have done a PLA agreement.

"Members of the Maui Contractors Association, the members of the Contractors Association of Kauai, the Hawaii Island Contractors, and even the Oahu Contractors Association and all of those companies that this measure purports to support are in opposition to this measure. My concern is the message that we send to all of those companies, the fact that the business in this state is struggling and what are we attempting to do through this measure. They're very, very concerned about it.

"So, I urge all of my colleagues to vote 'no' on this unnecessary change to our existing procurement code. Thank you."

Senator Fukunaga rose in support of the measure as follows:

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

"Mr. President, in the current bill that we are considering, the Ways and Means Committee has made a number of amendments to address the concerns that were expressed in the prior three committees that considered the measure. I would just like to note a couple of items:

In terms of project labor agreements under the current provisions of this bill, project labor agreements do not necessarily have to involve a union. In the instance of a non-union contractor, a project labor agreement can be an agreement between an owner and a general contractor. Further, on page 3 of the bill, between lines 10 to 14, one of the very strong conditions of this bill is that it has been limited to usage in instances involving federal defense contracts and state public works contracts. Any project labor agreement reached pursuant to this section shall 'allow all contractors and subcontractors wishing to compete for contracts and subcontracts on the project to do so, without discrimination against contractors, subcontractors, or employees based on union or nonunion status.'

"So, for these reasons, Mr. President, I believe that the Ways and Means Committee has fully addressed the concerns raised previously and would urge all my colleagues to vote in support of this measure. Thank you."

Senator Metcalf then stated:

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

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

"Mr. President, I rise in support of S.B. No. 2496, S.D. 2, Relating to Procurement.

"The bill before us has been substantially changed by the Committee on Ways and Means in an effort to address real concerns expressed since the matter was first heard by your Committee on Human Resources.

"The measure before us today has been amended by no longer requiring the procurement officer to condition award of a contract on the adoption of a project labor agreement. This measure also encourages the use of a project labor agreement only in cases in which the state and the federal government are able to work together on federal defense projects in the state.

"The measure also indicates that a contractor does not have to belong to a union. Therefore, non-union contractors are free

to bid on projects. The measure also specifies that employees of contractors are not required to be union members.

"On this basis, I am giving it my qualified support, reserving final judgment on this matter should it proceed further this session."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2661 was adopted and S.B. No. 2496, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Aki, Chumbley, Fernandes Salling, Matsunaga, Sakamoto, Slom).

Stand. Com. Rep. No. 2669 (S.B. No. 2385, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2669 was adopted and S.B. No. 2385, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2671 (S.B. No. 2399, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2671 be adopted and S.B. No. 2399, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose in opposition to the measure and stated:

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

"There is a movement in the community, entitled 'Clean Money Campaign' and the idea is to improve our elections and our campaign procedures. And the thesis behind this movement is that if we just have the taxpayers pay for elections, then we'll have clean campaigns and we'll have better government. Unfortunately, I can't buy into that. I don't think it's correct. Secondly, I think it's a measure to ensure that incumbents who already have name recognition and a great deal of money have an unfair advantage over newer, lesser known candidates. And thirdly, I don't know where we're going to continue to get the funds from the public treasury to support meaningful educational reforms and all the other things we've talked about thus far today, and to support political candidates as well.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2671 was adopted and S.B. No. 2399, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2675 (S.B. No. 2185, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2675 be adopted and S.B. No. 2185, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose in support of the measure and said:

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

"My reservations are that now that we're going to increase the towing fees, and it's already been a burden for a number of

people, it's my understanding that the towing companies do not allow the use of checks or charge cards. And since we're now raising the fees substantially, I would like to see that the bill is amended as it goes along to at least allow for that provision, to recognize the realities of everyday life that a lot of people don't carry hundreds of dollars with them in cash.

"Thank you, Mr. President."

Senator Anderson rose to speak on the measure and stated:

"Mr. President, my concerns are the same and I have reservations, but I also have some women who have gone after hours to get their cars that have been towed away. They've either caught a cab to go down to pick up their car and all of a sudden they're told that it's X-number of dollars and they don't have the money handy in cash. Consequently, they could be out at Mapunapuna or they could be out near where the Hard Rock Cafe is, and they don't have the funds. They either have to catch another cab to go home or they may have to catch a bus.

"It's an inconvenience in today's market and whenever we've had a bill to ask the towing companies about the credit cards, they come in and give you all kinds of reasons why they should not have that kind of service to our people. And I would hope that we could amend this bill because I think it's very important in today's market. Thank you."

Senator Kanno then stated:

"With reservations, please."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2675 was adopted and S.B. No. 2185, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2676 (S.B. No. 2396, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2676 be adopted and S.B. No. 2396, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Levin requested his remarks be inserted into the Journal. The Chair having so ordered, his remarks read as follows:

"I think it is important to establish that the legislative intent behind S.B. No. 2396, S.D. 2, is to expand the situations under which motor vehicles are required to stop near a school bus, not to reduce them. Specifically, the phrase 'in a residential area' is meant to modify the word 'road' and not 'highway.' Senate draft 2 does not limit HRS 291C-95(a) to highways in residential areas only; rather it applies to all highways everywhere, and now it also will apply to roads in residential areas."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2676 was adopted and S.B. No. 2396, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2677 (S.B. No. 2652, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2677 be adopted and S.B. No. 2652, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Iwase rose to speak against the measure as follows:

"Mr. President, I'm rising to speak in opposition to the bill.

"Mr. President, this is a bill that allows for authorizing the counties to use improvement district assessments for safety and security purposes. And I think what the bill does is, unfortunately, mix, if we make an analogy to the government, operating budget monies for capital improvement monies -- the capital budget. This new category, I believe, is inconsistent with the purposes of assessment, and is really nothing more than a new tax on the taxpayer.

"Historically, the IDA was used to improve and maintain projects ... improving the maintenance projects, build sidewalks. It was done in Kahuku when I was on the City Council, in Laie. So when you do that, it's a CIP project -- you float the bond; you secure it on the assessment. It's a set period. It's probably 20 years.

"In this case, you're going to create an assessment, no capital improvement. It's really a tax to be used for purposes of funding programs which I think the county taxpayers expect from the government and that is to provide police protection, provide police services. Rather than using the tax money for which the county taxpayers are taxed for, they're going to now have these assessments and the counties are then free, perhaps, to use monies for other purposes. And it's probably going to occur. It may not occur next year, but it's going to occur.

"So, I'm going to oppose this bill, Mr. President. Like I said, it's a tax and I must vote 'no.'

"Thank you."

Senator Solomon rose in opposition to the measure and stated:

"Mr. President, I, too, will be voting 'no' and urge my colleagues to do the same.

"I feel that if there is a problem with public safety, I think it's more appropriate that we provide more funds for police protection, and not creating what I would call private militias to be situated in districts that perhaps could afford this or however it may be.

"And with that, Mr. President, I'm urging my colleagues to vote 'no.'"

Senator Fernandes Salling then said:

"With reservations for me."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2677 was adopted and S.B. No. 2652, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SAFETY AND SECURITY DISTRICT ASSESSMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Aki, Anderson, Ige, M., Iwase, Slom, Solomon, Tanaka).

Stand. Com. Rep. No. 2682 (S.B. No. 2607):

By unanimous consent, action on Stand. Com. Rep. No. 2682 and S.B. No. 2607 was deferred to the end of the calendar.

At 2:45 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:52 o'clock p.m.

Stand. Com. Rep. No. 2684 (S.B. No. 2969, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2684 be adopted and S.B. No. 2969, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to inquire:

"Mr. President, I rise for a question on this bill.

"I read this bill and it seems to relate to 22-foot vehicles not blocking any areas or creating hazards, but then it mentions state parks, and I'm trying to find out how many state parks do we have that are applicable to this bill. Can someone answer that question for me?"

Senator Fukunaga rose in response as follows:

"Mr. President, I rise to speak in support of this bill and also to respond to the question posed by the Minority Floor Leader.

"The areas in Honolulu which meet the requirements of this section calling for proximity to a state park would be areas like the Tantalus and Diamond Head overlooks."

Senator Slom then said:

"I thank the good Senator from Waikiki. So, in other words this bill just applies to those two areas on the island? It would not apply to any long vehicles, limousines and so forth that would be blocking, say, county parks or other areas on the island?"

Senator Fukunaga replied:

"These are areas that have been identified thus far. The Department of Land and Natural Resources has also identified such areas as the Nuuanu Pali Lookout as another area which has experienced traffic hazards as a result of the use of stretch limousines."

Senator Slom continued to question:

"But the bill specifically just relates to state parks. Is that correct?"

Senator Fukunaga answered:

"That's correct."

Senator Slom then said:

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

Senator Solomon rose to speak on the measure and stated:

"Mr. President, I, too, will be voting with reservations and I would like to ask a question, Mr. President, for clarification if the chairwoman would yield."

The President then said:

"Would you like to state the question, Senator?"

Senator Solomon continued:

"I just need a clarification, Mr. President. Now, those permittees or certificate holders that also operate busses or limos or whatever it may be on the neighbor islands, would they be affected by this?"

Senator Fukunaga replied:

"I believe the provisions of the bill limit the application of these particular restrictions to counties with populations in excess of 500,000."

Senator Solomon then said:

"Thank you, Mr. President."

Senator Sakamoto also rose to speak on the measure as follows:

"I also rise to speak with reservations, Mr. President.

"This bill seems to be an awkward method to address safety concerns. Maybe parking signs, maybe something else can do. So I think the way we're handling this, we may adversely be impacting some good and well intentioned activities without knowing it, Mr. President."

Senators Iwase and Anderson then requested W/R votes, and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2684 was adopted and S.B. No. 2969, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2685 (S.B. No. 2983, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2685 be adopted and S.B. No. 2983, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Metcalf rose in support of the measure and said:

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

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

"Mr. President, I rise to speak in favor to S.B. No. 2983, S.D. 2, A Bill for an Act Relating to Office of Information Practices.

"This measure seeks to ensure proper enforcement of Chapter 92, Hawaii Revised Statutes, popularly known as the 'Sunshine Law.'

"This measure brings together the administration of the open meetings laws and the open records law under the Office of Information Practices (OIP) and moves the OIP from the Department of the Attorney General to the Judiciary for administrative purposes.

"At present, the Office of Information Practices is a part of the Department of the Attorney General. However, a conflict of interest may exist when the Department is called upon to enforce the open meeting law and to defend a state agency. Therefore, the measure moves the OIP to the Judiciary branch of government.

"This move is also justified by the unique purview of the Office of Information Practices in its quasi-judicial function of deciding which records are to be disclosed for public review.

"Therefore, this is a prudent and necessary measure that will ensure the open and accessible government that our citizens



expect and deserve. Thus, I urge my colleagues to vote in support of this measure."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2685 was adopted and S.B. No. 2983, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFICE OF INFORMATION PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2686 (S.B. No. 3043, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2686 was adopted and S.B. No. 3043, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT COMPUTER SYSTEMS WHICH ARE NOT YEAR 2000 COMPLIANT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2687 (S.B. No. 2799, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2687 was adopted and S.B. No. 2799, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CLEAN HAWAII CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2688 (S.B. No. 2501, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2688 be adopted and S.B. No. 2501, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Kawamoto rose to support the bill as follows:

"Mr. President, I rise to speak in favor of S.B. No. 2501, S.D. 1.

"Mr. President, in 1996 we passed this preference bill with all saying 'aye.' In 1997, in Conference Draft 1, three days prior to the session ending, we reduced this preference. Again, Mr. President, this is about local resident jobs and local contracts, especially when it's public works with Hawaii's dollars. Take for example the convention center, \$250 million. They allowed 90 percent PCL to take control, which is a mainland company; NORDIC, 10 percent, which is a local company.

"The Procurement Office came in opposition to this bill and they indicated that it would cost more money to allow this preference to go by. I'd like to differ with the Procurement Office. I'd like to say that maybe, maybe we wouldn't have saved as much, and I cite one example -- if we, the Legislature, decide that a CIP project should go for \$1.5 million, we let out the bid, a mainland company comes in and bids \$1 million, a local company comes in and bids \$1.1 million. With the mainland company, we may have saved \$500,000. With the local company, we may save \$400,000. But, I'd like to say that with the local company, \$1.1 million would stay in Hawaii and the \$1.1 million would work towards our economy. If we go with the mainland bidder, he comes in, takes a 20 percent profit and takes it back to Seattle or California, we only have \$800,000 in Hawaii.

The same procurement officer told me that if you had a pen that's worth \$1 or a pen that's worth \$1.15, what pen would you buy? I answered this by saying, it all depends. I cite

another example. When I was running for election, I decided I wanted to buy a staple gun. I wanted to pay \$20 for the staple gun. I went to Arakawa Store and bought a staple gun for \$19. I was happy because I saved a dollar, but I knew that if I went to Eagle and bought the same staple gun, I would pay \$16 -- \$3 less. But I paid \$19 because I know that if I buy the staple from Arakawa Store, I know that this family would provide me with a Corp Counsel, would provide me with a coach at Waipahu High School, this family would provide me a counselor at Kamehameha School, and I also know that the \$3 more that I paid would come back to me as a donation or as in-kind support for my non-profit organization.

"Therefore I say again, we need this preference bill. We need to keep the money in Hawaii and the jobs in Hawaii.

"Thank you."

Senator Sakamoto rose to speak on the measure and said:

"I'd like to speak with reservations. I'm not going to speak about staple guns, though.

"Just on the subcontractor provision part, on bid day, general contractors have a very hectic and difficult time collecting subcontractor bids by telephone, by fax, some come in the mail. To determine who's qualified is a very difficult procedure. So, we want, ultimately, responsible bids for the state. So we need to consider how to streamline or how to work this section related to subcontractors so we don't overturn the purpose of the bill and end up with irresponsible bids."

Senator Slom rose in opposition to the measure and said:

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

"I don't know about staple guns and campaign contributions, but I do know that this, again, really has to do with choice and people should always have the choice as to where they buy things. And we should give them choice in terms of what the costs and the quality are of certain items, including construction.

"I don't think that any evidence has been presented that with the preference bill that's been in effect, that we have generated and protected more jobs. In fact, the arguments just a few minutes ago on project labor agreements would seem to indicate that it's not worked because we have seen companies come in from other states to do jobs here.

"In addition to that, though, I think that it can be clearly shown that if we provide a 15 percent preference, that we are raising the cost of construction projects and probably more than for that elusive stapler. But I think the bottom line on all this is that we have fine construction companies here; we have fine construction workers here. What they have been asking about for years is not additional special preference. What they want is a level playing field and they want an improved business climate. And that should be our first order and that should be our priority.

"Thank you, Mr. President."

Senator Fernandes Salling then said:

"With reservations, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2688 was adopted and S.B. No. 2501, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2689 (S.B. No. 3127, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2689 be adopted and S.B. No. 3127, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Taniguchi rose and said:

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

The Chair so ordered.

Senator Sakamoto rose to speak against the measure and said:

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

"Payments to subcontractors are sometimes withheld for specific reasons -- be it questionable work, be it not completing certain documents, many different causes. This bill proposes to let our state DAGS controller start to be a mediator in working out payment clauses.

"Last session, a bill related to subcontractor payment problems did pass this Legislature. It was patterned after the federal Miller Act where subcontractors can go after the bond of a general contractor for nonpayment. I believe many of these payment issues have been addressed and we don't need our controller to get involved with contract matters that are held. Let's let last year's measure work and not create more problems."

Senator Kawamoto then said:

"Mr. President, W/R for me, please. Thank you."

The Chair so ordered.

Senator Anderson rose to speak on the measure as follows:

"Mr. President, I have some reservations on this and I understand what the good Senator from Moanalua stated on this.

"I do know of instances where it's hard for a contractor who's been on a job and hired subcontractors and if he's not paid in time for that particular job, it's hard for him to come up with the up-front money to pay the subcontractors, especially on public bids.

"If the state or the county . . . if you bid on a job, everybody says we have laws in place, that they're going to pay you in 45 days. Read my lips, it doesn't work. We've gone 120 days, in some cases, where they don't pay on time. And they can come up with all kinds of reasons -- I thought; let me double check with the department; it's my understanding right now; we thought you were in this department but you are in this one. There's all kinds of reasons for people to come up and not pay a contractor on time so that they can pay their bills like everybody else.

"So those are my reservations and I just wanted to express them. Thank you."

Senator M. Ige rose and said:

"Mr. President, this particular measure was our small business bill of, I guess, this session. We thought that we were helping all of the little subcontractors by requiring a payment no later than 10 days once the contractor gets paid. We have instances where a little subcontractor was not paid for 18 months or 24 months for no legitimate reason. All this bill does is to say, if there are no legitimate disputes, that the little small business person must be paid within 10 days of that general contractor receiving his check.

"Thank you."

Senator Slom then said:

"Mr. President, reservations, please."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2689 was adopted and S.B. No. 3127, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Sakamoto). Excused, 1 (McCartney).

Stand. Com. Rep. No. 2690 (S.B. No. 3220, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2690 be adopted and S.B. No. 3220, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to oppose the measure as follows:

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

"Five years ago we doubled the conveyance tax. Now, we're planning to double the conveyance tax again at a time when people are trying to re-finance their housing and they're getting new mortgages. And the problem with the conveyance tax is we're now using the conveyance tax for all kinds of things besides conveyance -- 32.5 percent of the proceeds will be paid to the Rental Housing Trust Fund; 12.5 percent will be paid to the Natural Area Reserve Fund; 20 percent for equipment modernization; 10 percent to Housing and Community Development Corporation for homeless assistance.

"It looks like we'll be back again in another couple of years to double the amount once more. I think it's a bad precedent. We should leave the conveyance for the conveyance of real property and lower the rates.

"Thank you, Mr. President."

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

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2690 was adopted and S.B. No. 3220, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2693 (S.B. No. 2418, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2693 be adopted and S.B. No. 2418, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak against the bill and said:

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

"Again, for the same reasons, this bill doubles the fee that we're paying. And we also have a problem -- we haven't been able to get rid of the glass that we have mandated to be recycled in the past.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2693 was adopted and S.B. No. 2418, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (McCartney, Taniguchi).

Stand. Com. Rep. No. 2695 (S.B. No. 3177):

Senator Baker moved that Stand. Com. Rep. No. 2695 be adopted and S.B. No. 3177, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Tam rose to support the measure as follows:

"Mr. President I rise to speak in favor of S.B. No. 3177, relating to financial reporting of the Department of Education.

"The purpose of S.B. No. 3177 is to essentially require the Department of Education to adopt a full-cost, expenditure reporting system for all lower education programs, including student transportation and school physical plant operations and maintenance.

"Senate Bill No. 3177 will provide legislators and the state governor with public budgetary data to adequately budget Hawaii's public education programs for our students, rather than guessing.

"As a former budget analyst and as co-chair of the Senate Education Committee, I do not wish to have staff continue to experience 20-hour days in order to break down the financial information from the Department of Education's broad and general information given to us in order to adequately budget for the educational programs. Legislative staff should not have to experience such punishment.

"Once again, this legislation will assist us in budgeting the needs for public education. Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2695 was adopted and S.B. No. 3177, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL REPORTING OF THE DEPARTMENT OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson, Taniguchi).

Stand. Com. Rep. No. 2696 (S.B. No. 2689, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2696 be adopted and S.B. No. 2689, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Sakamoto rose to speak on the measure and said:

"I rise in support with reservations, Mr. President.

"In the testimony when I asked about the cost impact, it either wasn't clear or maybe claims were made that there's no cost. My real question is whenever you address the Employees' Retirement System the taxpayers eventually pay the cost until the program is fully funded. And we're approaching the ERS saying, it's fully funded. We haven't got their answer relating to the cost, Mr. President."

Senator Slom supported the measure as follows:

"Mr. President, I rise in support with reservations.

"It's my understand that the Employees' Retirement System did object to a major section of the bill and I don't think that the bill was amended to reflect that opposition.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2696 was adopted and S.B. No. 2689, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2697 (S.B. No. 2814, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2697 was adopted and S.B. No. 2814, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2699 (S.B. No. 2964, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2699 be adopted and S.B. No. 2964, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator M. Ige rose to speak on the measure and said:

"Mr. President, I seem to be going against the grain on this particular measure. Seems as though everyone supported the transfer.

"I just want to review with you a few notes from Mr. Stan Siu of the Employees' Retirement System. My first point is that . . . ."

Senator Ihara interjected:

"Point of information, Mr. President. Are you speaking for or against the bill?"

Senator M. Ige replied:

"I'm speaking in opposition to this measure.

"Mr. Stan Siu's note in 1987 said that the unfunded liability of the Health Fund was almost one billion, and if this bill were to pass, it's possible that the unfunded liability portion would increase to between three and five billion.

"The other point that I'd like to make is that the Health Fund seems to be rising at an alarming rate and what we have is approximately 10 percent a year. So, from 100 million in '94, it's now up to 120 million in 1996. Mr. President, we owe it to all of our state employees, our retirees, but I think most importantly to those who will be beneficiaries of this system, to proceed with extreme caution.

"I urge my colleagues to defeat this measure here today, right now. Thank you."

Senator Iwase rose in opposition to the measure and said:

"Mr. President, I'm rising to speak in opposition to the bill.

"It's basically for the same reasons, some of the reasons articulated by the Senator from Kaneohe. I'm surprised the bill moved forward, given the testimony of Mr. Shimabukuro on

behalf of the ERS. I think I said at the hearing that it was devastating.

"Beyond what the Senator from Kaneohe mentioned -- that the ERS unfunded liability could be increased by as much as three to five billion dollars (billion with a 'b') with this bill -- let me go over some other concerns that he pointed out, and I'll quote from his testimony. The cost shift will, 'have an immediate adverse impact on the state and county government bond rating and their ability to issue general obligation bonds because of the huge unfunded liability that would have to be disclosed.'

"A third concern -- the increasing cost of the retirees' health benefit plan was pointed out by Mr. Shimabukuro. The annual health benefits cost increased \$20 million just in the last two years. And he points out that if the health benefits costs continue to increase at the current rate, annual expenditures could exceed \$500 million within the next 14 years.

"A fourth concern mentioned by Mr. Shimabukuro -- increased cost to state and county government, the general fund. I quote from his testimony: 'In fact, the annual state and county governments' billings by ERS will be much larger than the \$121 million last year. It will probably exceed \$200 million each year.'

"Fifth point -- 'The transfer of the retirees' health benefits obligation will weaken the Retirement System.'

"Sixth point -- this bill 'initiates a funding technique that is similar to the federal government's raids on the social security fund to pay for other federal programs.'

"We are very concerned that S.B. No. 2964 will ultimately jeopardize both the ERS retirement and the Health Fund retiree program.

"Those are the concerns raised. I do want to add one more point to what the Senator from Kaneohe mentioned in his ... I don't know who he was alluding to about being supportive of the bill. I heard a lot of caution expressed by those who testified, but opposition was expressed by the Coalition of Hawaii State County's Retirees.

"Mr. President, we could have amended this bill. If we wanted to move a title forward, we could have moved the title forward, but we are asked to vote on a bill that ERS says is going to be devastating in its impact and I can't do that and I'm going to vote 'no.'

"Thank you."

Senator Tam then added:

"Reservations for me. Thank you."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2699 was adopted and S.B. No. 2964, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Aki, Anderson, Bunda, Fernandes Salling, Ige, M., Iwase, Sakamoto, Slom, Solomon, Tanaka).

Stand. Com. Rep. No. 2700 (S.B. No. 2876, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2700 be adopted and S.B. No. 2876, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose and said:

"Mr. President, I just rise in support of the measure with reservations, and the reservations are because while we're trying to be sensitive and understanding, we are removing the '93 federal poverty level and using the most current poverty amounts which means that we are going to increase the cost of general assistance even further in the State of Hawaii.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2700 was adopted and S.B. No. 2876, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2703 (S.B. No. 3206, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2703 was adopted and S.B. No. 3206, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2704 (S.B. No. 1638, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2704 be adopted and S.B. No. 1638, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Solomon rose to speak on the measure and said:

"Mr. President, I'm just speaking with reservations on this bill. I just would like to inform my colleagues that the Office of Hawaiian Affairs did not submit any kind of supplemental budget request and I just would like to note that for the record.

"Thank you, Mr. President."

Senator Anderson then added:

"W/R for me too, for the same reasons."

Senator Iwase added:

"A W/R also. Thank you."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2704 was adopted and S.B. No. 1638, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Fernandes Salling, Ige, M.).

Stand. Com. Rep. No. 2705 (S.B. No. 3232, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2705 be adopted and S.B. No. 3232, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Iwase rose to oppose the measure as follows:

"Mr. President, I rise to speak in opposition.

"Mr. President, this bill seeks to abolish all boards and commissions in the Department of Commerce and Consumer Affairs, and in the spirit and intent of down-sizing and streamlining government, we should be looking at boards and commissions and which boards and commissions should survive. But it should be a thoughtful review and in line with the governor's charge in his budget message. His budget message says, 'The government responsibilities have to be limited to what it should do, rather than what it can do.' This bill assumes that all boards and commissions within the DCCA should be abolished and have no value. And I disagree with that.

"Certain of these boards and commissions regulate professions which require unique and specialized skills, for example, the health professions. Another example would be the architects, engineers, and land surveyors. These boards regulate the qualifications needed to be licensed, as well as to render judgments in disciplinary action against licensees. The board compositions for these skilled professions include professional members as well as public members and provide a mix and expertise to insure that the public interest is protected.

"Mr. President, the first priority of our licensing laws is to protect and insure the public health and safety. And for some of these boards and commissions, their retention is of critical importance in insuring that the public is protected. I suggested at the WAM hearing, it was a suggestion put forth in good faith, that we perhaps follow what was done under Chapter 26H -- have the auditor conduct a sunset review, which is a thoughtful review with a scalpel and not a butcher knife, and come back to us next year and tell us what boards and commissions we should sunset. And that was not accepted and we're moving forward a bill that abolishes all these boards and commissions.

"Mr. President, when I was a deputy attorney general, I used to do these cases. We had three cases against doctors that involved professional misconduct. One was Dr. You; one was Dr. Gail Li and the other was Dr. C. Stanard Smith, prescribing drugs. And I'll tell you that the doctors who served on the board provided good insight to us in assisting in bringing resolution to these cases. They are very complex things that happen in these professions that require their insight.

"Ms. Matayoshi is a great lawyer and a good person, but she does not possess the expertise needed to have rules promulgated regulating the profession and to make decisions about what constitutes professional misconduct, gross negligence in the practice of medicine, or nursing, or osteopathy, or naturopathy.

"This bill just goes too far, it is too sweeping, and it's not thoughtful and I cannot support it.

"Thank you."

Senator Solomon also rose in opposition and said:

"Mr. President, I'm also speaking in opposition and Mr. President, I'd like to include the remarks of the Senator from Mililani as though they were my own.

"Also to add, Mr. President, I had the privilege of chairing your Committee on Executive Appointments in which your committee sat through countless hours of testimony regarding these professional and vocational license boards and commissions. I was really surprised to see how many people came forward to testify in their support, being that they did have problems and they did access these boards for help. These boards are very responsive to these individuals.

"Mr. President, I'm urging all my colleagues to take that into consideration. I feel that although some of these boards and commissions may not be appropriate and may not be needed, we should go through some kind of extensive review process to determine which should stay and which should go.

"I'm very much in favor of streamlining the government. I am very much in support of that but because the professional, vocational licensing boards and commissions are involved, I feel that we should proceed cautiously, Mr. President. And with that, I will be voting 'no.'

"Thank you."

Senator Tam rose in support of the measure and said:

"Mr. President, I rise to vote in favor of S.B. No. 3232, relating to professional and vocational licensing boards and commissions, with reservations.

"The intent of this bill is to downsize Hawaii's state government by abolishing professional and vocational boards and commissions. My concern is where this bill eliminates the purpose of government to protect the health and safety of consumers.

"I understand that as this bill moves along in the legislative process, the health and safety concerns will be addressed.

"Let me give you an example of why I am concerned. As many of you know, I'm involved with the Chinese community and one of the health care practices in the Chinese community is acupuncture. I've had many friends who have approached me and asked me if they should take acupuncture for muscle spasms. And I say yes, try it, because it's licensed; we have a board of acupuncture which safeguards your health and safety.

"Thank you."

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

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

"This is a measure aimed at streamlining and making government more efficient. We have been thoughtful in our review of the boards and commissions. As you well know, the legislative auditor does sunrise reviews on all boards and commissions on a scheduled basis. In almost every instance, the auditor finds that the board is not necessary for protection and insurance of the public welfare, but the legislature continues to support the continued sustenance of most of these boards and commissions.

"The CPI Committee, in looking at all of these, did look at the committee activities of the boards, trying to make a determination about whether it was appropriate and necessary. We have consulted with the department, and in their testimony they respond that because they have the authority to reform advisory committees, the available expertise lost with the repeal of the boards could be filled by advisory committees on an as needed basis. Therefore, clearly this measure would allow us to help streamline and, over the long run, reduce costs of regulating these professions.

"I urge all of my colleagues to vote in support."

Senator Iwase rose again and said:

"Just in response to the comments of the previous speaker who said that they conducted a thoughtful review. I'm sure they conducted a lengthy review. I don't know if it was thoughtful because the result was that they are going to eliminate all of them. And while I agree, having been here for eight years, that we are often very reluctant to take the advice of the auditor, unfortunately, when she offers to suggest that boards and commissions should be sunsetted, I would like to ask if she's ever suggested that the Board of Medical Examiners be sunsetted, or the Board of Nursing, or the Board of Osteopathy, or the Board of Naturopathy, or the Chiropractic Board, or the Optometry Board, or the Dentistry Board. Do we have that list, Senator? Have they been, as a point of inquiry,

sunsetting? There's a recommendation to sunset them by the Auditor?"

Senator Metcalf then replied:

"Mr. President, we can give you the information with respect to the auditor, but with respect to the department, they did testify in support of all those boards and commissions that have been deleted by this bill.

"Thank you."

Senator Iwase questioned:

"Did they testify in support of deletion of the Contractors Licensing Board?"

Senator Metcalf answered:

"That was the determination. Yes, they did."

Senator Iwase continued:

"Real Estate Board?"

Senator Metcalf responded:

"That's correct."

Senator Iwase further inquired:

"Elevator Mechanics Board?"

Senator Metcalf answered:

"That's correct."

Senator Iwase questioned:

"But you put them back in, did you not?"

Senator Metcalf replied:

"That's correct. That was part of our thoughtful deliberation process."

Senator Iwase then said:

"Lengthy, lengthy. Thank you very much.

"Well, Mr. President, to go back to what I said, the reason I asked the question was in response to the statement that the Legislative Auditor has suggested that some of these boards be sunsetted. Go back to the Legislative Auditor and also the comment that it was a thoughtful review. And I assume that if it was thoughtful and if you're going to refer to the Legislative Auditor, we would know, today, if the Legislative Auditor suggested that those health boards be sunsetted.

"Having worked with those boards and having been involved with cases involving doctor license revocation or health profession license revocation, the background that is needed to ensure that those who are licensed in the health care profession are qualified, advisory boards aren't going to do it. And for all of what the Department says, I disagree vehemently after having spent six years there working as an advisor, advising deputy AG to some of those boards and the quote, unquote, prosecuting deputy AG for some of those boards, those health professions need professional members.

"And until I see that the Auditor has said that the doctors can be eliminated and the nurses and the dentists and the optometrists and the naturopathist, the whole gamut, I cannot support this bill. And I don't think it's going to protect health, safety and welfare and it is not thoughtful.

"Thank you."

Senator Sakamoto rose in opposition and said:

"Mr. President, I also rise in opposition.

"I don't want to speak on every measure, but after hearing what's discussed and looking at the whole course of all of the bills, we may be deleting positions. I was a board member and I wasn't paid. We're deleting all these unpaid positions who are doing all of this work, voluntarily, to help regulate professions. And now we're saying, get rid of the volunteers, get rid of them. Then we say, okay, maybe we'll penalize now. We want authority to penalize. We want authority to police. We're kind of convoluted over here.

"The volunteers are doing work and maybe some deserve sunsetting, some deserve meeting less, but we're kind of going in the wrong direction when you're having the unpaid guys downsized, and then you're saying, oh, we downsized government; let's look at how we can use the volunteers more."

Senator Slom also rose and said:

"Mr. President, reservations please."

The Chair so ordered.

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

Senator Metcalf requested the following remarks be inserted into the Journal:

"Mr. President, I rise to speak in favor of S.B. No. 3232, S.D. 2, A Bill for an Act Relating to Professional and Vocational Licensing Boards and Commissions.

"This measure seeks to implement the recommendations of the Economic Revitalization Task Force by finding ways to streamline government.

"In light of the state's austere fiscal situation, this measure achieves financial savings by streamlining government operations, while continuing to provide necessary consumer safeguards and services to the public.

"This measure achieves significant reform in the way licensing and regulation of professions and occupations is handled in the state. The elimination of most boards and commissions and the transfer of these responsibilities to the Director of Commerce and Consumer Affairs downsizes a current system that is large and inefficient. This transfer promotes efficiency in state government by reducing costs and streamlining the administrative and decision making process.

"Senate Bill 3232, S.D. 2, also maintains the current level of services to the public by providing necessary law enforcement and consumer protection functions. Existing law allows the Director of the Department to convene administrative panels when necessary and appropriate that can consider matters such as promulgation of rules and regulations. This measure becomes a vehicle for further discussion on the matter of reducing the state's budget without compromising government services to our citizens.

"Our constituency has made it very clear that they wish to see smaller, more cost effective government that is both efficient and accessible. Therefore, this measure is a significant step in addressing the concerns and needs of our citizens. The goal of streamlining government is one pillar among many that supports economic revitalization in our state. Thus, I urge my colleagues to vote in support of this measure."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2705 was adopted and S.B. No. 3232, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING BOARDS AND COMMISSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Fernandes Salling, Ige, M., Iwase, Sakamoto, Solomon, Tanaka).

Stand. Com. Rep. No. 2710 (S.B. No. 2246, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 2710 was adopted and S.B. No. 2246, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2711 (S.B. No. 2423, S.D. 2):

Senator Chumbley moved that Stand. Com. Rep. No. 2711 be adopted and S.B. No. 2423, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Chumbley rose in support of the measure and stated:

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

"Mr. President, your Committee on Judiciary, working in collaboration with your Committee on Human Resources, worked diligently on the language of this bill, proposing amendments to ensure that the focus of this measure was, in fact, on protecting employees while not unduly restricting business operations. This will give employees an opportunity to report a violation that poses an immediate or serious danger to the public health, safety, and welfare, without the fear of retaliation of losing their jobs.

"I do have some further additional comments to be inserted in the Journal and would urge all my colleagues to support this measure. Thank you."

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

"Mr. President, your Committee on Judiciary believes that we were able to reach a balanced compromise in this measure after consulting with both business and employee representatives. We worked diligently on the language and proposed amendments to ensure that the focus of this measure was on protecting employees while not unduly restricting business operations. Specifically, we eliminated language which was overly broad and added definitions so that this law would not be left to interpretation by either employees or employers. We clarified that employers must act ethically, if an employee is governed by a professional code of ethics, and required that employees may report a violation that poses an immediate or serious danger to public health, safety, and welfare. We changed the statute of limitations to 180 days, which conforms to Hawaii's fair employment practices law, and we deleted the ability for a judge to dismiss an employee, leaving that up to the business or agency for whom they work."

Senator Anderson rose to speak on the measure and said:

"Mr. President, I'll be going with reservations on this particular measure. I'm not sure if it's this bill or another one on whistleblowers that we were even going to give them a portion of fines, etc. For those reasons, I will be going with reservations. Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2711 was adopted and S.B. No. 2423, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE PROTECTION UNDER THE WHISTLEBLOWER LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 3:33 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:43 o'clock p.m.

Stand. Com. Rep. No. 2712 (S.B. No. 3084, S.D. 2):

On motion by Senator Chumbley, seconded by Senator D. Ige and carried, Stand. Com. Rep. No. 2712 was adopted and S.B. No. 3084, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE INFORMATION CONFIDENTIALITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3037, S.D. 1:

Senator Chumbley moved that S.B. No. 3037, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator M. Ige rose for a conflict ruling as follows:

"Mr. President, I rise to speak in support of this measure but I would like to ask for a ruling on a possible conflict of interest. I have a Bishop Estate lease in Kaneohe."

The Chair then stated:

"No conflict, you may vote."

Senator M. Ige continued:

"Mr. President, the first thing I want to mention is that I appreciate what both of the Judiciary chairs went through in coming up with the language of this measure. Senator Chumbley and Senator Matsunaga, I appreciate their courage on this and I'm very satisfied with the language. I believe that by leaving it up to the courts to determine what is reasonable and unreasonable is fair and just.

"Mr. President, I do have one concern and it has very little to do with the measure itself. Basically, it was with the attorney general's testimony. And I asked the attorney general where did he get the language when he said 'it lends itself to the inevitable result that trustees will be inclined to spend more of the estates assets to justify excessive compensation.' It led people to believe that the trustees presently get rid of property to take care of themselves, to raise money for themselves. And what hurt me the most was, the attorney general said those words were based on a hunch.

"Mr. President, I believe it's irresponsible for anyone, especially the attorney general, to come before the Senate and give testimony based on hunches. I think it hurts people and it paints a cloud that may not be accurate. And I sincerely hope that the attorney general in the future, presents the facts so that the legislators can make the best decision possible on behalf of the people of this state.

"Thank you."

Senator Anderson rose to speak on the measure as follows:

"Mr. President, I, too, have reservations.

"I believe the Senator from Kaneohe expressed himself very well with some of my concerns. But I personally don't think that I would like to give up, always, our responsibilities as far as legislators. We used to be able to raise the percentages or lower them as needed. And when the case was brought before us, I've said the other day that I believe the Hawaiian community is the ones that should get together, meet with the trustees, come up with what they feel is right and just, and then come back and tell us what they have decided on.

"I believe there is a lot of misinformation the community has had, misinformation the legislators have had, and I just feel that we here are not doing our job by saying we're going to give it to the courts and let them make up their minds. I would hope that we would have said that the Hawaiian community together should come up with something that's responsible. You always vote for taskforce. You could have appointed a group from leaders within the Hawaiian community and not just Kamehameha alumnus.

"So that's what I believe in and that's why my reservations are there. Thank you."

Senator Solomon rose in support of the measure and stated:

"Mr. President, I will be speaking in support of this measure.

"Mr. President, I think it's a step in the right direction. However, I feel that this measure should have removed any computation of compensation from the sales of the trust corpus, lease fee, or any other capital transaction. It should have limited the compensation base only to lease rents, interest, dividends, and participations in income projects or profit making ventures. It should not be computed on gains of sales of leased fee, passed through real property taxes or reimbursements, or the like.

"The bottom line, Mr. President, is I felt that the language in the original bill was much, much stronger and this is in reference to page 2, subsection (b). And I'm hoping as this bill does advance through the legislative process, that we could reconsider this position, because I feel that in the reconsideration of this position that this would help relieve a lot of people who have expressed grave concerns to Bishop Estate in particular. Thank you."

Senator Chumbley rose in support of the measure and said:

"Mr. President and members, traditionally, private charitable trusts are established to benefit a limited number of beneficiaries who fit certain criteria as delineated by the benefactor. Therefore, government oversight is generally unnecessary and is limited to monitoring their tax-exempt status. Further, the trustees who manage the trust often either serve without compensation or with limited financial gain. Thus, there must be a compelling state interest in setting trustee compensation in order for us to be passing this measure.

"Your Committees on Judiciary and Ways and Means are responding to the requests of many constituents who requested that some state intervention was necessary regarding trustees' compensation. Thus, after consultation with these groups and persons knowledgeable about trust law, we are recommending that our state law follow the federal guidelines as established by the Internal Revenue Services which suggests that trustee compensation be measured by a standard which is 'reasonable' under the circumstances. Further, we are recommending that this standard apply to existing and new trusts, unless the trust agreement specifically addresses trustee compensation and that agreement shall supersede state law.

"Mr. President and members, I urge all of you to support this measure. Thank you."

Senator Anderson rose again and said:

"Mr. President, just a point of personal privilege, if I may, or information that came from the Senator from Maui.

"Yes there is a federal law and I'm sure it spells out charitable trust, but, unfortunately for us, the laws that we have before us are from the mainland. They are western laws. The laws that we had prior to, were our laws and we believed that you could have leased land. And we changed the law. And when we were fighting some years back against the way it was done, the majority did nothing and allowed the charitable trust, if you want to call it that, but the trustees' pay to go up. And when I was in the House in the '70s and the '80s and I said let's get rid of the land reform act which is causing this, no one even wanted to take care of it. And that's what frustrates me more than anything else.

"Whenever we go to any hearing, they bring up laws that we have today. And they try to make it sound like we're not very bright and we should understand all the laws that have come down from other parts of the world. And because we have some disagreement, we're not looked upon as being very bright, such as the building a prison in Ka'u. People from the mainland said you don't understand, this is spiritual. This is Tutu Pele's place. They're using my culture against me. And I told them, had it not been for our laws, we didn't have anybody going to jail. We would put them to death with our kapu system. That's why we had the City of Refuge. If you could make it, you were safe. Those were our laws, just like the land reform act that was brought was not ours. We marched against it.

"So I have some trouble and that's why I'm with reservations. You're saying we're going to take and use all of the western laws because somebody understands the trust laws and it's very simplified what they will get. They get no dollars at all, that's all right. The only thing that I'm concerned about is that when we came up with what we thought were solutions, nobody cared because they were putting their people there. So they didn't want to get involved in the fights that we were having. And I still have reservations."

Senator McCartney rose to support the measure and said:

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

"Mr. President, I'd like to thank the two co-chairs of the Judiciary Committee and the Ways and Means Committee. I think this bill is a step in the right direction. And I think in the long run, Kamehameha Schools/Bishop Estate will be a much better entity for this. I think it's a good public policy for all charitable trusts.

"And I'm just reminiscing, Mr. President, I remember eight years ago in this very chamber where a similar bill came to the floor, where a then Senator from Makiki challenged the Senate leadership to put the bill on the floor, and the bill came to the floor and the bill was voted down by this body to adjust the cap on trustees' compensation.

"I think it's a great day today that this body is addressing that and doing something which is good for the people of Hawaii and good for everyone involved.

"Thank you."

Senator Slom rose and said:

"Reservations please."

The Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 3037, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS," having been read throughout,



passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3230, S.D. 1:

Senator Chumbley moved that S.B. No. 3230, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Solomon rose to speak on the measure as follows:

"Mr. President, I'll be voting on this bill with reservations.

"I know this is on the Big Island, but I'm not sure. Maybe the Senator from Hilo can yield or my fellow colleague. Is Kulani Prison situated in the district of Ka'u?"

Senator Metcalf replied:

"Not at this moment, Senator." (Laughter.)

Senator Solomon responded:

"That very response is the reason why I will be voting with reservations. I still feel very strongly that Kulani Prison should be a viable option. From reading the committee report and bill, I know that we are just targeting the Ka'u area. I have advocated that very strongly since we first discussed the possibility of prison expansion for the Big Island is to look at the Kulani site.

"And with that, Mr. President, that is the reason why I will be voting with reservations and hoping, as this bill advances, that perhaps we could get a much broader option. And I'm hoping that maybe Kulani Prison could be included as a possibility. Thank you, Mr. President."

Senator Slom rose to speak on the measure as follows:

"Mr. President, I'm voting with reservations also, and the reservations have to do with the appointment procedure of the people for the commission. I think it should be more community-based and not appointed by the Governor, the Speaker and the President. Thank you."

Senator Anderson also rose to speak on the measure and said:

"Mr. President, I will be voting W/R on this primarily for the reasons that I stated earlier, but also because of the committee that went up there. It's a lack of communication with the people in Ka'u. No one told them where the site is going to be. All they did was say we're looking at three areas. The information that they got when I talked to them after, was almost nil. The governor had been in the day before and then he was out. They didn't even get a chance to talk to him to find out where the site was going to be, what kinds of jobs were going to be provided for the residents in Ka'u. There's a lot of unanswered questions and that's because of lack of communication.

"I'll go with reservations. Thank you."

The motion was then put by the Chair and carried, S.B. No. 3230, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2329, S.D. 1:

Senator Chumbley moved that S.B. No. 2329, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Iwase rose in support of the measure and stated:

"Mr. President, I'm rising to speak in support of the bill.

"Mr. President, this is a bill on hate crimes that I've been putting in for about seven years now and this is not my bill and I commend the Senator from Makakilo for putting it in. This is a good bill. It's needed. But I did have a question that I wanted to ask perhaps the chair of the Judiciary Committee because the bills I have been putting in did not include as a hate crime, acts against those with a political affiliation. And I wanted to know what that meant. If any of the co-chairs of the Judiciary Committee knew what that meant or could give me an example of that."

At 3:59 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:01 o'clock p.m.

Senator Iwase continued:

"Thank you, Mr. President, I did get a clarification of the language. Political affiliation meant what I thought it meant. And it means that the Senator from Hawaii Kai cannot do anything unusual to the Senator from Waianae, but he could do something unusual to the Senator from Waimanalo because they have the same political party. A democrat can't go fighting a republican, etc.

"Having talked to the co-chairs, asking that it be deleted or if it can be as this thing moves along, because this hate crime issue, Mr. President, is a serious one. And I've been putting this bill in every year because of the rise in hate crimes, particularly against Asian Americans on the mainland. The Vincent Chin case out of Chicago I believe it was. In North Carolina where an Asian American, Vietnamese I believe, outside a pool hall had a beer bottle smashed into his face and he died. And it happened to him because he was Asian American. The case in Florida. And when I was up on the mainland last year, a trial about an Asian American who was killed because he happened to walk by a basketball court at the wrong hour of the night in Los Angeles.

"But it's not just about Asian Americans, it's about people of color. And this bill has been put in to deal with those kinds of violent acts against a category of individuals motivated by hate. And they are crimes against an individual because of race, religion, national origin, and sexual orientation. And if we start adding to this bill, all acts of violence -- football teams 'beefing' on the football field, that's an act of violence; that's caused in anger; that may be caused in hate; that's not a hate crime -- it would cheapen this bill and what it attempts to do. And I'm pleased that the Judiciary co-chairs understand this and they're going to work on it.

"So I'm going to vote on this with reservations, Mr. President. Thank you."

Senator Slom rose to speak with reservations and said:

"Mr. President, I, too, am going to vote with reservations on the bill.

"Certainly we want to outlaw hate crimes, but the bill as it is drawn is extremely broad and if you do a very careful reading of the bill, you find a number of inconsistencies and some bad execution within the bill.

"However, I would like to disagree with my colleague from Mililani. I think we should keep the provision of political affiliation in, because then we can prosecute those of you that say that republicans are mean spirited and don't have a heart.

"Thank you, Mr. President."

Senator Chumbley rose in support of the measure and said:

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

"Although the bill, as interpreted by the previous speaker, may be somewhat unclear, I can assure all the members that there is no enhanced penalties such as execution in the measure.

"I'd like to commend the Senator from Mililani for his efforts over the past seven years for introducing and keeping this measure before us. Fortunately, this year was a much better time to deal with this issue than the previous years, so I'd like to acknowledge his work for that.

"I request that my additional written comments be submitted for the Journal. Thank you."

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

"Mr. President, for several years, there has been debate on the mainland about the increasing number of 'hate' crimes -- offenses that are spurred by bigotry or hatred of someone else based upon their race, ethnicity, religion, national origin, or sexual preference. Fortunately, in Hawaii, we are more tolerant of others, and hopefully a 'hate' crime is the exception rather than the rule. However, in order to show our solidarity with other jurisdictions that have enhanced criminal penalties and reporting requirements for 'hate' crimes, we agreed to pass this measure. Further, this measure will also allow for standing in civil causes of action based upon the same categories applicable to 'hate' crimes."

Senator Iwase then added:

"Mr. President, I didn't mean to say that I was going to vote with reservations. I am going to vote straight up on the bill as I said at the beginning of my speech.

"In response to the Senator from Hawaii Kai, I would think that even with this bill -- mean spirited and heartless -- the truth is still a defense. Thank you."

Senator Anderson then said:

"Mr. President, would you put me down with reservations. I hated the bill and I was going 'no,' but now I'm only going with reservations. Thank you."

The motion was then put by the Chair and carried, S.B. No. 2329, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2525, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Chumbley and carried, S.B. No. 2525, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMARKETING FRAUD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2722 (S.B. No. 2850, S.D. 2):

Senator D. Ige moved that Stand. Com. Rep. No. 2722 be adopted and S.B. No. 2850, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chumbley.

Senator Slom rose in opposition and said:

"Mr. President, I'm going to vote 'no' against the bill simply because again we're creating a new crime and we're talking about solid waste violators going to prison. I don't support solid waste problems, but I think that we should address them in another way. Again, this is another way of looking at our whole problem with prison overcrowding."

Senator Sakamoto rose to speak on the measure and stated:

"Mr. President, I rise in support of the intent but also with reservations related to the penalties.

"Sometimes a business owner or business managers have good intent. One of their employees may get their own idea and then it would be termed an illegal dump. We will run into problems with that and can anticipate them with these great penalties, Mr. President."

Senator Anderson then said:

"With reservations, please, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2722 was adopted and S.B. No. 2850, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 2414, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2414, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2564, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2564, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2588, S.D. 1:

Senator D. Ige moved that S.B. No. 2588, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

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

The motion was then put by the Chair and carried, S.B. No. 2588, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Fernandes Salling, Iwase, Sakamoto, Tanaka).

S.B. No. 2589, S.D. 1:

Senator D. Ige moved that S.B. No. 2589, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

Senator Slom then requested his vote be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 2589, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Fernandes Salling, Iwase, Sakamoto, Solomon, Tanaka).

S.B. No. 2595, S.D. 1:

Senator D. Ige moved that S.B. No. 2595, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

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

The motion was then put by the Chair and carried, S.B. No. 2595, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Fernandes Salling, Iwase, Sakamoto, Tanaka).

S.B. No. 2598:

Senator D. Ige moved that S.B. No. 2598, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

Senator Slom then requested his vote be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 2598, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE DIVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2602, S.D. 1:

Senator D. Ige moved that S.B. No. 2602, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

Senator Slom then requested his vote be cast "Aye, with reservations," and the Chair so ordered.

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

Ayes, 19. Noes, 6 (Fernandes Salling, Ige, M., Iwase, Sakamoto, Solomon, Tanaka).

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

Senator D. Ige moved that S.B. No. 2610, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

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

The motion was then put by the Chair and carried, S.B. No. 2610, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL LAND SURVEYORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Fernandes Salling, Ige, M., Iwase, Sakamoto, Solomon, Tanaka).

S.B. No. 2824, S.D. 1:

Senator D. Ige moved that S.B. No. 2824, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

Senator Sakamoto rose to speak in opposition to the measure and said:

"Mr. President, I rise to speak in opposition.

"In a previous measure, we want to get rid of all the advisory boards. This measure, we want to be policemen. I think we should rather than give out citations and fines, we should help the bona fide licensees. We should not create a policing authority and we should facilitate better business and help the businesses survive, Mr. President."

The motion was then put by the Chair and carried, S.B. No. 2824, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF THE PROFESSIONAL AND VOCATIONAL LICENSING LAWS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2834, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, S.B. No. 2834, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2837, S.D. 1:

Senator D. Ige moved that S.B. No. 2837, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

Senator Slom rose in opposition to the measure and said:

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

"The bill adds credit bureau rating discrimination in the list of prohibited discrimination considerations. Certainly, I think that anyone should be able to take into consideration what a credit bureau rating says about an individual before advancing them any financial leverage.

"Thank you."

Senator Sakamoto then said:

"With reservations. Thank you."

The Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 2837, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITED MOTOR VEHICLE INSURANCE PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2748 (S.B. No. 721, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2748 be adopted and S.B. No. 721, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom spoke against the measure as follows:

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

"This bill seeks to increase fees tremendously without any justification why the fees go up, fees including those for the people's court provisions. It's going to make it much more difficult for lower income people and small business people to access the courts. But the main thing is there is no justification for these fee increases.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2748 was adopted and S.B. No. 721, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2750 (S.B. No. 2201, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2750 be adopted and S.B. No. 2201, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Kawamoto rose to support the measure and said:

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

"Mr. President, in our TIA Committee we had an opportunity to talk to all the mayors and all the council chairs of all the counties of Hawaii, all four counties. And the bottom line was, keep the counties' revenues whole, and we did all we could and introduced some bills to help that effort. But this bill, I would like to thank the Hawaii Industry Association coming up with this TAT bill that now provides and keeps the counties whole. Therefore, I ask all my colleagues to vote in favor of this bill.

"Thank you."

Senator Iwase spoke on the measure and said:

"Mr. President, like the previous speaker, I'm rising to speak in support of the bill, but with reservations.

"I'd like to, like the Senator from Waipahu, commend the visitor industry coalition for proposing the increase of the TAT to 11 percent, and to the co-chairs of the Ways and Means Committee for adopting that proposal, although as it came out of committee there's another half percent bump to 11.5 percent which is of concern to the visitor industry and I hope it will be addressed.

"My concern, however, is relating to the . . . by the way, it's dropping back. The proposal does, from what was presented to us, make the counties whole. And I guess that's why we don't hear a lot of calls from the counties on their TAT portion.

"The concern I have is relating to the debt service for the Convention Center Authority. When I was in the Ways and Means Committee I asked the question about whether this amount of money given to the Convention Center Authority under this proposal would ratchet up because in the first year the debt service won't be that high. It will ratchet up to maybe \$40 million.

"The proposal from the Visitor Industry Council has \$40 million going to the convention center. And I was told in Ways and Means that this would be taken care of, but under this proposal the Convention Center Authority is not going to be made whole under the debt service portion of the bill. And that is of grave concern to me, Mr. President. The convention center, which has been much debated -- there's still community issues out there -- is of extreme importance to the tourist industry and to this economy as we look for different plans to develop our economy and to get out of the doldrums.

"Island Business magazine just recently issued -- talking about the convention center -- the Lions Club convention 3,000 strong coming to Hawaii in the year 2000, perhaps will generate \$78 million in revenues, and factoring in about 10 percent of that into state coffers, 7.8 million in new state taxes. And quoting the writer of the article, 'If Hawaii sells 15 conventions like this a year, or 30 that are half that size, it will generate a whopping \$117 million more in tax revenues for the coming year.'

"We've got to take care of the convention center, it's built. We've got to deal with the community concerns, that's true. But we cannot have a proposal like this which is going to short change the convention center on debt service. It's going to take a while for the convention center to get out of this, pull out of the doldrums, and we've got to take care of them. And I hope that as this thing moves forward, we're going to make the convention center whole on the debt service or we're going to be creating a problem for the center which may become a money generator for the state.

"Thank you."

Senator Slom spoke against the measure and stated:

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

"I know there was a lot of hard work put into the bill and a lot of changes that have taken place, but I'm speaking against the bill for several reasons. First of all, we're increasing the transient accommodations tax from 6 percent up to 11.5 percent, which is going to make the cost of Hawaii vacations even more costly even though we're exempting the general excise tax. Actually, what we're doing is we're moving figures around.

"I went to the Ways and Means hearing, and I don't think any of the county representatives were at the final decision making because a lot took place in a very short period of time. And while they are made whole by this particular bill, if you look at it -- 3 percent for the visitor industry for marketing, and 4 percent for the counties, and 2 percent here and 3 percent there -- that guarantee is only through next year, through 1999, and it doesn't say what's going to happen after that period of time. It does give the state a great deal of opportunity if things continue to worsen and the revenue estimating committee or revenue council comes up with lower figures to shift figures around and say, 'Gee, we really want to do that, but we can't afford to do it. We'll have to take it away from you.'

"I'm a little surprised and disappointed at our hotel industry. I know they're extremely, you know, very excited about getting funds for marketing and so forth, but I remember the history of when the visitor industry came before this Legislature and finally capitulated to having a transient accommodations tax in the first place. And they made an agreement, a political agreement in this body, that it was going to be 2 percent, and 1 percent was going to go to visitor marketing, and 1 percent was going to go to build and fund a new convention center. Well guess what? After they agreed to do that, the final vote and the final action was that there was a 5 percent transient accommodations tax and the visitor industry got zero, nothing out of it.

"So if they wanted to put their trust in this document, that of course is their privilege. But I think that the counties probably would have liked to have a little bit more time in which to examine this.

"And finally, this does add a new tax for the time share units, which I argued against last year and I argue against this year. I think it's unconstitutional and I think it's a tax against something that has been purchased and not rented.

"Thank you, Mr. President."

Senator Anderson rose to oppose the measure and stated:

"Mr. President, I, too, will be voting 'no,' and I'll make it very brief.

"My main reason is because I do remember when HVB was being marketed all over the world. It took us a while to do that. Then we turned around and we came out with a new logo a few years ago -- I think it's a rainbow, if I remember correctly.

"Now we're going to have Hawaii Tourism Authority and I asked if we're going to spend some of this marketing money to market the authority so that people would know that this is a new authority for the State of Hawaii. With all of these things considered, it's also the logo of Kamehameha for scenic areas that was our main logo and that was taken away. So I'm not sure if we're going to come out with a new logo also that is going to take care of that and never mind the rainbow. So with all of these things, that's where my concerns are.

"The other ones bother me just as much, but that's why I'll be going 'no.'"

Senator Solomon spoke on the measure and said:

"I just would like to register a W/R for me and I just would like the remarks of the Senator from Mililani to be included as though they were my own.

"Although I'm very happy that the counties remain intact, however, I'm very much concerned about the debt service for the convention center. That is an issue that has plagued this body and I'm hoping that as this bill advances that we become more creative and think of a way of how we can compensate for that, and perhaps, maybe, look at whether or not the governor should be waiving the landing fees at the airports.

"So with that, Mr. President, I will be voting W/R.

"Thank you."

Senator Baker rose to support the measure and said:

"Mr. President, I, too, rise in support of this measure, and I have remarks that I would like to have submitted in the Journal, but before I submit those remarks, I would just like to offer a word of thanks and commendation to the co-chair of the Economic Development Committee for his leadership in pulling together the collaborative effort from the visitor industry that brought forth this very innovative proposal.

"This measure is the culmination of collaboration among the various segments of the visitor industry. They are willing to assume additional taxation in an effort to secure a dedicated source of promotion and marketing funds. It is an indication that the industry is willing to work with us to ensure that tourism continues to be a vital and vibrant part of our economy

"Thank you, Mr. President."

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

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

"Mr. President, S.B. No. 2201, S.D. 2, is one of several bills introduced this session by the Economic Revitalization Task Force to address our state's economic slump. Through this measure, we bring meaningful reform to our state's largest industry, tourism, by establishing a framework for a statewide coordinated marketing effort, generating much needed additional revenue by increasing the TAT and extending it to timeshare units, and allocating resources in a fair and efficient manner.

"The first objective of S.B. No. 2201, S.D. 2, is to create the Hawaii Tourism Authority to develop state policy and directions for tourism and a state tourism-marketing plan. Currently, marketing strategies are designed and implemented at the state, county and industry levels. While these multi-level strategies may have been effective in the past, the increased competition for promotional dollars has caused us to re-think our strategy to make more efficient use of our scarce resources. In an effort to create a more coordinated, state-wide promotional plan, S.B. No. 2201 proposes to establish a 15-member board, made up of state, county and industry representatives, who, for the first time, will develop a long-range, state-wide strategic plan to carry this industry into the 21st Century. The Department of Business, Economic Development and Tourism will assist the board with tourism research, analysis and statistics. We believe this coordinated effort will make the most efficient use of our resources and ensures that all islands are appropriately included in promotional strategies.

"The second objective of S.B. No. 2201 is to generate additional dollars for tourism promotion and to retire the debt on the convention center. This bill proposes to raise the TAT from 6 percent to 11.5 percent and eliminate the imposition of the GET on visitor room nights. A portion of the new revenues, or \$60 million, will be used to establish a dedicated source of funding for tourism promotion and marketing. An additional \$10 million will be allocated for debt service on the convention center. It is important to note that we have not reduced the county's share of TAT revenues. In the long run, this reformulated TAT will allow us to save \$25 million per year in general fund dollars that would have otherwise gone toward tourism promotion in the form of the HVCB contract.

"Another revenue generating aspect of this bill is the imposition of the TAT on timeshare. To date, transient timeshare accommodations have not paid the TAT on occupied units. This bill imposes a fair and reasonable computation for the taxation of timeshare. Using a formula based on the fair market rental value derived from gross daily maintenance fees, the taxation of timeshare will generate an additional \$5 million for the state.

"The third aspect of this bill extends the Convention Center Authority for an additional year to address unresolved logistical concerns of the Waikiki community. The authority, under the scrutiny of the auditor, will propose a plan to mitigate address remaining traffic problems, noise problems, and other outstanding construction and operating claims against the authority.

"In summary, Mr. President, S.B. No. 2201, S.D. 2, will provide us with the tools to be more effective and efficient in managing the promotion and infrastructure of our visitor industry. I am confident that implementing these proposals will allow us to provide the necessary resources to the promotion of Hawaii as a premier destination, and position ourselves as a stronger competitor in the worldwide visitor market. I urge my colleagues to vote aye on this measure.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2750 was adopted and S.B. No. 2201, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

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

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

Stand. Com. Rep. No. 2752 (S.B. No. 2600, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2752 was adopted and S.B. No. 2600, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2922, S.D. 1:

By unanimous consent, action on S.B. No. 2922, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2758 (S.B. No. 3015, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2758 be adopted and S.B. No. 3015, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak against the measure and stated:

"Mr. President, I'm going to vote 'no' on this bill.

"The bill limits the size of the exemption, size of the aircraft maintenance facility and it favors larger businesses. I think we should be helping to support a number of very small aircraft facility maintenance companies within our state.

"Thank you."

Senator Anderson rose in opposition to the measure and said:

"I also will be going 'no.' However, it's for quite a different reason along with the four things that the bill does. Where it says it adds a third exemption, 'material, parts or tools purchased . . . for aircraft service and maintenance.' That's exempt. However, it specifies that janitorial services, skyrocketing, restocking supplies including food, liquor, and loading and unloading baggage is not exempt. I would think that the whole facility, if it's going to be exempt, you would look at the whole package. You're picking pieces that you're thinking people will find it very good to take those pieces and saying we're trying to help. If you're going to do it, you might as well go whole hog and do the whole bit. For those reasons I'm going 'no.'"

Senator Solomon rose and stated:

"W/R please, Mr. President, for the same reasons. I feel that if we're going to provide this tax exemption that it should also be applicable to those that are smaller businesses.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2758 was adopted and S.B. No. 3015, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX EXEMPTION FOR AIRCRAFT SERVICE AND MAINTENANCE FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 3141, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, S.B. No. 3141, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2761 (S.B. No. 2213, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2761 was adopted and S.B. No. 2213, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2763 (S.B. No. 3129, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 2763 and S.B. No. 3129, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2764 (S.B. No. 3076, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2764 be adopted and S.B. No. 3076, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose and said:

"Reservations please, Mr. President."

Senator Solomon then said:

"Reservations for me also, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2764 was adopted and S.B. No. 3076, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2765 (S.B. No. 2263, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2765 be adopted and S.B. No. 2263, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Iwase rose on a point of inquiry as follows:

"Mr. President, if I may make a point of inquiry with one of the Chairs of the Ways and Means Committee.

"At the hearing, there was a concern raised by the Department of Education on a vacancy bill that it would negatively impact new teachers, positions for new teachers and probationary teachers, and it was supposed to have been covered in the committee report. This is not the intent to affect the DOE in a negative way and it is not in the committee report. I don't know if you recall that conversation taking place in WAM, but it did, and I want to make sure that the Department of Education and its new hiring of teachers is not going to be adversely affected by this bill about vacancies."

Senator Fukunaga responded:

"Mr. President, it was the intention of the committee to specify clearly that employees of the Department of Education and the University of Hawaii would not be negatively impacted. That was part of the discussion, and we will continue to work on this area."

Senator Iwase further inquired:

"Okay, so you will be pursuing this to protect DOE's hiring of new teachers and probationary teachers and all that."

Senator Fukunaga replied:

"That is correct."

Senator Iwase then said:

"Thank you very much. I will now vote with reservations."

Senator Slom said:

"Reservations please, Mr. President. Thank you."

Senators Solomon, Sakamoto, M. Ige and Anderson then requested that their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2765 was adopted and S.B. No. 2263, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VACANCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2766 (S.B. No. 2222, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2766 be adopted and S.B. No. 2222, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Iwase rose to speak against the measure as follows:

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

"Mr. President, this is a very important measure because we've just passed bills that dealt with tax reductions, tax cuts which results in lost revenues to the State of Hawaii, for example, S.B. No. 2215. And we must address those revenue losses from the cuts called for by the Senate, which amounts to hundreds of millions of dollars.

"This is our key bill. It addressed the revenue shortfall and this bill falls far short of addressing the revenue loss in dealing with the tax cuts and this jeopardizes the tax cuts that the people of this state deserve.

"A couple of things, Mr. President, the process that was followed in enacting this bill was confused and hurried. And before I go on, I do want to say that this was about 1543, the pay cut bill. We had a hearing in the morning, the attorney general appeared and the union representatives appeared. At 5:00, I believe the co-chairs -- not believe, I know -- they heard what happened, they heard the testimony and came forward with a bill and a proposal, a recommendation, to kill the pay cut and then things happened. There was a reconsideration on the rails, if you will, or as the media reported, you looked angry -- a rumble on the rail -- whatever happened, something happened. But the confusion and all that was fully reported in the media, and I'm not going to dwell on that because it's too painful and it's too embarrassing.

"Now, the substance of the bill -- called the pay cut portion -- it's unconstitutional, Mr. President. Public workers' salaries -- the Attorney General testified, without qualification,

constitutional problems, not something small like the State Constitution, but the big one -- Article I, Section 10, of the United States Constitution, specifically the impairment contract clause. They said that this bill could probably violate it and they testified in opposition to the proposal. Now, this public workers' salary reduction, I assume, is a major cost saver for the Senate in this attempt to cut taxes. In short, the Senate tax cut hinges on a bill, this bill, which the state Attorney General has said is unconstitutional. Why did the Senate leadership pursue this path? There was committee discussion about moving vehicles for it, but why an unconstitutional bill?

"Mr. President, yesterday I got a call from a lady who said 'never mind that it is unconstitutional, no more money.' I disagree with that caller, Mr. President, vehemently! And I hope that the Senate never adopts such an attitude towards the constitution -- state or federal. We must learn, as President Truman did during the Korean War when he federalized the Steel Workers Union to stop a strike during the Korean War, that the times don't justify the action and the Supreme Court of the United States voided his action and said it was unconstitutional. History teaches us the great danger in thinking, because of the times, we can ignore the constitution. Executive Order 9066 imprisoning Japanese Americans because of World War II is a recent and most glaring example of that kind of errant thinking.

"Not only is this bill a dangerous precedent, it is also a cruel hoax on the public. I support a tax cut, there are members of this body that support a tax cut for the working class because they need it, they deserve it, and we must give them one, but this Senate bill predicates this needed tax cut on a bill which violates the United States Constitution -- a bill which cannot be passed and will not be sustained.

"Also, the salary reduction for elected officials, we elected officials are somewhat like a punching bag -- everybody punches on us because we cannot punch back -- but we do have to stand up every now and then when it's right. We have an opinion from the Legislative Reference Bureau that I gave to you this morning, it's on your desk, asking whether we can adjust our salaries, the Legislature. And they have concluded that under Article III, Section 9, of the Hawaii Constitution, we cannot -- we cannot adjust our salaries.

"Now rather than recommending unconstitutional provisions, Mr. President, Senate leadership should have given thoughtful consideration to other more viable proposals or concepts. You, as Senate President, right now, if you wish to pursue a salary adjustment, could ask the unions to come back to the negotiation table and re-open the agreement and seek to re-negotiate what the salaries are. We should not unilaterally, unilaterally, trample upon that agreement, but that has not happened.

"With respect to legislative expenses, Mr. President, you have the authority now, to ask this body for a payroll lag for legislators. We can do that. We can adjust when we're paid. We can freeze all mainland travel. We can freeze all purchases of new equipment and furniture. We can re-open the legislative budget to look for other restrictions. And we can look at salary adjustments for legislative staff. That can be done now, without a bill. We're getting hundreds of calls from the people, the public workers. We don't need that. We can do all of this now. We don't need a bill to get people excited.

"Third, what we should also be looking at when we are talking about revenues, something that was raised at the hearing early on with Dr. Naya, is looking at the multiplier effect of a tax cut -- how much will come back to the State of Hawaii when we return taxes to our people. For every tax cut dollar returned to the taxpayer, how much revenue will be generated in the state with increased consumer spending.

"Fourth, we can and should have looked at in this bill and bill 2215 if there is not enough money, readjusting the

maximum tax rate and the threshold for the maximum tax rate. We should also have looked at whether or not we could have passed pyramiding reduction because that's \$150 million, but we didn't do that.

"In streamline government, Governor Cayetano talked about it in his budget message to us and he talked about fundamental changes. The bill that we passed or are talking about passing, the consolidation we have, is putting Budget and Finance with the Department of Human Resources Development. That is the Senate's consolidation plan. That is not the fundamental cuts that the governor talked about -- deep cuts, looking at the programs, thoughtful cuts, making structural changes because we have to decide what government should do and can do. But we haven't done that, Mr. President. We have come forward with an unconstitutional bill.

"Now, from what I've seen in the media, the State House of Representatives has taken up this difficult challenge of looking at government restructuring and is proposing program changes. And while discussion must continue on the specifics, when that bill comes over, we should be open to the concepts because they have taken up the challenge that the governor put out in his budget message. That's the pain -- that's the pain that we talked about in our committee report.

"Mr. President, we must cut taxes. We must help our beleaguered people. We must restore consumer confidence. We must address the revenue loss from the tax cut in a meaningful and thoughtful manner so that we can cut taxes. This bill does not do it, and I will vote 'no.' My 'no' vote on this bill and the request that the Senate leadership pursue meaningful revenue proposals is done, Mr. President, in the sincere hope -- sincere hope -- that we will close this session on May 5 with a tax package that says yes to tax cuts for our working people. That is what our people expect, Mr. President, what our economy needs, Mr. President, and what our people and our economy deserve.

"And I hope we do more in this very serious matter that is on everyone's mind and everyone has received calls from the workers out there, the pain that is out there. We've got to help them and we're not helping them when we put forward measures which clearly have been addressed by the attorneys and have clearly been found to be violative of both the federal constitution and the Hawaii constitution. We don't need this bill. We shouldn't have this bill on our desk. I'm going to vote 'no' on this bill.

"Thank you, Mr. President"

Senator Baker rose to support the measure and stated:

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

"Mr. President, difficult times, difficult choices -- these four words capture our situation. Given the current state of our economy, there are no easy answers -- no quick fixes, no painless solutions. A cut in taxes translates into a cut in revenues and declining revenues mean that we must find corresponding cuts in government spending. Government must do its part by getting its own house in order and living within its means. That requires changing attitudes and outlooks, and the way government works. It means asking more from our public workers. It may mean offering less services. It means shrinking the size of our government workforce. For the employees and government programs affected and the constituencies they serve, this is not a happy prospect. But government must do its part and make its contribution to our economic recovery.

"Senate Bill 2222 outlines much of what we will ask government to do in our revitalization effort. Some of these actions include the following: deleting three paid state holidays from the thirteen currently enjoyed by public workers; reducing the number of vacation days which accrue for all public

employees; imposing an across the board, one year salary reduction for all state officials and employees, including elected officials and judges; authorizing the employer and the unions to reopen negotiations on cost items, as some of the public unions have encouraged us to do; authorizing the legislature to enact legislation that takes precedence over collective bargaining laws under emergency conditions. Mr. President, your committee on Ways and Means recognizes that these are not popular proposals, but offers this approach as an alternative to massive layoffs throughout government.

"Mr. President, your chairs have heard the criticism from some who have no other alternative to offer. We believe there are ways to accomplish the objectives of this measure and we welcome the cooperation and the collaboration of the public unions and others as we continue to work on the appropriate balance of measures to return our economy to health.

"Mr. President, we believe that the provisions in S.B. No. 2222, S.D. 2, are consistent with this legislature's commitment toward trimming the size of government while at the same time preserving the maximum number of jobs and providing severance and transitional health benefits for those who face termination due to budget cuts. Provisions of this measure also ensure that vacated positions are not refilled.

"Mr. President, your co-chairs would be the first to acknowledge that this is not a perfect bill, however, your committee offers this measure as an option because it elicits sacrifice from all segments of state government. It's crafted in a way that allows these adjustments to go forward without running afoul of the constitution. And, Mr. President, with regard to legislative salary, we can assign a portion of our salary without reducing our salary, to the general fund to demonstrate our commitment and our sacrifice as well.

"Mr. President, your committee hopes that this measure will encourage further discussion and perhaps additional options that have not surfaced thus far may come forward for consideration. I urge my colleagues to vote in favor of this measure to move it forward for further discussion, analysis, and scrutiny. I would emphasize to all my colleagues and to the public that the discussion on this matter is far from over. We need to keep all possibilities in motion so that in the final analysis we will be able to agree with the House on a revitalization package that may be tough, but fair; that will move our economy forward and create quality private sector jobs and provide hope for the future.

"Thank you, Mr. President."

Senator Solomon then rose in opposition to the measure as follows:

"Mr. President, I rise in opposition

"Mr. President, I would like to support the Senator from Mililani, but also, Mr. President, I'd like to speak on the remarks that we're just made by the previous speaker.

"Mr. President, if you recall, when you were sitting on this side and you weren't up there on the podium, we did recommend that if this state, in fact, was in an economic state of emergency, then let's call it so. Let's have the governor declare our state is in an economic emergency so we can visit all these issues. In fact if we feel very strongly, then perhaps we should re-look at the contracts that we negotiated in good faith with our public unions, then let them come back to the bargaining table.

"I feel very strongly, Mr. President, that this bill is unconstitutional. It's not helping, helping the matter by threatening people's jobs, by not giving them due process, by not allowing them to come in and to re-negotiate in good faith.



"Mr. President, we are not in a desperate state. We have options -- shipboard gaming, pari-mutuel horse racing, lottery, the list goes on and on -- bills that we have not even looked at this session. We have options, Mr. President -- pay at the pump that has been discussed for over ten years in this body. Pay at the pump where now we have \$750 million leaving this state annually. This could easily be converted into a consumer industry, this could easily be reinvested back into our economy. We have a bill, Mr. President, on the books -- the workman's comp state fund -- where that money could be owned by the consumers, that money could be used and reinvested back into this great state of ours.

"We have many, many options, Mr. President, that this body has not looked at for revenue generators. But now, to call and burden our state workers who I feel many of them, many of them, Mr. President, have dedicated their lives to doing an excellent job to help us push this state forward, and without giving them an opportunity to come forward and to be allowed to negotiate these terms, I just find unacceptable.

"As far as holidays are concerned, Mr. President, well, I don't know about all that, but as far as our legislative salaries are concerned, Mr. President, the good Senator from Mililani gave us some options that we can implement immediately.

"So, Mr. President, as I'm sure that this bill will advance forward, I'm hoping that this body will remain open to these kinds of options that I have presented. Options that are there, that were studied to death, that we know we can implement. We can implement these kind of revenue generators that we desperately need at this time. And if we cannot, Mr. President, then perhaps you should go upstairs and discuss this with the governor and declare us in a state of emergency. So with that, Mr. President, I'm urging my colleagues to vote 'no.'"

Senator Sakamoto rose in opposition to the bill as follows:

"Mr. President, I also rise in opposition to this measure.

"Slashing salaries across the board, furloughs, etc., there are some, some good things to look at. But, Mr. President, in essence, this looks for dollars not efficiency. And I agree we all need to share the economic burdens facing the state and that forms of cost reduction should be considered, however, our response should be based on a sound plan that first eliminates duplication and creates efficiency.

"Mr. President, we should see this as an opportunity to revision our government. We need to determine what government services to retain and which ones to let go, then we need to act. We need to act now. At the present time, Mr. President, many of our state employees, many of their managers are handcuffed, handcuffed by inefficient rules, rules that maybe made sense at one time, inefficient procedures that maybe made sense and maybe never made sense, but let's release these handcuffs, Mr. President. I believe these hinder government, hinder the service that they can do. Take off the handcuffs.

"State management needs to have the ability to set performance standards. We should reward good performance. We should also continue to look at managed competition and privatization where appropriate. We need to at least give a fair hearing to proposals coming from our Human Resource Department. They oversee personnel, Mr. President. Many of their issues never get to first base. That looks at inefficiency.

"So we need to take strong measures, Mr. President, but not the way this bill proposes to do. We need a well thought out plan, Mr. President. We can't throw everything against the wall and then see what sticks."

Senator Fukunaga rose in favor of the measure and stated:

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

"As we have proceeded through the last several weeks of the Senate Ways and Means committee hearings, we have heard from many who have said that it is important, as we face this tough economic crisis, for all of us to pull together in the community. It is no longer a time for us to point fingers at others and say, 'Take away from them, don't take away from me.'

"What we propose today is really a process that is designed to allow us to pull everyone together. Earlier this afternoon, we talked about providing tools for the private sector to do its part. We talked about sharing responsibility and making tax reductions so that businesses and small businesses can go forward in beginning to do their part to bring this economy back together again. Now we are talking about the things that government must do in order to turn this economy around.

"This is not the only bill that we have considered on our floor this afternoon for streamlining government, for tackling some of the things that the prior speaker has alluded to in looking for ways to eliminate government duplication and to improve existing services. There have been bills that we considered earlier today dealing with the issue of privatization and incorporating performance-based budgeting in their provisions. We have dealt with bills to streamline the permit process and to improve land use. We have dealt with bills to improve consolidation and to otherwise attack those problems that impede public servants from doing the best possible job.

"What we have here before us is one measure that says there are also things that we, as public sector employees, must do together. One of the provisions in this bill deals with possible pay cuts, that is true. It is not the only provision in this bill. What this bill represents is a means of going forward and saying we must embrace all segments of the community as we look for ways to end the economic crisis that we are in.

"For the forgoing reasons, I urge my colleagues to support this measure.

"Thank you."

Senator McCartney rose to speak in support of the measure as follows:

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

"Mr. President, I look back on my ten years in this body and I remember my freshman year coming to the legislature -- \$600 million surplus -- spending money here and there, budgets growing, and all for good causes and everybody had good intentions, all of us. But, Mr. President, ten years from now, ten years from that point today, we look at our budget, we look at the State of Hawaii, clearly, Mr. President, the government we have today, the public, the public we have that supports this government does not have the capacity to continue to fund it as is. And we need to look at restructuring government to reform and then to reallocate resources.

"Mr. President, we have a bill that we are going to vote on right after this, on school-based budgeting, where it locks in all the positions in EDN 100 and doesn't allow the superintendent to move those positions around and leaves them at the school for school level personnel. Those are the kinds of bills that we're talking about to re-invent government. But when I look at this bill, Mr. President, it seems like everybody is against the public worker.

"Let me tell you a story. Earlier this year, I went to take my sons to get a tuberculosis test at Lanakila Health Center, and that day that we went was the busiest day they ever had in the history of the center -- 435 people walked into the center and asked to get a tuberculosis test. They were people from all different ethnicity, backgrounds, nationalities, and economic levels. The staff dealt with everybody fairly and worked so

professionally to get us all through there. Those are the kinds of workers we have, Mr. President -- they're dedicated, they work hard, they care, they make a difference.

"But clearly, Mr. President, if you look at the situation today, we cannot afford to continue government the way it is now. We cannot continue to be the second highest taxed state in the country and continue to support government as is.

"Mr. President, we all care about public employees. We're not passing an unconstitutional bill. We do believe that the union leadership and state government need to come to the table to look at contracts, to look at costs in a way that's fair, in a way that's constitutional. That's why we amended Chapter 89 to allow contracts to be re-opened. The reopening takes two parties -- the union and management -- getting together. This bill doesn't say that the union doesn't have a say in that -- they do have a say. They need to get together with us to sit down and talk story.

"At the hearing, people talked about IOUs as one possibility, of one way that the state workers could contribute to dealing with the budget shortfall. That came from a union leader, Mr. President, who was willing to help and work. And in the media today, you see union leaders being blasted and criticized for not wanting to be part of the solution. I believe, Mr. President, that the union leaders of the State of Hawaii of public employee unions are willing to work with us to make a difference, to come up and look and see how we can restructure costs, because if we don't, Mr. President, we're going to be talking about four to five thousand people being laid off or a 10 percent pay cut. And those are the tough trade-offs that are facing everybody.

"What we're saying in this bill, Mr. President, is we're going to get together, sit down and work it out in a mutual way, just as they do in the private sector, just as Hawaiian Airlines did where they took a 15 percent pay cut, but it was union and management agreeing to that, Mr. President. That's the kind of bill we're talking about here -- respect, working together, not ramrodding it down somebody's throat.

"There's hard decisions that this committee has to make. They're looking at the realities. You can't just say lower taxes and fix the economy and not look at the way government spends money. That has to be looked at. Those are tough decisions that we need to make, and I believe we're up for it, and I believe the public unions are up for it, and I believe we can do it together working in a partnership.

"Thank you, Mr. President."

Senator Levin rose in support of the measure and stated:

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

"Mr. President, I think that we are cursed to live in interesting times, in fact we are fated to have to work our way through these difficult financial times. And the reason we are here, the purpose of us being legislators, is not to side step the problems that we face and the decisions that have to be made. I don't know of any group that is more pro-labor and has been identified as more pro-public sector than this body, and nothing has changed, but part of the job of leaders is to do what is unpopular when that is necessary. And part of the job of leaders is to educate the community about just how difficult the choices are that we face. Mr. President, you and the chairs of Ways and Means are the leaders that we need, are the leaders that have taken the bull by the horns and have made us confront the choices that we have to make.

"A great journalist died about a week ago. His name was Fred Friendly, and I wish I could remember the exact quote of what he said, but I don't, so I'll just have to paraphrase it. It was along the lines of him saying his job was to make it so difficult to make decisions, so unpleasant, so painful, that the

only way out was to think. Well, that's what we are faced with -- we're going to have to think, we're going to have to work our way out.

"This is, after all, the first cross only -- this is not the final bill; this is not going to become law and no one in this body has any intention to do anything unconstitutional. The Senator from Mililani talked about wanting a tax cut. We all want to have a tax cut, all our constituents want to have a tax cut, but there is another provision in the constitution. The provision in the constitution is that we have a balanced budget.

"So what we need to do, what we want, what we welcome, is input from all members of this body and from the community. We need to get past the pretty phrases, we need to roll up our sleeves, we need to make the hard choices. Playing to the crowd is not going to get the job done. Playing politics and refusing to be part of seeking the solution makes a person part of the problem. The Ways and Means chairs have stepped up to the plate and we should all be supporting their efforts.

"Thank you."

Senator Slom then rose in opposition to the measure as follows:

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

"I don't think anyone has spoken longer or louder and called for tax cuts and reduction in the size of government than I have, but this is not the way to do it. This bill offers a number of very positive alternatives and options and for that reason, we congratulate those who worked on it. But just like the ERTF, the Revitalization Task Force proposals, they came out with 57 or 58 really good proposals and then they poisoned the whole package by having two tax increase proposals that the public did not want, could not support, and could not bear.

"The same situation is here -- with all of the good ideas and the good talk that's gone on, some people have raised the question as to what the motives of this bill really are. I don't know. All I know is we keep hearing that one group of lawyers says this and another group of lawyers says that. Maybe Shakespeare was right after all, first we kill the lawyers, then we work on some of the other problems.

"In any event, I know that the public workers at this period of time are being used as pawns in a political game and I think that's wrong, and I think it's unfair. We should have a plan to downsize government. We should really make attrition count. We should use businesslike methods for cutting out dead wood and rewarding people for what they know in this state rather than who they know. But we don't do that. And now we have the audacity to talk about cutting across the board. Nobody cuts across the board because when you cut across the board, you hurt the very people who Senator McCartney was talking about who do a good job, who do their job above and beyond the call of duty. But it takes real businesslike sense and managerial skill to separate out and try to find out what must be replaced. And those things and those agencies that cannot be justified must be replaced. But you don't achieve that by going across the board and causing even more pain and suffering for the families and the relatives, the people who are already suffering a great deal in this community.

"We need to come to grips and find answers to what we are doing. But when I hear statements like, we had \$600 million or \$800 million in cash surplus and it was all spent for good causes, I cringe, because it was not. We squandered the public's money, we wasted the money."

"Mr. President, we in this body must exert leadership. Our problems in Hawaii, the economy, are not based on money, they're based on a lack of leadership. We gave lip service to privatization, but this body, the Senate, has not seriously considered or offered alternatives to privatization.

"And finally, we could have decided as a body at the very beginning of this session to say 'no' to no more costs, no more new programs, no more expansion, if we really wanted to prioritize. And that, after all, is what it comes down to because everybody else has had to prioritize -- every single mom, every family, every small business has had to do with less and do without, except for this state government. The time for us to do that is now and not to point fingers at one group of people and try to recoup money at one particular time, rather than having, as the good Senator from Moanalua said, a plan for the future. That is why I'll vote 'no' on this bill, Mr. President.

"Thank you."

Senator Anderson rose to speak against the bill as follows:

"Mr. President, I also will be voting 'no.'

"I more or less stated in the committee and other times why I'm against this particular bill, however, I would like to agree with the Senator from Maui that we have to cut. But this is not the bill to do it with. The Senator spoke of quality jobs and that is what we have spoken about since day one -- quality jobs.

"The Senator from Hilo said we should be looking at shipboard gambling, horse racing. We have a referendum that the people could vote on. It doesn't have to go through any constitutional change. It is not binding to us. It is only an advisory. I keep saying it is legal, we have an AG's opinion on that. We also have many bills from other states so that we won't make the same mistakes. We also know how many jobs it's going to provide.

"I've said for horse racing on the Big Island that's an industry. People from the orient like breeding. They'd like to have a horse that they could put and race on a racetrack that we would help construction to build. We could have new entrepreneurs. We could raise feed. There's a lot of things we could do just in that area.

"There's some who don't trust putting it out for the people to vote on. I don't trust the legislators voting on it. We think we're here to tell people how we feel. We're here to represent the people and if they want to vote on this particular measure, we should give them that chance. That's part of my problem.

"The other is the Senator from Hilo, one of his statements was we are pro-labor in this Senate and we have never changed. I don't know what you folks think we are, I've been pro providing jobs for years, so has Senator Slom, Senator Sakamoto. There's a lot of people who provide jobs. Right now my wife is angry because my business is going down the tubes while I'm here fighting for other people's jobs and businesses.

"This bill also deletes Admissions Day, Good Friday, Presidents Day, provides for the reduction of the number of vacation days, amends collective bargaining laws to authorize emergency legislation affecting public employees, it doesn't say that it's going to be we and the unions that's going to do that, this bill says we're going to do it, as far as I read it. It amends collective bargaining law to authorize emergency legislation. It doesn't say anything about the union leaders being a part of this.

"I'm not getting upset either, Mr. President, just to let you know. I'm being very cool, calm, and collected on this. (Laughter.)

"Another thing that this thing does is it provides qualified state government employees to retire in lieu of receiving traditional benefits. We've made so many mistakes. I remember Mr. Anzai coming down and saying we have absolutely no chance to work on some of these things because it's not our kulia. We're stuck with something that we have

no control over. Well, if we go ahead and provide people an early out, they then become a part of the retirement system, the health system, God, they become part of everything. Mr. Anzai was correct. There are a lot of things that are costly and we have a chance to correct them if we know what we are doing.

"This also says, provides for elimination of 705 positions in the executive branch, judiciary, BOE, and university, made vacant by early retirement. Those are the things Mr. Anzai was talking about -- early retirement. We're trying to provide the jobs and we want early retirement. We want to put money in the people's pocket, yet when we talk about working with our congressional people on the Jones Act, everybody says you can't do that, that's almost \$3,000 a year more or less, one way or the other, for each one of the households. Three thousand dollars to me is a lot of money. We should at least discuss trying to get people to help us.

"We have an import export business. When Senator Kawamoto and I went to Guam, there's a good chance on exporting a lot of our ag products, but if their going to say to pay the same shipping costs then it's going to be very expensive. That's why we had a resolution that asked that not only Hawaii, but Alaska, Puerto Rico, and Guam be exempt. That's money that we're looking at and things that we should be working on, but we can't even move a resolution to ask congress to do that.

"We have two newspapers that should be moved apart. That would provide jobs, but under our failing Newspaper Act, we can't do that. There's a lot of jobs out there. I sat on the Economic Revitalization Task Force and everything we brought up, we're not discussing that. Land, we asked if we could take and start using state land to go ahead and provide those with long leases a chance to buy those leases, 65 years or more, and they're down to maybe 10 years or less, then they could expand their businesses, provide new jobs, provide loans, help the construction industry. We wouldn't have a hearing on that. How about giving them a 55-year lease so that they could turn around and have five years with no payment and then turn around and go to the banks and ask for jobs or ask for loans and provide jobs for our people. They would still be paying a property tax, but then they would go ahead and have employees and they could get the 4 percent general excise. They could open their businesses. There are things that we should and could do.

"The Senator from Mililani says open the budget again. That's fair. We could do that. There's lots of things that we could do that we have not done. And we sit here and say we're going to do this because the people deserve to have us try to do a good job and we're going to do it with the 42,000 people that work for the state. I would like to reduce the state force, but if they have no place to go and if your going to just go ahead and reduce everything, where do they go? What kinds of jobs are out there that the Senator calls quality jobs. If we're just going to cut, then we're going to be paying. If your just going to give them holidays or take away their holidays that they've gone ahead and fought for under collective bargaining, and then saying that's not any problem because it's not unconstitutional, I think your wrong.

"So anyway, those are some of the reasons, Mr. President, that I'm voting 'no' on this particular bill."

Senator Iwase then said:

"Mr. President, I would like to respond with respect to three areas based upon the discussion that has taken place over the last few minutes.

"The first is the apparent impression now, that all we are trying to do is generate discussion so that we can talk about cuts. And that's fine, but let me read what the bill says, because that's what everyone here is reading. (I didn't know they were all coming, but that's what they're reading.) This is

our attempt to generate discussion. That's what the bill says. It doesn't say come to the House and let's talk. It says, 'There shall be a salary reduction of \_\_\_\_\_ percent implemented for all . . . employees of the executive branch . . . . The salary reduction shall take effect irrespective of the sources of funding available. The Governor . . . shall implement this Act on July 1, 1998.' That is not an invitation to a discussion. That's breaching the contract. And that's why there is a concern. That's why there's this long debate in this chamber.

"There was talk by a previous speaker that this is not unconstitutional. The attorney general came to the hearing and said it's unconstitutional or it may violate the United States Constitution. I haven't heard a lawyer come in and say, 'Your clean.' So we're dealing with the constitution, Article III, Section 9. The Legislative Reference Bureau -- they have no axe to grind, they have no political agenda -- they come in and say we cannot adjust our salary because it's unconstitutional. If we can fool around with our salary by adjusting it down, perhaps we open a door and we can adjust it up. We should have a constitutional amendment, perhaps, but we don't have that. So it is unconstitutional, and yet we're moving it forward. I don't mind moving forward vehicles to generate discussion, but I have somewhat of a problem moving forward a vehicle that two lawyers have said are unconstitutional. I have heard from a layperson that it's not, but I think I'm going to go with the lawyers on this one, Mr. President.

"And finally, I believe it was the Senator from Ka'u in his talk, saying that it's not fair to only criticize (I may be unfairly paraphrasing him), and I agree with him. It's not our job in here just to throw stones. And no one in here is just throwing stones. We have come forward with proposals as late as today. So let me repeat for the Senator what I had said -- let me repeat -- because sometimes proposals are made but they are not heard -- for whatever reason, they are not heard.

"First, with respect to public workers salaries, if there is a desire to adjust salaries, then ask the unions to come back to the bargaining table. Ask them. That can be done right now. You can pick up the phone and call them. The governor can call them. The Speaker of the House can call them. That's what can be done now. That is constitutional. That is an invitation to discuss. That is not a hammer bludgeoning you to come to the table or maybe to the operating table.

"Second, with respect to the legislative salary, I heard the chair of the Ways and Means say we can put our salary into the general fund. We can voluntarily do that -- yes we can. Yes we can, but that's not what this bill calls for. This bill says we cut the salary of elected officials. It doesn't say, voluntarily put the money into the general fund. So we're dealing with the bill, the language of the bill. That's what these people, like I said, have read. That's why they're here. That's why they're concerned.

"Let me say what we can do, since that is unconstitutional. Payroll lag for legislators -- let's do that. Lets have an order tomorrow, freezing all mainland travel -- that's several thousands of dollars (I checked from last year). Freeze, tomorrow, all purchasing of new equipment and furnishing. Reopen the legislative budget and make further cuts, which could include adjusting staff salaries. We could even delve into the expense account for each legislator. That can be done right now. That's not a criticism to the Senator from Ka'u, that's constructive advice.

"Third, why did we not look at the multiplier effect in terms of how much revenue will be coming to the State of Hawaii from the tax cut? Why are we not inputting that assumption? Also, why are we not inputting the tax assumptions from the new businesses that are supposedly to be generated by the tax cuts? Seiji Naya talked about \$190 million to \$380 million. Why is that not put in? That's not been explored. I haven't seen a response. We should look at re-adjusting, as I said, the minimum tax rate and the threshold for the maximum tax rate and finally we can streamline government. Again, the Senate's

bill, the major bill, is to merge the Budget and Finance Department with the Human Resource Development Department. That is not enough and we're going to have to look at the House bill.

"Finally, Mr. President, I don't want to end this without what I started from because it seems like everyone has not gotten it. Because what we're talking about is the times do not justify this body acting in an unconstitutional manner. And so I would like to close with two quotes, one from a book by Warren E. Burger, former Chief Justice of the United States Supreme Court, he says 'Since when, we should ask, does every remedy for a public need become constitutional, simply because it is good and necessary?' And perhaps to answer that question, from Justice George Sutherland of the United States Supreme Court from a case in 1934, 'If the provisions of the constitution be not upheld when they pinch, as well as when they comfort, they may as well be abandoned.' And as I pointed out in my speech, Mr. President, it was in World War II.

"Thank you."

Senator Solomon again rose to speak against the measure as follows:

"Mr. President, I'm still speaking in opposition.

"Mr. President, I just want to clarify for the record that I did bring up the gaming issues and other such opportunities as pay-at-the-pump and the workers' comp fund in rebuttal to previous remarks that were made by the co-chairs of the Ways and Means committee, to just remind this body that we do have options. We have been looking at them for over ten years. This isn't something that we did not anticipate.

"I just get very leery when people stand on this floor and speak in desperation when, in fact, this body has been very open in looking at all of these options. And I just don't see us, as I said earlier in one of my earlier remarks on the floor, Mr. President, as the democrat party. We were told, as we move into the new Hawaii, that we would all go together. And now what has happened is many of us can't even survive now days. People aren't happy. They can't satisfy their basic needs for food, clothing, shelter, health care, and education. Loving relationships have ended up in divorce because of financial stress. And what are we doing, Mr. President?

"It's a sad state of affairs when the only growth industry in the State of Hawaii now is the prisons. This is where we're at, Mr. President. We do not have to be in this predicament. We have options. There is a light at the end of the tunnel. It's just a matter of us exerting some leadership; meeting those challenges; coming up with programs that make sense for us here in Hawaii; yes, streamlining government.

"If you, in fact, want to look and revisit our contractual arrangements that we made in good faith with public unions, let's do so. We do that in the private sector. This was reported in one of the remarks made by our Minority Leader. That is common practice. Everyday this happens. But now to come up with a bill, Mr. President, a bill that is before us telling us this is how we're going to handle the situation, which again I would like to remind my colleagues I feel is unconstitutional, deprives people of due process.

"And with that, Mr. President, I'm still urging my colleagues to please vote 'no.' Thank you."

Senator Fukunaga then responded:

"Mr. President, I rise to rebut some of the remarks by the speaker from Mililani.

"I believe, previously, the Senator proposed that the Senate or the Legislature encourage the public sector unions, as well as management, to re-open collective bargaining contracts as a

way of addressing the fiscal crisis that we find ourselves in. I would direct members attention to pages 6 and 7. The bill does just that. Without the amendments proposed in this bill, his proposed solution would not be able to take effect. For example, on page 6 it says:

'Section 89-10, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Because effective and orderly operations of government are essential to the public, it is declared to be in the public interest that in the course of collective bargaining, the public employer and the exclusive representative for each bargaining unit shall by mutual agreement include provisions in the collective bargaining agreement for that bargaining unit for an expiration date which will be on June 30th of an odd-numbered year.

The parties may include provisions for the reopening date during the term of a collective bargaining agreement",

and here is where the bill does amend the existing statute,

"[, provided that such provisions shall not allow for the reopening of cost items as defined in section 89-2]."

"So, essentially, the bill that we have before us would do exactly what the good Senator is recommending.

"Further, section 7, with respect to Section 89-19, would further effectuate the provisions that are being proposed to be amended in Section 89-10.

"Thank you."

Senator Metcalf rose in favor of the measure as follows:

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

"I think that the Senator from Mililani has raised some concerns that we have long recognized as being ones that are not without merit with respect to the question of impairment of contract, but that's only if this becomes an Act in the language that is currently before this body.

"I think, as the previous speakers have mentioned in support of this measure, this is a process. It's a process to set out, along with other options, what has to be on the table if we're going to talk about tax cuts and we're going to talk about balancing a budget. And those options, along with some of the other options that we've heard of today, are the kinds of options that need to be considered as we go forward. And I think it's in that context, in that spirit, that I support this measure, Mr. President.

"Thank you."

At 5:23 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:24 o'clock p.m.

Senator Fernandes Salling then rose to speak on the measure and said:

"Mr. President, I hadn't intended to speak on this bill, but because of the remarks made by the chairs of WAM with respect to, do we have any options, and because of the remarks made by the Senator from Mililani on the constitutional problems with this bill, I would like to make a few statements for the record."

The Chair interjected:

"Are you speaking against the bill?"

Senator Fernandes Salling replied:

"I'm speaking against the bill.

"If this is the Senate's position, and as we have heard from more than one Senator that this could be found unconstitutional, then I believe that we will be placed in a very dangerous position going to the House with respect to maintaining our position to not raise the general excise tax. That's one problem that I have with this measure.

"The second is, for me it's very simple, I think, based on our work last year, to deal with how do we provide for not raising the excise tax. And that is, very simply, let us seriously look at cutting state government. Now the House, I know, is sending over their budget and I hope the Senate Ways and Means Committee will be looking at this very seriously.

"I want to point out that we have a few measures before us that deal with special funds (which is a problem) because it's a way to add to state government, rather than cutting back on the programs that we need to review. When we have a special fund, in most cases the departments will come in and say (I've had this experience in the Health Committee) -- as an example, they say we don't have a budget because they're transferring programs into the special fund.

"Now, although we may just have three bills on the agenda coming up dealing with special funds, we don't know what's coming over from the House. We don't know and we have had, based on last year, automatic conversions or conversions from general fund to special funds to cover, to cover the expenses of government. I think that we need to seriously look at that again. On reflection, I'm beginning to realize that perhaps that was not a good thing -- to buy into the departments, let's convert. Of course we didn't have as many serious problems last year as we do this year, but I urge the committee to take a serious look at that.

"The establishment of new special funds is not a good idea because of the fact that programs can thereafter be placed within the fund. We have no review. And how are we downsizing and cutting back on government (which is what everyone is saying we should do), and in that way, then we can maybe come up with the money not to increase the excise tax.

"Other measures before us also, are to consolidate. The governor has proposed consolidation -- wonderful idea, but one of the measures is to consolidate by combining the Department of Budget and Finance and the Department of Human Services. Does that really make sense? I would have imagined that it should be B & F combined with DAGS. So I question whether or not what we're seeing from the administration, and the bills that are going forth, are good proposals. Now, we have other bills, and we have time, and these are options that we should be pursuing seriously -- consolidation, but in the proper manner. Consolidate departments that make sense to be combined, rather than what I just pointed out.

"We have also a big problem with streamlining government regulations. We have delegated our authority over the years to the departments to set fees. They've set fees in order to regulate, or regulate and then they set fees, and who is it impacting but small businesses? People are paying for it. Businesses are paying for this. This is all tied in also with special funds.

"The cutting of programs -- seriously looking at what we did last year and adding to it -- is absolutely necessary. We have to be bold in doing this. We have to take the House budget and look at it, and add to it, in the sense of cutting back on government. That was, I thought, the position of the Senate last year. That's what we proposed. That's what everybody supported. That is what we should be doing this year in order to find the money to not be forced to increase the excise tax, and to provide modest relief for our people.

"If we cannot provide what the governor is proposing in his task force, then some sort of modest relief and some sort of streamlining of the rules and the regs which small businesses and businesses throughout the state have been complaining about that just add to the cost of doing business, is absolutely required. And I think we need to seriously look at taking back setting the rates ourselves, because in doing so, then we are able to find what exactly is needed to support this program, or perhaps that a program is obsolete. To me, as I mentioned earlier, these, I believe, are just simple ways of how we, in very general terms, can deal with the problems in our economy.

"The options (as was mentioned), what options do we have? We don't need to get specific until we get into the bills, but generally speaking, these are the options.

"It's been a long evening, I'm sure that everyone's tired of hearing more speeches, and frankly, I really can't think of anything more to say. I'm sure that when I sit down I will. But in all seriousness, I would like the members to consider what I've said, because this is what we proposed last year. This was the Senate position. I don't want to see us get into a situation where we say, let's let the bill cross over to the House for further discussion and consideration. That could be very dangerous because when it comes back, and when we go into conference, we may be all locked into what the conferees have proposed. Some of us have been around here a long time, and we know that is what happens. So, if all of you are serious about not raising the excise tax; cutting back on government spending; streamlining the rules and regs; cutting the rates if it's warranted, which impact on small businesses; and doing some serious looking at the consolidation of these departments, then I urge all of you to please, please seriously consider these very general options which specifically you will be getting into with respect to the bills and the budget.

"Thank you very much."

Senator Taniguchi rose to support the bill and said:

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

"I support this bill because I believe it has a number of good provisions which will protect our state workers in these tough times. However, I would like to note my strong reservations about the across the board cuts in section 8 and I would hope that we can seek some alternatives to this in conference.

"Thank you."

Senator Tam rose to speak on the measure:

"Mr. President and fellow colleagues, I vote on this bill, S.B. No. 2222, with reservations. I've heard the pros and cons of this bill but let me give you my view point on this bill relating to public employment.

"Senate Bill No. 2222 is a bill consisting of many proposals in our attempts to balance the State of Hawaii's budget and lowering employment costs. Unfortunately, there is one proposal which is questionable. The proposal is to impose an across the board salary reduction for all state employees.

"My concern is that the attorney general is yet to determine whether this would be a violation of public employment collective bargaining contracts under the Hawaii Revised Statutes. And if I may refer, this is based on terms of my questioning, because I was a business agent before, for a youth labor union, so in all respect, I need to have that addressed. The attorney general and public sector labor unions will be submitting their comments to us. We have not yet received those comments.

"I am pleased that the bill is being used as a vehicle to further discuss other options of balancing the State of Hawaii budget.

There is time to review the options before we adjourn the 1998 Legislative Session on May 5 of this year. In fact, I know that this bill will be going to conference between the Senate and the House of Representatives because of the incompleteness of the bill in regards to the unknown dollars amounts.

"In closing, let me say that I know personally that I will try my best to review all options on its merits to balance the state budget, which is my job in accordance to the constitution of the State of Hawaii, in a calm and collective manner through the legislative on-going public hearing process.

"Thank you."

Senator M. Ige rose to speak against the measure and said:

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

"I would just like to make three quick points, Mr. President. The first being Admission Day. I realize that there are a lot of people who work really hard to make that a very special day for our people, for this state. I think they basically turn in their graves to even think that we're even considering moving this day back to a regular, normal working day. It's unfortunate that we've taken such an important holiday and, through whim, throw it on the table for discussion purposes.

"My second concern or my second issue would be the across the board pay cuts for legislators. I think that's a wonderful idea. We should start immediately. In fact, the vice-president said that we will be having a caucus on it, just make the request and we can all talk about that. I'd support it. I think it can be voluntary. My problem is, I was very fortunate to have raised my family early on, I'd like to develop a mechanism so that if legislators have families with children in school or in high school, maybe they can be exempt from this voluntary charge. I'm sure we have fortunate Senators like Aki and Tanaka with a lot of money. Maybe they can accommodate a little bit more for those legislators who are just rearing their families now. And I feel like it's difficult to raise a family during these times and I feel very fortunate. But I'd be more than willing to put down my money as a way of contributing to this cause.

"And I think Senator Iwase brought up the idea of cutting travel. I think that's also a wonderful idea. And I think we should make this all very public right after our caucus. I think it would breed public confidence in what we're doing. It would breed confidence in all of us and I think that is very positive.

"My third point, Mr. President, is the across the board cuts. I just think that it's a temporary, I guess, escape from reality. It's a band-aid. I guess we should not be using the hard working men and women of our government as scapegoats -- as scapegoats for our lack, for our lack, of courage to reduce government size, as well as to set priorities.

"You know, everybody picked on this committee not knowingly -- a Senator from Kauai and a Senator from Mililani -- bringing up the issue of government consolidation. We've looked at Budget and Finance. We've look at them merging with the Human Resources Department. Through your concerns, we removed the Department of Accounting and General Services. But I assure you, this is a starting point. This is where we will be beginning and hopefully we will come back to this legislature in a few weeks or a month to show that in fact we can make savings.

"Mr. President, I guess what I'm saying is that this committee, Government Operations, has handled a range of various cost cutting instruments, if you will, to streamline our government, to make our government more efficient so that our government can adept itself to meet the challenges of the future. But my feeling is that these solutions and answers have tremendous opportunity and there is no need for bickering and finger pointing. What we really need is the political will, the political courage and I think the patience to look at our goals

and objectives with a sense of pride and optimism. And I really believe that this will ignite us to meet the challenges of the future, but not at the expense of our hardworking employees of this state.

"Thank you."

Senator Kawamoto rose in support of the measure and said:

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

"Mr. President, we all have concerns about this bill. We all have constituents that we have to worry about. I'd like to vote 'aye.' I'll be voting 'aye' on this bill because I would like to be a part of the players to resolve all the problems. I'd like to get involved. I'd like to put my hat in for conference committee and get involved with this bill.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2766 was adopted and S.B. No. 2222, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Aki, Anderson, Bunda, Fernandes Salling, Ige, M., Iwase, Sakamoto, Slom, Solomon, Tanaka).

Senator Anderson then rose on a point of personal privilege and stated:

"Mr. President, may I make one comment. You can put it down as a point of personal privilege, if you would.

"I'd like to say that with all the bills that we put in, and there's a great number that we have, we've felt that we were a part of the solution and not a part of the problem. Unfortunately, we don't get our bills heard nor our resolutions. Consequently, people may think that we are a part of the problem. I just wanted a clarification.

"Thank you."

Stand. Com. Rep. No. 2767 (S.B. No. 2210, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2767 be adopted and S.B. No. 2210, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Tam rose to support the measure and stated:

"Mr. President, I rise to speak in favor of S.B. No. 2210, relating to school-based budgeting.

"The purpose of this bill is to provide guidelines to ensure the implementation of school-based budgeting beginning with fiscal biennium 1999-2001.

"Senate Bill No. 2210 embraces and sets into the practice of budgetary collaboration of the parties within the school. The parties would include educators, parents, students, community, and school staff.

"Specifically, S.B. No. 2210 does the following:

1. Implements a weighted pupil allocation system for all program EDNs except EDN 300 and submits the allocation system to the legislature in order to aid us in budgeting properly.
2. The DOE and governor shall submit a budget to the legislature that names each school as the lowest program level in the state program structure. Currently, we're having problems in terms of the EDNs 100, 200, 300,

400 and 500. What is happening is, the department is not giving us the respective information at this time.

3. Provides each school with authority over A, B, and C funds on the basis of flexibility.

"School-by-school budgeting embraces the parties at the school level having ownership and working as partners in providing quality education in accordance to Hawaii's education goals.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2767 was adopted and S.B. No. 2210, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED BUDGETING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2768 (S.B. No. 2211, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2768 be adopted and S.B. No. 2211, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

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

"Mr. President, I rise to speak in favor of S.B. No. 2211, relating to education.

"Colleagues, this is the last of the bills that we are passing today on education to formulate a solid foundation for the future of education in the State of Hawaii. The purpose of this bill is to require the Department of Education to provide the legislature with an implementation plan for the study and instruction of technology in education for all grades of public schools before the Regular Session of 1999.

"Specifically, S.B. No. 2211 will do the following:

1. Get the Department of Education to design an educational technology program plan at the classroom level statewide. There is none at this time. This is why you have one school different from the other, especially as you move up from elementary school to intermediate school and high school. It gets worse, in terms of technology at the school level.
2. Layout the financial needs for instruction of computer technology so that, basically, we will know how to fund it.
3. Bring about computer technology equality statewide at all schools.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2768 was adopted and S.B. No. 2211, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2769 (S.B. No. 2207, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2769 be adopted and S.B. No. 2207, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Baker rose to support the measure as follows:

"Mr. President, I have remarks in support of this very important measure I'd like included in the Journal, please."

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

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

"Mr. President, we currently have 334 separate statutes on our books that control the University of Hawaii. One wonders if that might be enough. They cannot buy a book, put up a building, or enroll a student without having to check with somebody or comply with some kind of governmental requirement. I do not believe that this is an effective way for our state's premier institution of higher learning to be operating. Furthermore, Mr. President, the UH is one of our assets and a contributor to our economic well being. It is not just another department or revenue consumer. A thriving, robust university is critical to our economic vitality and it is imperative that we allow the university to achieve these goals . . . on their own terms.

"As some of my colleagues may be aware, the University of Hawaii Professional Assembly is about to complete a study of the statutes of all 50 states to determine how the other 49 states regard autonomy and their university systems. The preliminary results are in: no state restricts its university as does the State of Hawaii.

"Mr. President, S.B. No. 2207, S.D. 2, attempts to correct the distinction that the University of Hawaii has earned as the most politically bound institution of higher learning in the United States. Through this measure, we aim to provide the UH with greater autonomy and flexibility in managing its resources, operations and expenditures. Specifically, this measure proposes to:

- Provide additional flexibility in the governance of its internal affairs in the areas of indemnification for collaborating institutions;
- Allow the university to contract with the Research Corporation of the UH for various services;
- Consolidation of fourteen separate special funds into three funds;
- Authorize the UH to use its own logo on motor vehicles;
- Amend the current budgetary formula;
- Allow for the deposit of university special funds outside the state treasury;
- Allow the Board of Regents to seek independent legal representation; and
- Repeal the sunset date for the board's authority to set the president's salary.

"Mr. President, I believe these provisions are consistent with this body's commitment, as established in Act 161, Session Laws of Hawaii, 1995, to provide the UH with the flexibility it needs to achieve its objectives.

"I urge my colleagues to support this measure."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2769 was adopted and S.B. No. 2207, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2259, S.D. 1:

By unanimous consent, action on S.B. No. 2259, S.D. 1, was deferred to the end of the calendar.

S.B. No. 2260, S.D. 1:

By unanimous consent, action on S.B. No. 2260, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 2774 (H.B. No. 1699, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2774 be adopted and H.B. No. 1699, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Baker rose in support of the measure and said:

"Mr. President, I have remarks in support of this measure to stimulate small business and create jobs that I'd like included in the Journal, please."

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

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

"In a continued effort to stimulate our economy and provide economic opportunities for entrepreneurs in our state, your Committee on Ways and Means is recommending the passage of H.B. No. 1699, S.D. 1, which expands the financing capabilities of the Department of Business, Economic Development and Tourism by establishing a loan guarantee program and allowing transfers of funds between the Capital Loan Revolving Fund and the Hawaii Strategic Development Corporation Revolving Fund.

"Under the loan guarantee program, private financial institutions will extend the loans, and the state will guarantee 90 percent of the value. This expands the state's ability to support industries in Hawaii that contribute to the growth or diversification of our economic base.

"The bill also allows the transfer of funds between the Capital Loan Program and the Hawaii Strategic Development Corporation, or HSDC, Revolving Fund. Both programs have the shared goals of providing growth financing for businesses, but the HSDC focuses more on providing equity capital to start-up and early stage businesses, which the capital loan program often cannot service due to a lack of collateral by these companies. Allowing the transfer of moneys between these funds will expand the opportunities for economic development and ensure that resources are allocated where they are most needed.

"This is but one of the many other initiatives your committee will be recommending to jumpstart our economy and I urge my colleagues to support this measure."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2774 was adopted and H.B. No. 1699, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CAPITAL LOAN PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2775 (S.B. No. 2923, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2775 be adopted and S.B. No. 2923, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Metcalf rose and said:

"Mr. President, I have written remarks in favor of the measure I'd like to have 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. 2923, S.D. 1, Relating to the Ombudsman.

"This measure seeks to implement recommendations of the Economic Revitalization Task Force by expanding the responsibilities of the Ombudsman to include assisting small businesses.

"In particular, this bill provides that the Ombudsman:

1. Serve as an advocate in state government on behalf of small businesses;
2. Assist small businesses in resolving problems with government agencies;
3. Develop a procedure to facilitate and expedite the timely processing of applications for permits and other documents; and
4. Perform related acts for small business.

"This measure also authorizes the Ombudsman to establish a small business advisory council, composed of representatives of the small business community and government agencies.

"There is a continuing need to assist small businesses in Hawaii. Supporting them will help to ensure a sound economic base and contribute significantly to the state's economic development. This measure recognizes the importance of small businesses by helping them in minimizing government red tape and by giving them another avenue to have their concerns addressed.

"Mr. President, it is vital that we assist in the growth and development of small business in Hawaii. Small business is the root of a healthy economy and measures such as this will help foster our most valuable economic base."

Senator D. Ige then said:

"Likewise, Mr. President."

The Chair having so ordered, Senator D. Ige's remarks read as follows:

"Mr. President, I rise to speak in support of this measure. The purpose of this bill, in the words of small business advocates, is to expand the responsibilities of the ombudsman by including a small business defender in the Office of the Ombudsman.

"Most economists recognize that small businesses will be the economic engine that creates jobs in Hawaii over the next several years. This small business defender would provide assistance to businesses wading through government regulations and red tape, seeking to eliminate the adversarial relationship that has developed between small businesses and government.

"This bill is one of several bills that recognize the importance of small business and seeks to make state government small business friendly. I urge all of my colleagues to support this measure."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2775 was adopted and S.B. No. 2923, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OMBUDSMAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2776 (S.B. No. 2292, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2776 be adopted and S.B. No. 2292, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Sakamoto rose in opposition to the measure and said:

"I rise in opposition to the measure, Mr. President.

"The measure before us sweeps an undetermined amount of money from 185 special revolving funds. I've already spoken in opposition to some of the other things we're doing. These funds were collected for specific purposes, then we take the money and use it for other purposes. When we mandate teachers to donate money to the Hawaii Teachers Standards Board revolving fund to enhance their profession, then possibly sweep that money into the general fund, we're placing a tax on the teachers.

"We charge the university and community college students compulsory student activity fees for student activities. If we were to sweep this money into the general fund then we have a special tax on students.

"We tell our constituents across the state that all park users' park fees will be used for parks with unique and significant natural or cultural features, then possibly sweep that money into the general fund. Then we place a special tax on park users.

"We're breaking the faith with the people if we do this, Mr. President. The bill asks us to do this 185 times, Mr. President. That's not what we should do."

Senator Fernandes Salling spoke on the measure and said:

"Just very briefly. This touches on the remarks that I made earlier. I would just like to say that this is, I believe, a form of the raid bill that we had last year."

The Chair interjected:

"Are you speaking in support or against?"

Senator Fernandes Salling then stated:

"I'm speaking with reservations on this bill because I like one provision in it which repeals the employment and training fund. However, with respect to the other aspect which is a raid bill once again, I don't know how successful this is going to be in light of what we were able to raid from these funds last year, especially after the administration got done raiding the funds. I suppose some people may approach it as something is better than nothing (a million dollars), but I don't think that this is a responsible way of trying to budget for not increasing the excise tax.

"Thank you."

Senator Kawamoto spoke on the measure as follows:

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

"Mr. President, the Department of Transportation with all its special funds is a great area to steal the funds from. I just want to remind the people that are going to get involved with raiding the funds, many of the special funds in transportation are used for a match between the federal funds and the state funds.

"If you take a dollar, it's like taking five dollars from the special fund because it can be a match for 20/80 percent. That means maybe your roads will not be fixed as frequently as you want it to be fixed. So, to be able to take \$100 or \$1,000 from the special fund highways, it's like taking \$5,000 out of the special highway funds.

"Thanks very much."

Senator Slom rose to speak against the measure and said:

"Mr. President, I speak against the bill.

"Last year I warned about taking from the special funds and putting into the general fund. And this particular bill which includes the provision about the employment payroll training fund tax which was supposed to have sunsetted before and which has been kept alive even though we have a temporary moratorium, is not clear that this would actually end because it looks like employers would be continued to be assessed and possibly face even higher unemployment compensation taxes. So I'm voting against the bill.

"Thank you."

Senator Solomon rose and said:

"Mr. President, W/R for me please. And I'd like to echo the remarks of the Senator from Kauai as though they were my own. Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2776 was adopted and S.B. No. 2292, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Anderson, Kanno, Sakamoto, Slom). Excused, 2 (Fernandes Salling, Iwase).

Stand. Com. Rep. No. 2777 (S.B. No. 2803, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2777 be adopted and S.B. No. 2803, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Metcalf requested the following remarks be inserted into the Journal and the Chair having so ordered, his remarks read as follows:

"Mr. President, I rise to speak in favor of S.B. No. 2803, S.D. 2, Relating to Hawaii Small Business Regulatory Flexibility Act.

"Many small businesses have voiced their concerns that they are unduly burdened by administrative rules. Many of these rules produce an unbalanced impact on them, which may prompt a negative atmosphere for conducting business in Hawaii.

"In a period when the success of small business in Hawaii is crucial to developing a sound economy, this bill seeks to assist small businesses to work with state agencies to ease the impact that administrative rules may have on them.

"In many instances, a state agency's interpretation or application of its rules may have a burdensome impact on a small business, especially when the small business lacks the resources to contest an agency's interpretation or application of a rule. This has contributed to a general feeling of mistrust of, and frustration with, these regulating agencies.

"This measure would improve the state's business climate by assisting small businesses in challenging an agency's rules that carry penalty provisions by requiring agencies to provide an opportunity for compliance without the assessment of monetary fines.

"Specifically, this bill provides for:

- (1) A petition process to an agency for regulatory review;
- (2) A periodic administrative review of rules having an impact on small business; and
- (3) An independent small business regulatory review board to consider small business concerns which in turn would recommend changes to the administrative rules.

"Ultimately, S.B. No. 2803, S.D. 2, will provide for greater and early input by small businesses in the regulatory process.

"Mr. President, it is vital to support small businesses in the state. Small business is the backbone of our state's economy and this measure would not only improve the relationship between the private and public sector but also promote Hawaii as being business friendly."

Senator D. Ige then requested the following remarks be inserted into the Journal:

"Mr. President, I rise to speak in support of this measure. The purpose of this bill is to provide for greater input by small businesses in the regulatory process. It establishes a process for small businesses to petition an agency for regulatory review, requires periodic administrative review of regulations to assess its small business impact, and an independent small business regulatory review board to consider small business concerns and recommend changes.

- Small business has been disproportionately impacted by regulation. This bill will help address this problem. Similar legislation has been successful at the federal level and in about 25 other states.
- It will encourage agencies to seek the input of small businesses in the early stages of drafting new regulation. It would help to achieve public buy-in to the new regulation, greater compliance and less resentment of regulators.
- Government agencies would act more as facilitators and partners, rather than just as penalizers. It gives businesses an opportunity to correct problems without stiff penalties.
- It gives small businesses a way to obtain assistance in challenging administrative fines and penalties from a small business defender.

"Most economists recognize that small businesses will be the economic engine that creates jobs in Hawaii over the next several years. This bill is one of several bills that recognize the importance of small businesses and seeks to make state government small business friendly. I urge all of my colleagues to support this measure."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2777 was adopted and S.B. No. 2803, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SMALL BUSINESS REGULATORY FLEXIBILITY ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2778 (H.B. No. 2222, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2778 be adopted and H.B. No. 2222, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Baker rose in support of the measure and stated:

"Mr. President, I have some remarks in support of this bill that I'd like inserted in the Journal, please."

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

"Mr. President, I rise to speak in support of H.B. No. 2222, S.D. 2.

"The purpose of this bill is to appropriate funds to the Department of Business, Economic Development and Tourism for the establishment of manufacturing extension programs. This state appropriation will be used to match federal funds provided by the National Institute for Standards and Technology. Your committee has learned that approximately \$3 million in federal funds is available to Hawaii over a six-year period with an appropriate state match. Your committee has inserted a \$2 appropriation to further the discussion on this matter.

"As we continue to seek creative ways to diversify our economy and identify alternative resources, I believe that this is an opportunity we should not miss. I urge my colleagues to support this measure and move it forward for further consideration.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2778 was adopted and H.B. No. 2222, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR ESTABLISHMENT OF MANUFACTURING EXTENSION PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2779 (S.B. No. 3258, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2779 was adopted and S.B. No. 3258, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

#### **MATTERS DEFERRED FROM EARLIER ON THE CALENDAR**

Stand. Com. Rep. No. 2504 (S.B. No. 2319, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2504 be adopted and S.B. No. 2319, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Fernandes Salling rose and said:

"Mr. President, Standing Committee Reports 2504, 2515 and 2516 deal with establishing new special funds. I've made my remarks previously, why I don't believe that we should be doing this. We need to be able to look at the programs and review them legislatively and appropriate the monies and not get into this Catch-22 with rules and regs and collecting from businesses and users, and then it proliferates, and before we know it we have more employees that are being hired, which was mentioned in one of the committees. And I don't think this is a way that we want to go in order to cut back on government spending. So, I will just incorporate those remarks with respect to those three stand coms."

Senator Slom rose to oppose the measure as follows:

"I rise to speak against the bill.

"I concur wholeheartedly with the Senator from Kauai. I think this is where we make the stand and this is where we be consistent. Years ago we had created a number of special funds. The Tax Foundation of Hawaii had warned us about the use of those funds. And now today we are trying to transfer the funds back and forth and up and down, and now we're trying to create new funds.

"So the best policy is to send a very clear message without any ambiguity and to vote 'no' on all of these bills that create new special funds. Thank you."

Senator M. Ige rose to speak against the measure and said:

"Mr. President, I, too, am going to be voting 'no' on this new special fund.

"I'd like to echo the comments of the Senator from Kauai and the Senator from Hawaii Kai that we must keep in mind to try and do our best to streamline government. And with those words, I will be voting 'no' on all of the measures that the Senator from Kauai listed. Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2504 was adopted and S.B. No. 2319, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF DELINQUENT FINES AND RESTITUTION IN THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 9 (Aki, Anderson, Bunda, Fernandes Salling, Ige, M., Sakamoto, Slom, Solomon, Tanaka). Excused, 2 (Iwase, Metcalf).

Stand. Com. Rep. No. 2515 (S.B. No. 3024, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2515 was adopted and S.B. No. 3024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 8 (Aki, Anderson, Bunda, Fernandes Salling, Sakamoto, Slom, Solomon, Tanaka). Excused, 2 (Iwase, Metcalf).

Stand. Com. Rep. No. 2516 (S.B. No. 3025, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2516 was adopted and S.B. No. 3025, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 9 (Aki, Anderson, Bunda, Fernandes Salling, Ige, M., Sakamoto, Slom, Solomon, Tanaka). Excused, 2 (Iwase, Metcalf).

Stand. Com. Rep. No. 2682 (S.B. No. 2607):

Senator Baker moved that Stand. Com. Rep. No. 2682 be adopted and S.B. No. 2607, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Fernandes Salling rose to speak on the measure and said:

"Mr. President, I placed this at the end of the calendar because I think it goes to the heart, again, of special funds. We created this public utility special fund many, many years ago, but although the intent of the bill is good, because of the delays,

and so one would want to create these two panels, I caution again that in doing so it's going to cause (as the Public Utility Commissioner and, perhaps, even the consumer advocate) more money being spent. And who has to pay? All of the consumers this time, not just certain user fees for specific special funds, but all of us consumers will be paying.

"So with that in mind, I hope the members that are controlling this bill will take that into consideration. The question is: Do we want to have consumers in the end paying more in order to provide for two panels for the PUC to deal with these problems?"

Senator Slom rose to speak against the measure and said:

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

"Gee whiz, we could have two panels and then probably co-chairs for the PUC, but that's all duplication and more cost and if we do a better job in appointing the PUC commissioners or approving them in the first place, we won't need this because we'll have qualified people.

"Thank you, Mr. President."

Senator Solomon then said:

"W/R for me, Mr. President."

The Chair so ordered.

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

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2682 was adopted and S.B. No. 2607, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Fernandes Salling, Slom). Excused, 2 (Iwase, Taniguchi).

S.B. No. 2922, S.D. 1:

Senator Baker moved that S.B. No. 2922, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Fernandes Salling rose and said:

"Mr. President, I believe this is probably one that I also placed on the end of the calendar. This is the capital management. This is another problem that we have if we are going to look at cutting back on state government.

"I'm voting with reservations because I support portions of the bill but the portion that I don't support is setting up another bureaucratic level, which is a joint management state capitol program or commission. And I know that some members have had problems with the management of the State Capitol, but adding another bureaucratic level is not the way to go if we are thinking of cutting back on government spending, especially if it's going to be that we're not going to get rid of DAGS, we're going to keep DAGS. And the bill calls for at least an appropriation of zero amount but the commission can hire a management director.

"For that reason, I'm going W/R. I expressed this in the Ways and Means Committee, this concern. The rest of the bill I support, but I'm going W/R because of the joint management capitol."

Senator Anderson rose to speak on the measure and said:

"Mr. President, I have some reservations on this. In fact, I have so many reservations, normally, that on this one I had a partial and they said go PW/R.

"I was confused because the title is 'Relating to Government' and it establishes a joint capitol management committee of nine, appropriates funds for joint long-term care, provides funding for the Office of the Legislative Analyst which I am very strongly for, transfers certain functions from the Auditor to the Legislative Analyst, appropriates funds for public access, and requires the Legislature to convene in special session in July of '98. All of these things are under one title and I'm not sure if that's constitutionally right or not.

"I am in favor of the analyst. I'm not too sure about having nine members for the capitol. DAGS has been running that. Now we're going to have a commission. There's all kinds of things in here, and I didn't know that we were also looking at that. In case we have to, it requires that this Legislature be convened in July of 1998, but that's another reason that I have some reservations.

"Thank you very much."

Senator Slom to speak against the measure and said:

"Mr. President, I'll be voting against the bill. I can't go semi or partially with reservations because of the many problems. So I vote 'no.' Thank you."

Senator Sakamoto rose in opposition to the bill and said:

"I rise in opposition, Mr. President, especially with regard to the special session. I think if you want an anti-incumbent fever, let's go ahead and pass a special session, Mr. President."

Senator Solomon also rose to speak against the measure as follows:

"Mr. President, I'm also rising in opposition.

"I'm opposing the insertion that calls for the special session. Also, Mr. President, I feel that this body has deliberated long and hard on long-term care. We've been discussing that issue for ten years. I think if we want to do it, we should just do it. I don't think that we need joint committees to be discussing things to death. I think it should just be done. If we feel that we need an appropriation for public access services, well, let's just do it.

"So for those reasons, Mr. President, I will be voting 'no.' Thank you."

Senator Anderson said:

"Mr. President, after listening to everybody could I please change the partial reservations to a 'no' -- a hard 'no.' Thank you."

Senator Fernandes Salling then said:

"Mr. President, after listening to what was mentioned by the previous speaker about calling for a special session, I will have to be voting 'no' also. I think we should take care of the business now."

The motion was then put by the Chair and carried, S.B. No. 2922, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14. Noes, 10 (Aki, Anderson, Bunda, Fernandes Salling, Ige, M., Iwase, Sakamoto, Slom, Solomon, Tanaka). Excused, 1 (Taniguchi).

At 6:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:10 o'clock p.m.

Stand. Com. Rep. No. 2763 (S.B. No. 3129, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2763 be adopted and S.B. No. 3129, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Sakamoto spoke on the measure as follows:

"Mr. President, related to this, I'd like to speak with reservations.

"What I'd like to do is, I received this and some of you may have received it as well, the Director of Human Resources' testimony on S.B. No. 3129. The reason I'd like to read it is it relates to some very important things. It relates to what we discussed in the budget discussion and it would have been appropriate then, as well. I'll read part of it.

'Government throughout the nation is undergoing a revolution and we are no exception. Several factors have converged to force a fundamental rethinking of government's proper role in our state. We have a strong governor who is focused on results, a Legislature that is committed to making government more efficient, while at the same time there is a continuing public distrust of government in general. Also, there is a perception that the state workforce is too large. And again, you're struggling to craft a budget and will continue to provide needed public services, but with diminishing resources -- an almost impossible task.

From this rethinking, S.B. 3129 has been made to abolish the Department of Human Resources Development and transfer its functions to the Department of Labor and Industrial Relations. Public scientists would say that this rethinking of public administration in Hawaii is a paradigm shift. And as with most such shifts, it is poorly understood, embroiled in politics and there is resistance to change. While the new paradigm has not yet fully emerged, if one sifts through the professional literature -- the popular press, media counts, legislative committee reports -- and listens to the speeches of the governor, cabinet members and lawmakers on the floors of their chambers, the outlines of the new paradigm can be discerned.

State government must become results oriented.

State government must become more efficient.

The rigid bureaucratic hierarchy designed to provide redundant and fail-safe checks and balances in the processes administered by government must be replaced with greater decision making authority for front-line employees. Of course, doing this will create another set of problems. Our delegation of certain personnel actions to align agencies will result in an increase of grievances because of the lack of uniformity among the 17 other departments and differing interpretations of rules and union contracts. Because of this, unions are prevailing in arbitration awards and this is costly to the state.

Our management style must change from command and control, to leadership defining missions and desired results and changing the organizational culture of state government. As we downsize and as we utilize information and communication technology to replace employees, human resource

issues, such as employee moral and resistance to change, must be addressed.

And finally, more emphasis must be placed on human resources if we are to improve the way state government operates so that the remaining employees can do more with less and we must give them the tools to do so. And we must remove institutional constraints with which they are now hampered.

We must also assure that our productive employees are properly compensated and treated fairly.'

"There's a lot more good things he's saying, but rather than read the whole thing, I think I'll end there. But the point being, there are very important ideas, very important functions that we can address in statute, we need to address, that will partly address the budget concerns, but many of his words over the past few years, from my observation, have gone unheeded and we need to heed them."

Senator Solomon rose and said:

"I wanted to speak with reservations on this bill also, Mr. President. I just feel that we should consolidate. I think DAGS is a much more reasonable combination. I don't think we should be consolidating with Human Resources. Thank you."

Senator Iwase then said:

"W/R please. Thank you."

The Chair so ordered.

Senator Anderson rose to speak against the measure and said:

"Mr. President, I'm going to be voting 'no.' Primarily, when I was in committee, we did have some statements on the savings. The savings at that time was not to hire people. If there was a space available, we were not going to fill it. If you're going to consolidate, to me that means you're going to be able to get rid of directors or assistant directors or something that's going to be meaningful. You don't just say that because these people there is a blank space so you're not going to hire anybody, and that's a big savings. That's not what consolidation is all about. It's to really look at it very seriously. That's one of the reasons that I think we are not doing justice because we're not really looking at every avenue and trying to really find out how we're going to solve that problem. Are we going to be able to save dollars in the state? Are we going to be able to really cut government because it needs to be cut. And that's one of the reasons I think all of us are having such a hard time. Because if we cut, where are these people going. We have to provide the jobs. We have to make sure that we're doing our job. So everybody is trying but we're not really getting down to the actual consolidation and what it's really meaningful for.

"Thank you."

At 6:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 6:19 o'clock p.m.

Senator Anderson then rose and said:

"Thank you, Mr. President. (Laughter.) I'm going to have to renege again. I'm going to have to go with reservations and not a strong 'no' on that particular bill. I'm awfully sorry for the inconvenience. Thank you."

Senator Slom then added:

"Reservations, please, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2763 was adopted and S.B. No. 3129, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE REORGANIZATION OF THE PRINCIPAL EXECUTIVE DEPARTMENTS OF THE STATE GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Fernandes Salling).

S.B. No. 2259, S.D. 1:

Senator Baker moved that S.B. No. 2259, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom spoke on the measure as follows:

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

"I'd love to speak for the bill. I love tax credits for small business but this is a tax credit only for advertising by small business. Most small businesses have had to cut back so drastically and one of the first things they cut back is their marketing and advertising. Whether it's right or wrong, that's what they do. They could use a tax credit for their health care or for other expenditures that they make or their sublease rents, but advertising won't help.

"Thank you, Mr. President."

Senators Solomon and Iwase then requested that their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 2259, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2260, S.D. 1:

Senator Baker moved that S.B. No. 2260, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose in opposition and said:

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

"Again we'd like to do the renovation and modifications and all that, but the most important things are to cut our taxes and cut our fixed cost. So I'll be voting 'no.' Thank you."

Senators Solomon and Iwase then requested that their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 2260, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

#### REFERRAL OF HOUSE BILLS

The Chair referred the following House bills that were received on Friday, March 6, 1998:

House Bill                      Referred to:

No. 2230, H.D. 2      Committee on Education, then to the Committee on Ways and Means

No. 2361, H.D. 1      Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2376, H.D. 1      Jointly to the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2497, H.D. 1      Committee on Judiciary, then to the Committee on Ways and Means

No. 2520, H.D. 1      Committee on Judiciary

No. 2535, H.D. 1      Committee on Judiciary, then to the Committee on Ways and Means

No. 2551, H.D. 1      Committee on Human Resources, then to the Committee on Ways and Means

No. 2561, H.D. 2      Committee on Education, then to the Committee on Judiciary

No. 2562, H.D. 2      Committee on Education, then to the Committee on Ways and Means

No. 2563                      Committee on Education, then to the Committee on Ways and Means

No. 2596                      Committee on Transportation and Intergovernmental Affairs

No. 2614                      Committee on Human Resources, then to the Committee on Ways and Means

No. 2620, H.D. 1      Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2660                      Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 2679, H.D. 1      Committee on Economic Development, then to the Committee on Ways and Means

No. 2695                      Committee on Education

No. 2712, H.D. 1      Committee on Judiciary, then to the Committee on Ways and Means

No. 2754                      Committee on Health and Environment, then to the Committee on Ways and Means

No. 2761                      Committee on Human Resources, then to the Committee on Ways and Means

No. 2762, H.D. 1      Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 2763, H.D. 1      Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 2774                      Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary

No. 2778                      Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2787, H.D. 1      Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs

No. 2793 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 2798 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 2801, H.D. 1 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 2802 Committee on Ways and Means

No. 2803 Committee on Human Resources, then to the Committee on Ways and Means

No. 2834, H.D. 1 Jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means

No. 2835, H.D. 1 Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means

No. 2837, H.D. 1 Committee on Education, then to the Committee on Judiciary

No. 2842, H.D. 1 Committee on Health and Environment, then to the Committee on Ways and Means

No. 2844, H.D. 1 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology

No. 2846, H.D. 1 Committee on Judiciary, then to the Committee on Ways and Means

No. 2857 Committee on Health and Environment, then to the Committee on Ways and Means

No. 2859, H.D. 1 Committee on Health and Environment, then to the Committee on Ways and Means

No. 2870 Committee on Human Resources, then to the Committee on Ways and Means

No. 2872, H.D. 1 Committee on Transportation and Intergovernmental Affairs

No. 2875 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 2899 Committee on Education, then to the Committee on Commerce, Consumer Protection, and Information Technology

No. 2958, H.D. 1 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 2969, H.D. 1 Committee on Economic Development, then to the Committee on Ways and Means

No. 2988 Committee on Economic Development, then to the Committee on Ways and Means

No. 3000 Committee on Human Resources, then to the Committee on Ways and Means

No. 3024 Committee on Human Resources, then to the Committee on Ways and Means

No. 3026 Committee on Human Resources, then to the Committee on Ways and Means

No. 3031 Committee on Judiciary, then to the Committee on Ways and Means

No. 3036, H.D. 1 Committee on Ways and Means

No. 3039 Committee on Ways and Means

No. 3053 Committee on Human Resources

No. 3055 Committee on Human Resources

No. 3059 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Human Resources

No. 3225, H.D. 1 Committee on Human Resources, then to the Committee on Ways and Means

No. 3247, H.D. 1 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3248, H.D. 1 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3313, H.D. 1 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 3317 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 3400, H.D. 2 Committee on Judiciary, then to the Committee on Ways and Means

No. 3446 Jointly to the Committee on Government Operations and Housing and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 3524 Committee on Government Operations and Housing, then to the Committee on Ways and Means

**REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Friday, March 6, 1998:

Senate Concurrent Resolution	Referred to:
No. 46	Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 47	Jointly to the Committee on Education and the Committee on Health and Environment
No. 48	Jointly to the Committee on Health and Environment, the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

**REFERRAL OF SENATE RESOLUTION**

The President made the following committee assignment of a resolution that was offered on Friday, March 6, 1998:

Senate Resolution	Referred to:
No. 15	Jointly to the Committee on Education and the Committee on Health and Environment

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

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

"Mr. President, I call your attention to Sunday's edition of the Advertiser with a long article by Gregg Wiles and Susan Hooper entitled 'Reacting to Rude Awakening' stating, in short, that Hawaii has slept through years of indications of an economic nightmare. They state that the current economic decline is without precedent in our history.

"Mr. President, I want to memorialize today that there were persons in this body with whom I have served that regularly and consistently warned us of our over-regulations, high taxes, our bloated bureaucracy and our failure to maintain a high class public educational system. They have for years stressed the need to diversify our economy by supporting small businesses and have championed economic development bills every session, usually in the face of opposition from the administration. They have joined me at every opportunity in noting the remarkable fact that Hawaii is at the bottom of all the states in providing tax and financial incentives to encourage and attract business development. We knew and said with President Clinton that 'It's the economy stupid.'

"Dr. Naya is quoted as saying we need structural change and such change requires strong determination. He's right! We've got to listen to those lonely voices not satisfied with supporting the economic status quo.

"Thank you very much, Mr. President."

The President then said:

"The Chair would like to thank all the members of the Senate for your patience and your forbearance and your thoughtful discussion on all of the bills that we passed today in the Senate. The journey has just begun, and we appreciate your cooperation and your hard work."

#### ADJOURNMENT

At 6:25 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 12, 1998.



ATTACHMENT "A"DHS Child Welfare Initiatives  
January, 1998

## Vision

Community and neighborhood focused services  
 Strengths-oriented practice  
 Family empowering models  
 Multi-agency; collaborative; partnerships  
 Evaluations by Outcomes

**Community and neighborhood focused:**

- \* DHS Re-organization July 1, 1997: A separate Social Services Division with decentralized, geographical intake and services
- \* RFP's awarded for two Neighborhood Places Pilot Sites (Waipahu and Kona)
- \* Queen Liliuokalani Children's Center Navigators' Project funded
- \* Child Welfare Unit Co-located in Ewa Family Campus (April 1, 1998)

**Strengths-Oriented Practice:**

- \* Foster Parent/Adoption Recruitment and Training Grants (on-going)
- \* Collaboratively designed training curriculum with current foster parents as trainers along side CPS staff
- \* Title IV-E Training Partnership with the School of Social Work (planned to begin August, 1998 with 10 students)

**Family Empowerment:**

- \* Family conferencing (Ohana Project). Implemented in Waianae, January, 1997; training on going for statewide implementation.

**Multi-agency; collaborative partnerships**

- \* Blueprint for Child Welfare Reform Coordinating Committee
- \* Child Welfare Advisory Committee
- \* Title IV B-subpart 2 Family Strengthening Family Support Regional Planning
- \* QLCC Trainings in Collaborations and Partnerships
- \* Applesseed Foundation pro-bono project
- \* A Diversion Purchase of Service Contract
- \* Contracted out family studies for prospective adopting families

**Evaluations by Outcomes**

- \* Outcomes Initiative Completed Dec. 1997
- \* Risk Assessment Matrix piloted on Maui; ready for statewide implementation

**Policies and Procedures**

- \* A Child Placement Review Team was implemented (January 1997) to review each child removal
- \* A DHS team made up of people outside of the case management unit working with the family will review every re-abuse case prior to re-unification
- \* Confidentiality Rules have been re-written to provide more information and be more accessible to families
- \* Adoption Backlog Initiatives have increased the number of successful adoptions by over 200%
- \* CPS established (9/97) a new serious abuse and death review procedure which includes both internal and external reviews of practice and procedures
- \* DHS has instituted (2/2/98) a shortage pay differential to recruit staff in the units identified by DHRD which had a history of high turnover or long term vacancies
- \* Maximizing federal funds
- \* Instituted DHS Training Academy to improve training for new CPS workers and re-enforce training for on-going workers
- \* New RFP for foster home recruitment
- \* Technical Assistance by National Resource Centers (funded by Title IV-E funds)
- \* Filled majority of vacant positions
- \* Provide staff with management consultation and de-briefing sessions
- \* Amended CWS rules to reflect a strengths-based practice that highlights the safety of each child
- \* Issuing a Procedures Manual to insure uniform state-wide practice and decision making

**Challenges**

- \* Vacancies and staff turnover will continue
- \* On-going training must remain a priority
- \* Can not tolerate budget cuts
- \* Need better information across the system (hospitals, private agencies; DOH, DOE, Judiciary) to evaluate effective practice
- \* Need media help to inform the community about abuse and neglect

## TWENTY-EIGHTH DAY

Thursday, March 12, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Norman Sakamoto, Hawaii State Senate, after which the Roll was called showing all Senators present.

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

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 52 to 78) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 52, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2519, entitled: "A BILL FOR AN ACT RELATING TO LIST OF PERSONS EXAMINING RECORDS," was referred to the Committee on Judiciary, then to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2887, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN," was referred to the Committee on Human Resources.

H.B. No. 3010, entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," was referred to the Committee on Judiciary.

Hse. Com. No. 53, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees or deferred:

H.B. No. 2549, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPORTS," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 2788, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CLEAN HAWAII CENTER," was referred jointly to the Committee on Economic Development and the Committee on Health and Environment, then to the Committee on Ways and Means.

H.B. No. 2851, entitled: "A BILL FOR AN ACT RELATING TO GRANDPARENTS' VISITATION RIGHTS," was referred to the Committee on Judiciary.

H.B. No. 2932, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," was referred to the Committee on Judiciary.

H.B. No. 2973, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARTIAL-BIRTH ABORTIONS," was deferred.

H.B. No. 3028, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 3252, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

H.B. No. 3468, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

H.B. No. 3496, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was referred to the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 54, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2536, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary.

H.B. No. 2771, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 2845, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2856, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," was referred jointly to the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 2909, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 2957, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUNTING LICENSES," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 2987, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 3020, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED," was referred to the

Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

H.B. No. 3065, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was referred to the Committee on Ways and Means.

H.B. No. 3164, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO THE PEER EDUCATION PROGRAM," was referred jointly to the Committee on Health and Environment and the Committee on Education, then to the Committee on Ways and Means.

H.B. No. 3454, H.D. 2, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF OKINAWANS TO HAWAII," was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 55, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2528, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2533, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," was referred to the Committee on Economic Development, then to the Committee on Judiciary.

H.B. No. 2626, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPY," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2767, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," was referred jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary.

H.B. No. 2876, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RESOURCE VALUE LANDS," was referred to the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

H.B. No. 3027, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID OVERPAYMENT RECOVERY," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 3030, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE FACILITIES," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 3489, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," was referred jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 3531, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 56, transmitting the following House bills which passed Third Reading in the House of Representatives on

March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 1332, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," was referred jointly to the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

H.B. No. 2496, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT," was referred jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 2657, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2736, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," was referred to the Committee on Education, then to the Committee on Ways and Means.

H.B. No. 2865, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEES COLLECTED BY THE DEPARTMENT OF HEALTH," was referred jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Health and Environment, then to the Committee on Ways and Means.

H.B. No. 2874, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCEAN LEASING," was referred jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 2888, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 3005, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was referred to the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

H.B. No. 3340, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 3445, H.D. 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR THE KA'U CORRECTIONAL COMPLEX AND RELATED SUPPORTING FACILITIES," was referred jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 57, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2366, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was referred to the

Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

H.B. No. 2460, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FISHING," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Economic Development.

H.B. No. 2478, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE," was referred jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2883, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAWAINUI MARSH," was referred jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

H.B. No. 2998, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MARITIME AUTHORITY," was referred jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 3003, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 3082, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

H.B. No. 3141, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT CONTRACTS," was referred jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

H.B. No. 3289, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," was referred to the Committee on Economic Development, then to the Committee on Judiciary.

H.B. No. 3403, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY," was referred to the Committee on Economic Development, then to the Committee on Judiciary.

Hse. Com. No. 58, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2345, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2346, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSE," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

H.B. No. 2498, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee

on Health and Environment, then to the Committee on Judiciary.

H.B. No. 2627, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRADE, VOCATIONAL, OR TECHNICAL SCHOOLS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2768, entitled: "A BILL FOR AN ACT RELATING TO MILK," was referred to the Committee on Economic Development.

H.B. No. 2786, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL AND MEDICAL EXAMINATION OF CONVICTED DEFENDANTS," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 2814, entitled: "A BILL FOR AN ACT RELATING TO SENIOR PSYCHOLOGISTS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2855, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSE MIDWIVES," was referred to the Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3528, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was referred to the Committee on Human Resources, then to the Committee on Judiciary.

Hse. Com. No. 59, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2332, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

H.B. No. 2529, H.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY TO SERVE AS A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES," was referred to the Committee on Judiciary.

H.B. No. 2816, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE EXAMINATIONS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2817, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIES," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2866, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," was referred to the Committee on Human Resources.

H.B. No. 2867, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," was referred to the Committee on Human Resources.

H.B. No. 2878, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," was referred to the Committee on Economic Development.

H.B. No. 3185, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

H.B. No. 3291, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN FISH PONDS," was referred to the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 60, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2843, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," was referred to the Committee on Health and Environment, then to the Committee on Judiciary.

H.B. No. 2847, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," was referred to the Committee on Health and Environment, then to the Committee on Judiciary.

H.B. No. 2862, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR DEVELOPMENTAL DISABILITIES," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

H.B. No. 3033, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 3106, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 3200, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 3257, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS," was referred jointly to the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

H.B. No. 3437, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FUNDING THE HAWAII HURRICANE FUND," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 3494, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY," was referred to the Committee on Government Operations and Housing, then to the Committee on Judiciary.

H.B. No. 3581, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

Hse. Com. No. 61, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2449, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY REHABILITATION PROGRAMS," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2470, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," was referred to the Committee on Economic Development, then to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2547, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 2646, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COORDINATED CARE ORGANIZATIONS," was referred jointly to the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 2670, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2852, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TELEHEALTH," was referred jointly to the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 3183, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3331, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was referred to the Committee on Education, then to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3452, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Education, then to the Committee on Ways and Means.

H.B. No. 3461, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A REVOLVING LOAN PROGRAM FOR BUSINESS OPPORTUNITIES ON THE ISLAND OF HAWAII," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 62, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 1099, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2490, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2680, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS," was referred to the Committee on Education, then to the Committee on Ways and Means.

H.B. No. 2701, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATION," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2702, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES COMMISSION," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 2971, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

H.B. No. 3127, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was referred to the Committee on Economic Development, then to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3302, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS," was referred to the Committee on Education, then to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3367, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH TOURISM," was referred jointly to the Committee on Education and the Committee on Health and Environment, then to the Committee on Ways and Means.

H.B. No. 3443, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOANS," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 63, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 1533, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was referred to the Committee on Ways and Means.

H.B. No. 1966, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2422, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAUMATIC BRAIN INJURY," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

H.B. No. 2435, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," was referred to the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

H.B. No. 2441, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 2518, entitled: "A BILL FOR AN ACT RELATING TO HILO COMMUNITY SCHOOL FOR ADULTS," was referred jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2647, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER'S MUTUAL INSURANCE COMPANY," was referred jointly to the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 2824, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 2990, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred jointly to the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

H.B. No. 3021, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

H.B. No. 3361, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," was referred jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 64, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 144, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RETIREMENT BENEFITS," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2487, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 2541, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A COMPREHENSIVE STUDENT SUPPORT SYSTEM," was referred to the Committee on Education, then to the Committee on Ways and Means.

H.B. No. 2560, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Education, then to the Committee on Ways and Means.

H.B. No. 2565, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL OFFICERS," was referred to the Committee on Education, then to the Committee on Ways and Means.

H.B. No. 2572, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," was referred jointly to the Committee on Education and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

H.B. No. 3037, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT CORPORATIONS," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 3110, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TREATMENT OF TEENAGERS DEPENDENT ON DRUGS," was referred jointly to the Committee on Education and the Committee on Health and Environment, then to the Committee on Ways and Means.

H.B. No. 3142, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TEACHER EDUCATION," was referred to the Committee on Education, then to the Committee on Ways and Means.

H.B. No. 3363, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPTIMAL HEALTH OF AT-RISK PREGNANT WOMEN AND THEIR BABIES," was referred jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means.

Hse. Com. No. 65, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2499, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN CAPITAL DEPOSITORIES," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 2554, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 2557, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY PROCESSES," was referred jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, then to the Committee on Ways and Means.

H.B. No. 2564, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Education, then to the Committee on Ways and Means.

H.B. No. 2566, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," was referred jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

H.B. No. 2567, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DUPLICATION OF GOVERNMENTAL SERVICES," was referred jointly to the Committee on Government Operations and Housing and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

H.B. No. 3071, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH

FUND," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 3199, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATIZATION," was referred jointly to the Committee on Human Resources and the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

H.B. No. 3625, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT REORGANIZATION," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 66, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2380, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNLAWFUL POSTING IN PUBLIC PLACES," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

H.B. No. 2600, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM TRANSFER-ON-DEATH (TOD) SECURITY REGISTRATION ACT," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2850, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL ESTATES," was referred to the Committee on Judiciary.

H.B. No. 2889, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was referred to the Committee on Judiciary.

H.B. No. 2941, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," was referred to the Committee on Judiciary.

H.B. No. 2946, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," was referred to the Committee on Judiciary.

H.B. No. 3004, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 67, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 612, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," was referred to the Committee on Economic Development.

H.B. No. 2437, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was referred to the Committee on Judiciary.

H.B. No. 2512, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was referred to the Committee on Ways and Means.

H.B. No. 2666, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," was referred to the Committee on Judiciary.

H.B. No. 2667, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," was referred to the Committee on Judiciary.

H.B. No. 3429, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STATE PAYROLL PILOT PROJECT," was referred to the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

H.B. No. 3453, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 68, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2808, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2812, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE IDENTIFICATION BADGES," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2833, entitled: "A BILL FOR AN ACT RELATING TO ISSUANCE OF UTILITY VOTING STOCK," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2964, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3102, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3281, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was referred to the Committee on Government Operations and Housing.

H.B. No. 3290, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE TRADE PRACTICES," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3293, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Hse. Com. No. 69, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2458, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2678, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2827, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2829, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2831, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL MALPRACTICE UNDERWRITING PLAN," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3392, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3393, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3467, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES AND PERMITS," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology.

Hse. Com. No. 70, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2331, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was referred to the Committee on Government Operations and Housing, then to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2423, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary.

H.B. No. 2502, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE GIFT ANNUITIES," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2669, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS AND SECONDHAND DEALERS," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2821, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIVE SUBPOENAS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary.



H.B. No. 2825, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary.

H.B. No. 3181, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR CONTROL ADJUDICATION BOARD," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary.

H.B. No. 3389, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURERS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

Hse. Com. No. 71, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2776, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 2785, entitled: "A BILL FOR AN ACT RELATING TO ROBBERY IN THE FIRST DEGREE," was referred to the Committee on Judiciary.

H.B. No. 2809, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 2921, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," was referred to the Committee on Judiciary.

H.B. No. 2935, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," was referred to the Committee on Judiciary.

H.B. No. 3045, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX EXEMPTION FOR AIRCRAFT SERVICE AND MAINTENANCE FACILITIES," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 3192, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUPPORT ENFORCEMENT," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 72, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 1595, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF SEXUAL ASSAULT," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

H.B. No. 2369, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was referred to the Committee on Government Operations and Housing, then to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2693, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Education.

H.B. No. 2942, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," was referred to the Committee on Judiciary.

H.B. No. 3167, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Education.

H.B. No. 3548, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3568, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT USE OF CREDIT CARD," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary.

Hse. Com. No. 73, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 735, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GAME MAMMALS," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

H.B. No. 2813, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF THE PROFESSIONAL AND VOCATIONAL LICENSING LAWS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2818, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIRS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2822, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LEASE DISCLOSURE," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3138, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Water, Land, and Hawaiian Affairs.

H.B. No. 3147, entitled: "A BILL FOR AN ACT RELATING TO APPEALS FROM THE PUBLIC UTILITIES COMMISSION," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary.

H.B. No. 3427, entitled: "A BILL FOR AN ACT RELATING TO RISK RETENTION," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Hse. Com. No. 74, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House

bills passed First Reading by title and were referred to committees:

H.B. No. 2354, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUALLY VIOLENT PREDATORS," was referred to the Committee on Judiciary.

H.B. No. 2672, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2749, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was referred to the Committee on Ways and Means.

H.B. No. 2810, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2811, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEMON LAW DISCLOSURE COMPLIANCE," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2828, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3553, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," was referred to the Committee on Judiciary.

Hse. Com. No. 75, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2507, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2537, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary.

H.B. No. 2823, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2836, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ATTENDANCE," was referred to the Committee on Education, then to the Committee on Ways and Means.

H.B. No. 3165, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Education, then to the Committee on Ways and Means.

H.B. No. 3255, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS IN WAIKIKI," was referred jointly to the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Economic Development.

Hse. Com. No. 76, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 1241, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL ASSAULTS," was referred to the Committee on Judiciary.

H.B. No. 2355, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," was referred to the Committee on Judiciary.

H.B. No. 2482, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was referred jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

H.B. No. 2675, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 2869, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMUSEMENT RIDES, INCLUDING BUNGEE JUMPING," was referred to the Committee on Human Resources.

H.B. No. 3262, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRUSTS," was referred to the Committee on Judiciary.

H.B. No. 3278, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE IN CREDIT SALES," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Hse. Com. No. 77, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2426, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was referred jointly to the Committee on Government Operations and Housing and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

H.B. No. 2506, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," was referred jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary.

H.B. No. 3163, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3229, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," was referred to the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

H.B. No. 3246, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS," was referred to the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

H.B. No. 3288, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS, CONDOMINIUMS, COOPERATIVE HOUSING CORPORATIONS, AND TIME SHARE PLANS," was referred to the Committee on Government Operations and Housing, then to the Committee on Commerce, Consumer Protection, and Information Technology.

H.B. No. 3433, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLATINUM JEWELRY," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Hse. Com. No. 78, transmitting the following House bills which passed Third Reading in the House of Representatives on March 10, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 1160, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was referred to the Committee on Judiciary.

H.B. No. 2399, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," was referred to the Committee on Ways and Means.

H.B. No. 2552, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

H.B. No. 2558, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was referred to the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

H.B. No. 2568, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was referred to the Committee on Ways and Means.

H.B. No. 2750, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was referred to the Committee on Ways and Means.

H.B. No. 2758, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was referred jointly to the Committee on Government Operations and Housing and the Committee on Human Resources, then to the Committee on Ways and Means.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 49 to 52) were read by the Clerk and were referred to committees:

##### Senate Concurrent Resolution

No. 49 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS REVIEW THE REGISTRATION PROCEDURES FOR ENTITIES PROVIDING POST-SECONDARY EDUCATION."

Offered by: Senator Aki.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 50 "SENATE CONCURRENT RESOLUTION URGING THE STATE DEPARTMENT OF TRANSPORTATION TO CONDUCT A PUBLIC

AWARENESS CAMPAIGN ABOUT TIRE BLOWOUTS AND DEBRIS ON HIGHWAYS."

Offered by: Senators Kanno, Kawamoto.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 51 "SENATE CONCURRENT RESOLUTION REQUESTING 'OLELO: THE CORPORATION FOR COMMUNITY TELEVISION TO CONDUCT A FINANCIAL AUDIT TO ASSURE THAT THE PEOPLE OF HAWAII ARE BEING APPROPRIATELY SERVED."

Offered by: Senators Ige, D., Metcalf, Ihara, Fukunaga.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 52 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE EXEMPTIONS FROM STATE TAXATION."

Offered by: Senators Ihara, Baker, Fukunaga, McCartney.

Referred to: Committee on Ways and Means

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 16 to 19) were read by the Clerk and were referred to committees:

##### Senate Resolution

No. 16 "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS REVIEW THE REGISTRATION PROCEDURES FOR ENTITIES PROVIDING POST-SECONDARY EDUCATION."

Offered by: Senator Aki.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 17 "SENATE RESOLUTION URGING THE STATE DEPARTMENT OF TRANSPORTATION TO CONDUCT A PUBLIC AWARENESS CAMPAIGN ABOUT TIRE BLOWOUTS AND DEBRIS ON HIGHWAYS."

Offered by: Senators Kanno, Kawamoto.

Referred to: Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 18 "SENATE RESOLUTION REQUESTING 'OLELO: THE CORPORATION FOR COMMUNITY TELEVISION TO CONDUCT A FINANCIAL AUDIT TO ASSURE THAT THE PEOPLE OF HAWAII ARE BEING APPROPRIATELY SERVED."

Offered by: Senators Ige, D., Metcalf, Ihara, Fukunaga.

Referred to: Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 19 "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE EXEMPTIONS FROM STATE TAXATION."

Offered by: Senators Ihara, Baker, Fukunaga, Metcalf.

Ayes, 25. Noes, none.

Referred to: Committee on Ways and Means

### RE-REFERRAL OF HOUSE BILL

### ORDER OF THE DAY

#### THIRD READING

S.B. No. 2736, S.D. 2:

Senator Chumbley moved that S.B. No. 2736, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Iwase rose in opposition of the measure and stated:

"Mr. President, I will be voting 'no' on this bill.

"I support the provisions relating to the consent. I think that's something that is sorely needed. My concern is the five-year age differential which would thereby allow someone who is 16 years of age to engage in sexual activity with someone who is under 14, or within that period of time. This time frame is of great concern to me.

"Thank you, Mr. President."

Senator Solomon also rose in opposition and said:

"Mr. President, I, too, will be voting 'no.' I, too, like the Senator from Mililani, have no pilikia with the consent portion of the bill as far as the age and so forth. So, I'd like the Senator's remarks to be included as my own.

"Thank you."

The Chair so ordered.

The motion was then put by the Chair and carried, S.B. No. 2736, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2363, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, S.B. No. 2363, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2727, S.D. 2:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, S.B. No. 2727, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2753 (S.B. No. 2774, S.D. 3):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2753 was adopted and S.B. No. 2774, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

The Chair re-referred the following House bill that was received:

House Bill Referred to:

No. 3313, H.D. 1 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, then to the Committee on Judiciary

Senator Anderson rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege, but it's also a point of information. On Tuesday when we were doing the crossover, there was a Stand. Com. 2757, S.B. No. 2922, which I had reservations on until I started reading all of the things that were in the particular bill. It established the joint capitol management committee. It appropriated funds for long-term care. It provided funding for the Office of the Legislative Analyst. It transferred those functions from the Auditor to the Legislative Analyst. And it appropriated funds for a public recess and required the Legislature to convene in a special session.

"Well, in yesterday morning's paper, Mr. President, where it says the legislative crossover, all it really says about our crossover that really got me going was, 'special session requires the Legislature to convene in special session in July to deal with potential money problems.' That's what the paper said, the Advertiser, March 11. However, I went back to the bill. The bill on page 10, line 20, section 13 says, 'The legislature in July 1998 shall convene in special session.' So then I went to our Senate Rules, Mr. President. The Senate Rules say that we need two-thirds of the membership in which to petition if we are going to have a special session. So I didn't know if this is a legal way of doing it by putting it in a bill. That's one of my questions.

"Besides having rules, Mr. President, we also check the Hawaii State Constitution, and under Section 10, 'The legislature shall convene annually.' It, too, says we have to have a written document to petition the Senate to go into a special session. So I'm wondering in order to do that we need two-thirds to petition. The bill didn't have two-thirds to even cross over. So what does that do to the bill, Mr. President? That's my question."

The Chair responded:

"The third reading of that particular bill stands. This is the first crossover and it was the intent of the Senate to postpone any decision on the tax adjustments to the general excise tax until the budget is finalized and the report from the Council on Revenues' May estimates is received. Ultimately, it would be prudent to make this decision in a special session."

Senator Anderson inquired:

"If you're saying that, then we are to ignore the constitution which says that in order to have a special session we need to petition the Senate with two-thirds of us. We're just going to ignore the State Constitution?"

The Chair replied:

"We're not ignoring the State Constitution by any means."

Senator Anderson further inquired:

"Then why do we have it in the bill? I was going to vote for that particular measure until I read that. I didn't request it, then when I saw the bill, the bill says we shall convene for a special session in July of 1998."

The Chair answered:

"As I stated, the Senate's position is to await the decisions on the budget and Council of Revenues' May estimates before making a decision on taxes. And that decision is best done in a special session."

Senator Anderson then said:

"I'll let someone more learned than I, in law, to ask questions, then. Thank you very much, Mr. President."

**ADJOURNMENT**

At 11:51 o'clock a.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 13, 1998.

## TWENTY-NINTH DAY

Friday, March 13, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Brother Dennis Schmitz, SM, Marianist Center of Hawaii, after which the Roll was called showing all Senators present with the exception of Senators Fernandes Salling and D. Ige who were excused.

The President announced that he had read and approved the Journal of the Twenty-Eighth Day.

The following introduction of the Sealaska Corporation was made to the members of the Senate:

Senator Solomon welcomed the Sealaska Corporation with a short Hawaiian chant and, on behalf of the people of Hawaii, expressed wishes of a stay filled with love and aloha.

At this time, Mr. Richard Dalton, representing the Sealaska Corporation, then addressed the members of the Senate in his native tongue of Tlingit, which he translated as follows:

"Brothers and sisters, in part I will try to translate my Tlingit to English.

"It is a great honor you give us and we open up our homes all the way from Southeast Alaska. We have seen the history of the Hawaiian people with their canoe coming into Southeast, when at that time my grandfather built a canoe boat, a 25 footer, to welcome the Hawaiian canoe boat to come into our community.

"More important than anything else today are how many children we see. The biggest thing that you have is your people. Your children are very, very important for all of us. No matter where we go, the children are so valuable, with their education and the different things historically, traditionally, culturally. Culture is the most valuable thing that we have in our life that will teach us to win whatever we are going to be faced with so we will be able to take care of the children. Our grandchildren are so valuable in our lives. It's pretty hard to live without them. (I have a few grandchildren. I know what that feels like when I talk about grandchildren.)

"The honorable and everyone that gives us this privilege -- you've opened up your homes. For myself, I'm here in Honolulu for the first time in my life. I don't know if I'll be able to make it again. Maybe I'll just decide to stay. (Laughter.)

"I thank you very much, each and every one. There will be other days, maybe a couple of more days before we do the honors. Thank you."

At this time, President Mizuguchi introduced Governor Benjamin Cayetano who made a presentation of a proclamation to the honored guests as follows:

"Mr. President, members of the Senate, Chairman DeSoto, members of OHA, distinguished guests from Alaska, children:

"Good morning and aloha!

"It's truly an honor for me to be here to join the Senate in honoring our distinguished guests from Alaska. My understanding is that we have representatives of the Sealaska Corporation, which is owned by the Tlingit, Haida and Tsimshian tribes from Southeast Alaska. These folks have done a great deal to help us with the voyaging experiments that we have had with the Hawaiiloa.

"This morning, I'd like to issue a proclamation that I'd like to read, honoring them and welcoming them to our fair state:

**'Proclamation**

WHEREAS, over the past decade, the people of Hawaii and the native Tlingit, Haida and Tsimshian people of Southeast Alaska have developed strong bonds of friendship and goodwill through cultural exchange and mutual support; and

WHEREAS, in 1990, Sealaska Corporation donated two 200-foot Sitka spruce trees that were carved by master canoe builder, Wright Bowman, Jr., into the hulls of the proud voyaging canoe, Hawaiiloa; and

WHEREAS, five years later, the canoe's crew and other Hawaii residents had a unique opportunity to express their appreciation to the donors on a memorable sailing tour of eleven towns and villages on the coast of Southeast Alaska; and

WHEREAS, Hawaii's people are deeply indebted to their Alaska brothers and sisters for their past support -- and also for their generous gift of a house post, created by Tlingit master carver, Nathan Jackson, to commemorate the historic Alaskan voyage of the Hawaiiloa; and

WHEREAS, it is a great privilege for the State of Hawaii to host the visiting Sealaska Corporation delegation -- and to strengthen a relationship that is built on the strong foundation of shared values and traditions of the indigenous people of both Alaska and Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby proclaim March 13, 1998, to be

**SEALASKA CORPORATION DAY**

in Hawaii and welcome our visitors from Southeast Alaska with warmest aloha.

DONE in the Executive Chambers, Honolulu, State of Hawaii, this twelfth day of March, 1998.

/s/Benjamin J. Cayetano"

Senator Solomon then introduced the following members of the delegation representing the Sealaska Corporation, Sealaska Heritage Foundation and Brown Family Members: Mr. Alan Williams, former Chair; Marjorie Young, Chair of the Board; Nathan Jackson, carver; Dr. Walter Soboleff, Trustee; Richard Dalton; Austin Brown; and Minnie Stevens. Accompanying the delegation were Frenchy DeSoto, Chairwoman of the Office of Hawaiian Affairs; and Dr. Donald Duckworth of the Bishop Museum.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 184 to 188) were read by the Clerk and were placed on file:

Gov. Msg. No. 184, dated February 23, 1998, transmitting a report, "Trends in Delinquency and Gang Membership: An Interim Report to the Hawaii State Legislature," prepared by the Office of Youth Services.

Gov. Msg. No. 185, dated February 25, 1998, transmitting a report prepared by the Department of Health, pursuant to Act 111, SLH 1994, relating to health insurance benefits.

Gov. Msg. No. 186, dated March 2, 1998, transmitting the Hawaii Visitors Bureau Funding Report, prepared by the Department of Commerce and Consumer Affairs, Hawaii Public Broadcasting Authority, pursuant to Act 218, SLH 1995.

Gov. Msg. No. 187, dated March 2, 1998, transmitting the 1997 Annual Report prepared by the Department of Labor and Industrial Relations, pursuant to Section 371-7, HRS.

Gov. Msg. No. 188, dated March 4, 1998, transmitting the Annual Report prepared by the Department of Health, Hawaii Advisory Commission on Drug Abuse and Controlled Substances, pursuant to Section 329-3, HRS.

#### DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 24 and 25) were read by the Clerk and were placed on file:

Dept. Com. No. 24, from the State Auditor dated March 6, 1998, transmitting a report, "Financial Audit of the Highways Division of the Department of Transportation," (Report No. 98-9).

Dept. Com. No. 25, from the State Auditor dated March 12, 1998, transmitting a report, "Financial Audit of the Department of Commerce and Consumer Affairs," (Report No. 98-10).

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 79 to 81) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 79, transmitting the following House bills which passed Third Reading in the House of Representatives on March 12, 1998, was placed on file and, on motion by Senator McCartney, seconded by Senator Slom and carried, said House bills passed First Reading by title and were referred to committees:

H.B. No. 2500, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was referred to the Committee on Ways and Means.

H.B. No. 2710, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was referred to the Committee on Ways and Means.

Hse. Com. No. 80, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1649, H.D. 2 (S.D. 1);  
H.B. No. 1699, H.D. 2 (S.D. 1);  
H.B. No. 1800 (S.D. 1);  
H.B. No. 1815, H.D. 1 (S.D. 2);  
H.B. No. 1830, H.D. 1 (S.D. 1);  
H.B. No. 1868, H.D. 2 (S.D. 2); and  
H.B. No. 2222, H.D. 2 (S.D. 2),

was placed on file.

Hse. Com. No. 81, informing the Senate of the passage on Final Reading in the House of Representatives of H.B. No. 967, H.D. 2, on March 12, 1998, was placed on file.

#### SENATE COMMUNICATION

Sen. Com. No. 2, notice to the Governor dated March 13, 1998, transmitting S.B. No. 2125, S.D. 1, which proposes amendments to the Hawaii State Constitution.

By unanimous consent, the following notice was sent to the Governor:

"March 13, 1998

The Honorable Benjamin J. Cayetano  
Governor of the State of Hawaii  
State Capitol  
Honolulu, Hawaii 96813

Dear Governor Cayetano:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following Senate Bill, a copy of which is attached hereto:

S.B. 2125, S.D. 1  
'PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY TO SERVE AS A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES.'

Respectfully,

/s/ Paul T. Kawaguchi  
Paul T. Kawaguchi  
Clerk of the Senate"

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 53 to 91) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 53 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF PROVIDING DEVELOPER INCENTIVES TO ESTABLISH LOW COST ELDERLY RENTAL HOUSING THROUGHOUT THE STATE."

Offered by: Senators Iwase, Solomon, Baker, Bunda, Sakamoto.

No. 54 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CREATE AN ACTION PLAN TO SELL HAWAII AGRICULTURAL PRODUCTS TO MARKETS IN JAPAN THROUGH A CENTRAL DISTRIBUTOR."

Offered by: Senator Tanaka.

No. 55 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO REVIEW THE EFFECTS OF ACT 212, SESSION LAWS OF HAWAII 1994, INCLUDING FINANCIAL, STAFFING, AND PUBLIC SERVICES AVAILABILITY."

Offered by: Senator McCartney.

No. 56 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FAMILY COURT BILLING PRACTICES IN THE THIRD CIRCUIT."

Offered by: Senator Levin.

No. 57 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO DEVELOP AN INSERVICE TRAINING PROGRAM FOR

SCHOOL PERSONNEL IN BUDGET PREPARATION AND BUDGET EXECUTION."

Offered by: Senator Levin.

No. 58 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII TO FULFILL ITS OBLIGATION TO COMPLETE THE CREATION OF THE KIKALA-KEOKEA SUBDIVISION."

Offered by: Senator Levin.

No. 59 "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII."

Offered by: Senator Levin.

No. 60 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A GAMECOCK BREEDING INDUSTRY IN HAWAII."

Offered by: Senator Solomon.

No. 61 "SENATE CONCURRENT RESOLUTION REQUESTING THE IMPLEMENTATION OF THE AUDITOR'S RECOMMENDATIONS OF THE MANAGEMENT OF MAUNA KEA AND THE MAUNA KEA SCIENCE RESERVE."

Offered by: Senator Solomon.

No. 62 "SENATE CONCURRENT RESOLUTION REQUESTING A PILOT PROGRAM FOR THE MONITORING OF AQUARIUM FISH COLLECTION."

Offered by: Senator Solomon.

No. 63 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO INVESTIGATE INSTANCES OF PRICE GOUGING FOR PROVISION OF MEDICAL EQUIPMENT OR SERVICES AND TO MAKE RECOMMENDATIONS TO REMEDY THE SITUATION."

Offered by: Senators Levin, Solomon, Metcalf.

No. 64 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO TAKE A PUBLIC SECTOR LEADERSHIP ROLE IN LICENSING HAWAII'S CERTIFIED PROFESSIONAL MIDWIVES AS RECOGNIZED BY THE NORTH AMERICAN REGISTRY OF MIDWIVES AND THE MIDWIFERY EDUCATION AND ACCREDITATION COUNCIL."

Offered by: Senator Levin.

No. 65 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN TO ENSURE THE CONTINUED VIABILITY OF THE SCHOOL OF PUBLIC HEALTH WITHIN THE UNIVERSITY SYSTEM."

Offered by: Senator Levin.

No. 66 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE IMPACT THAT STUDENTS WITH SPECIAL NEEDS HAVE ON THE GENERAL EDUCATION CLASSROOM."

Offered by: Senators Levin, Tam.

No. 67 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PREPARE AN ACTION PLAN TO IMPLEMENT THE RECOMMENDATIONS OF THE FAR WEST LABORATORY FOR EDUCATIONAL RESEARCH AND DEVELOPMENT AND THE AUDITOR CONCERNING THE SCHOOL/COMMUNITY-BASED MANAGEMENT SYSTEM."

Offered by: Senator Tam.

No. 68 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE BOARD OF EDUCATION TO REVIEW AND REVISE HAWAII'S EDUCATION GOALS FOR THE YEAR 2000 AND ESTABLISH AN ACTION PLAN TO ACCOMPLISH THOSE GOALS."

Offered by: Senator Tam.

No. 69 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO APPOINT AN INCOME TAX COMMISSION TO REVIEW ALL FEDERAL AMENDMENTS TO THE INTERNAL REVENUE CODE EACH YEAR AND MAKE RECOMMENDATIONS TO THE LEGISLATURE REGARDING THE ADOPTION OF THESE AMENDMENTS AS STATE LAW."

Offered by: Senator Tam.

No. 70 "SENATE CONCURRENT RESOLUTION COMMENDING THE STATE DEPARTMENT OF DEFENSE FOR ITS INNOVATIVE HAWAII NATIONAL GUARD YOUTH CHALLENGE PROGRAM AND REQUESTING THE DEPARTMENT OF EDUCATION AND THE JUDICIARY TO FINANCIALLY ASSIST THE DEPARTMENT OF DEFENSE IN MEETING THE MATCHING FUND REQUIREMENT TO ASSURE THE CONTINUED SUCCESS OF THAT PROGRAM."

Offered by: Senators Kawamoto, Bunda, Chumbley, Fukunaga, Ige, M., Ihara, Matsunaga, Sakamoto, Slom, Tam, Tanaka.

No. 71 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPORT AN AIRCRAFT CARRIER AT PEARL HARBOR, HAWAII."

Offered by: Senators Kawamoto, Aki, Anderson, Bunda, Chumbley, Fernandes Salling, Fukunaga, Ige, D., Ihara, Iwase, Kanno, Levin, Matsunaga, Sakamoto, Slom, Solomon, Tam, Tanaka.

No. 72 "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE DEPARTMENT OF TRANSPORTATION TO ALLOW VANPOOL VEHICLES, COMMERCIAL VEHICLES, AND VEHICLES CARRYING TWO OR MORE OCCUPANTS, TO USE THE 'ZIPPER LANE.'"

Offered by: Senators Kawamoto, Sakamoto.

No. 73 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ADHERE TO THE RECOMMENDED SCHOOL CLERICAL STAFFING STANDARDS AND PRIORITY STAFFING GUIDELINES CONTAINED IN THE 1990 SCHOOL AND DISTRICT OFFICE CLERICAL STAFFING STUDY."

Offered by: Senators Kawamoto, Sakamoto.

No. 74 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S DELEGATION TO THE UNITED STATES CONGRESS TO SUPPORT THE IMPLEMENTATION OF THE CONCEPT OF FREE FLIGHT



AS DESCRIBED IN THE AIR TRAFFIC MANAGEMENT PLAN KNOWN AS FLIGHT 2000."

Offered by: Senators Kawamoto, Mizuguchi, Sakamoto.

No. 75 "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF A DESIGNATED DRIVER PROGRAM FOR ESTABLISHMENTS THAT SERVE ALCOHOLIC BEVERAGES."

Offered by: Senators Kawamoto, Bunda, Chumbley, Fukunaga, Ihara, Matsunaga, Sakamoto, Slom, Tam.

No. 76 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW IMPAIRED DRIVING STATUTES AND MAKE RECOMMENDATIONS FOR UNIFORM STATUTORY CONSTRUCTION."

Offered by: Senators Kawamoto, Bunda, Chumbley, Fukunaga, Ihara, Matsunaga, Sakamoto, Slom, Tam, Tanaka.

No. 77 "SENATE CONCURRENT RESOLUTION REQUESTING THE FEDERAL TRADE COMMISSION TO AMEND THE AGREEMENT CONTAINING CONSENT ORDER IN THE MATTER OF SHELL OIL COMPANY AND TEXACO INC. (FILE NO. 971-0026)."

Offered by: Senators Kawamoto, Aki, Anderson, Baker, Bunda, Chumbley, Chun Oakland, Fernandes Salling, Fukunaga, Ige, D., Ige, M., Ihara, Iwase, Kanno, Levin, McCartney, Metcalf, Mizuguchi, Sakamoto, Slom, Solomon, Tanaka, Taniguchi.

No. 78 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO STUDY THE FEASIBILITY OF SELLING ITS SCHOOL OF MEDICINE TO A PRIVATE ENTITY."

Offered by: Senator Bunda.

No. 79 "SENATE CONCURRENT RESOLUTION RELATING TO ASSESSMENTS CHARGED TO SPECIAL FUNDS FOR CENTRAL SERVICES."

Offered by: Senators Chun Oakland, Kanno, Slom.

No. 80 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENGAGE IN DISCUSSIONS WITH THE WOMEN'S COALITION AND SEXUAL ASSAULT SERVICE PROVIDERS TO EXTEND ITS FAMILY VIOLENCE OPTION TO INCLUDE ALL VICTIMS OF SEXUAL ASSAULT."

Offered by: Senators Chun Oakland, Solomon, Anderson, Fernandes Salling, Kanno, Slom.

No. 81 "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 TO PURCHASE HAWAII-MANUFACTURED COMPOST AND SOIL AMENDMENT IN BULK."

Offered by: Senators Chun Oakland, Kanno, Bunda, Levin.

No. 82 "SENATE CONCURRENT RESOLUTION REQUESTING THAT TIMEFRAMES AND STANDARDS BE ESTABLISHED FOR THE DENIAL OF MEDICAL SERVICE CHARGES BY MEDICAL BILLING REVIEW COMPANIES."

Offered by: Senators Chun Oakland, Kanno, Anderson, Fukunaga, Sakamoto.

No. 83 "SENATE CONCURRENT RESOLUTION REQUESTING INCORPORATION OF ASSISTIVE TECHNOLOGY CONSIDERATIONS IN ALL APPROPRIATE ADMINISTRATION MEASURES RELATING TO PERSONS WITH DISABILITIES."

Offered by: Senators Chun Oakland, Ihara.

No. 84 "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND PROGRAM AUDIT OF THE CHILD PROTECTIVE SERVICES."

Offered by: Senators Chun Oakland, Kanno.

No. 85 "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE STATUS OF THE HAWAII STATE PLAN AND THE VIABILITY OF INCORPORATING THE KE ALA HOKU PROCESS INTO A COHESIVE STATE FUNCTIONAL AND FINANCIAL PLAN."

Offered by: Senators Chun Oakland, Kanno, Anderson, Chumbley, Ige, D., Levin, Matsunaga, Slom, Solomon, Tam.

No. 86 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON PROVIDING PUBLIC EMPLOYEES WITH A CHOICE OF CONTRIBUTORY OR NONCONTRIBUTORY MEMBERSHIP IN THE EMPLOYEES' RETIREMENT SYSTEM."

Offered by: Senator Kanno.

No. 87 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE APPROPRIATE CRITERIA UNDER WHICH UTILITY LINES SHALL BE PLACED UNDERGROUND, AND OF THE APPROPRIATE MEANS OF FINANCING ANY COST DIFFERENTIAL BETWEEN OVERHEAD AND UNDERGROUND PLACEMENT OF UTILITY LINES."

Offered by: Senators Kanno, Kawamoto.

No. 88 "SENATE CONCURRENT RESOLUTION URGING USE OF THE HISTORICALLY CORRECT NAME OF PU'UOKAPOLEI."

Offered by: Senator Kanno.

No. 89 "SENATE CONCURRENT RESOLUTION URGING THE CREATION OF A PROFESSIONAL GOLF MANAGEMENT CERTIFICATION PROGRAM."

Offered by: Senators Kanno, Aki, Kawamoto, Tam.

No. 90 "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO APPLY TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII TO MODIFY THE FINAL JUDGMENT AND CONSENT DECREE REGARDING TEXACO INC. AND SHELL OIL COMPANY BY ELIMINATING THE MANDATED DIVESTITURE OF RETAIL ASSETS OF SHELL OR TEXACO ON THE ISLAND OF OAHU OR TO COMPLETELY WITHDRAW ITS CONDITIONS IN THAT CONSENT DECREE."

Offered by: Senators Matsunaga, Kawamoto.

No. 91 "SENATE CONCURRENT RESOLUTION REQUESTING THE COMMUNITY-BASED MANAGEMENT EVALUATION TASK FORCE CONVENED BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONTINUE TO OPERATE

AND REPORT TO THE LEGISLATURE BEFORE THE 1999 REGULAR SESSION."

Offered by: Senators Ihara, Taniguchi.

### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 20 to 42) were read by the Clerk and were deferred:

#### Senate Resolution

No. 20 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CREATE AN ACTION PLAN TO SELL HAWAII AGRICULTURAL PRODUCTS TO MARKETS IN JAPAN THROUGH A CENTRAL DISTRIBUTOR."

Offered by: Senator Tanaka.

No. 21 "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO DEVELOP AN INSERVICE TRAINING PROGRAM FOR SCHOOL PERSONNEL IN BUDGET PREPARATION AND BUDGET EXECUTION."

Offered by: Senator Levin.

No. 22 "SENATE RESOLUTION REQUESTING THE STATE OF HAWAII TO FULFILL ITS OBLIGATION TO COMPLETE THE CREATION OF THE KIKALA-KEOKEA SUBDIVISION."

Offered by: Senator Levin.

No. 23 "SENATE RESOLUTION CONDEMNING DESTRUCTIVE FISHING PRACTICES AND SUPPORTING THE OCEANIC INSTITUTE'S MARINE ORNAMENTAL FINFISH PROGRAM."

Offered by: Senator Solomon.

No. 24 "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A GAMECOCK BREEDING INDUSTRY IN HAWAII."

Offered by: Senator Solomon.

No. 25 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO INVESTIGATE INSTANCES OF PRICE GOUGING FOR PROVISION OF MEDICAL EQUIPMENT OR SERVICES AND TO MAKE RECOMMENDATIONS TO REMEDY THE SITUATION."

Offered by: Senators Levin, Solomon, Metcalf.

No. 26 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO TAKE A PUBLIC SECTOR LEADERSHIP ROLE IN LICENSING HAWAII'S CERTIFIED PROFESSIONAL MIDWIVES AS RECOGNIZED BY THE NORTH AMERICAN REGISTRY OF MIDWIVES AND THE MIDWIFERY EDUCATION AND ACCREDITATION COUNCIL."

Offered by: Senator Levin.

No. 27 "SENATE RESOLUTION REQUESTING THE DEVELOPMENT OF A PLAN TO ENSURE THE CONTINUED VIABILITY OF THE SCHOOL OF PUBLIC HEALTH WITHIN THE UNIVERSITY SYSTEM."

Offered by: Senator Levin.

No. 28 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PREPARE AN ACTION PLAN TO IMPLEMENT THE RECOMMENDATIONS OF THE FAR WEST LABORATORY FOR EDUCATIONAL RESEARCH AND DEVELOPMENT AND THE AUDITOR CONCERNING THE SCHOOL/COMMUNITY-BASED MANAGEMENT SYSTEM."

Offered by: Senator Tam.

No. 29 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE BOARD OF EDUCATION TO REVIEW AND REVISE HAWAII'S EDUCATION GOALS FOR THE YEAR 2000 AND ESTABLISH AN ACTION PLAN TO ACCOMPLISH THOSE GOALS."

Offered by: Senator Tam.

No. 30 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO APPOINT AN INCOME TAX COMMISSION TO REVIEW ALL FEDERAL AMENDMENTS TO THE INTERNAL REVENUE CODE EACH YEAR AND MAKE RECOMMENDATIONS TO THE LEGISLATURE REGARDING THE ADOPTION OF THESE AMENDMENTS AS STATE LAW."

Offered by: Senator Tam.

No. 31 "SENATE RESOLUTION COMMENDING THE STATE DEPARTMENT OF DEFENSE FOR ITS INNOVATIVE HAWAII NATIONAL GUARD YOUTH CHALLENGE PROGRAM AND REQUESTING THE DEPARTMENT OF EDUCATION AND THE JUDICIARY TO FINANCIALLY ASSIST THE DEPARTMENT OF DEFENSE IN MEETING THE MATCHING FUND REQUIREMENT TO ASSURE THE CONTINUED SUCCESS OF THAT PROGRAM."

Offered by: Senators Kawamoto, Bunda, Chumbley, Fukunaga, Ihara, Matsunaga, Sakamoto, Slom, Solomon, Tam, Tanaka.

No. 32 "SENATE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPORT AN AIRCRAFT CARRIER AT PEARL HARBOR, HAWAII."

Offered by: Senators Kawamoto, Aki, Anderson, Bunda, Chumbley, Fernandes Salling, Fukunaga, Ige, D., Ihara, Iwase, Kanno, Matsunaga, Sakamoto, Slom, Solomon, Tam, Tanaka.

No. 33 "SENATE RESOLUTION STRONGLY URGING THE DEPARTMENT OF TRANSPORTATION TO ALLOW VANPOOL VEHICLES, COMMERCIAL VEHICLES, AND VEHICLES CARRYING TWO OR MORE OCCUPANTS, TO USE THE 'ZIPPER LANE.'"

Offered by: Senators Kawamoto, Sakamoto.

No. 34 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ADHERE TO THE RECOMMENDED SCHOOL CLERICAL STAFFING STANDARDS AND PRIORITY STAFFING GUIDELINES CONTAINED IN THE 1990 SCHOOL AND DISTRICT OFFICE CLERICAL STAFFING STUDY."

Offered by: Senators Kawamoto, Sakamoto.

No. 35 "SENATE RESOLUTION REQUESTING HAWAII'S DELEGATION TO THE UNITED STATES CONGRESS TO SUPPORT THE IMPLEMENTATION OF THE CONCEPT OF FREE FLIGHT AS DESCRIBED IN THE AIR TRAFFIC MANAGEMENT PLAN KNOWN AS FLIGHT 2000."

## ADJOURNMENT

Offered by: Senators Kawamoto, Mizuguchi, Sakamoto.

No. 36 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO STUDY THE FEASIBILITY OF SELLING ITS SCHOOL OF MEDICINE TO A PRIVATE ENTITY."

Offered by: Senator Bunda.

No. 37 "SENATE RESOLUTION RELATING TO ASSESSMENTS CHARGED TO SPECIAL FUNDS FOR CENTRAL SERVICES."

Offered by: Senators Chun Oakland, Kanno, Anderson, Slom.

No. 38 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENGAGE IN DISCUSSIONS WITH THE WOMEN'S COALITION AND SEXUAL ASSAULT SERVICE PROVIDERS TO EXTEND ITS FAMILY VIOLENCE OPTION TO INCLUDE ALL VICTIMS OF SEXUAL ASSAULT."

Offered by: Senators Chun Oakland, Fernandes Salling, Kanno, Slom.

No. 39 "SENATE 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 TO PURCHASE HAWAII-MANUFACTURED COMPOST AND SOIL AMENDMENT IN BULK."

Offered by: Senators Chun Oakland, Kanno, Levin.

No. 40 "SENATE RESOLUTION URGING USE OF THE HISTORICALLY CORRECT NAME OF PU'UOKAPOLEI."

Offered by: Senator Kanno.

No. 41 "SENATE RESOLUTION URGING THE CREATION OF A PROFESSIONAL GOLF MANAGEMENT CERTIFICATION PROGRAM."

Offered by: Senators Kanno, Aki, Kawamoto, Tam.

No. 42 "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO APPLY TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII TO MODIFY THE FINAL JUDGMENT AND CONSENT DECREE REGARDING TEXACO INC. AND SHELL OIL COMPANY BY ELIMINATING THE MANDATED DIVESTITURE OF RETAIL ASSETS OF SHELL OR TEXACO ON THE ISLAND OF OAHU OR TO COMPLETELY WITHDRAW ITS CONDITIONS IN THAT CONSENT DECREE."

Offered by: Senators Matsunaga, Kawamoto.

## ORDER OF THE DAY

## REFERRAL OF HOUSE BILL

The Chair referred the following House bill that was received on Thursday, March 12, 1998:

House Bill                      Referred to:

No. 2973, H.D. 2      Committee on Health and Environment,  
then to the Committee on Judiciary

At 12:01 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 16, 1998.

## THIRTIETH DAY

Monday, March 16, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Claudia Wong, CSJ, The Samaritan Counseling Center of Hawaii, after which the Roll was called showing all Senators present with the exception of Senators D. Ige, Ihara, Kawamoto and Metcalf who were excused.

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

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 92 to 101) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 92 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES WORK WITH THE PRIVATE SECTOR TO CREATE PLANS TO DEVELOP AND IMPROVE EXISTING SMALL BOAT HARBORS."

Offered by: Senator Tanaka.

No. 93 "SENATE CONCURRENT RESOLUTION DECLARING A MORATORIUM ON THE INTRODUCTION AND CONSIDERATION OF PROPOSED LEGISLATION TO LEGALIZE ANY FORM OF GAMBLING IN HAWAII PRIOR TO THE REGULAR SESSION OF 2000 BY WHICH TIME THE REPORT OF THE NATIONAL GAMBLING IMPACT STUDY COMMISSION WILL BE AVAILABLE AND REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE LEGISLATIVE REFERENCE BUREAU TO UPDATE THEIR RESPECTIVE STUDIES ON GAMBLING."

Offered by: Senator Matsunaga.

No. 94 "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONSIDER PRIVATIZING THE COLLECTION OF CHILD SUPPORT PAYMENTS."

Offered by: Senators Matsunaga, Chumbley.

No. 95 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF AGRICULTURE TO ADOPT STRINGENT RULES TO PREVENT THE ABUSIVE AND EXPLOITIVE TREATMENT OF LIVE EXOTIC ANIMALS IN TRAVELING EXHIBITS."

Offered by: Senators Matsunaga, Chumbley.

No. 96 "SENATE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF INTEGRATED APPROACHES TO JUVENILE CRIME AND DELINQUENCY PREVENTION AND IDENTIFICATION OF FEDERAL AND PRIVATE FUNDING SOURCES."

Offered by: Senators Matsunaga, Chumbley.

No. 97 "SENATE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF JUROR FEES."

Offered by: Senator Matsunaga.

No. 98 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A COMPREHENSIVE REVIEW OF THE HAWAII REVISED STATUTES TO IDENTIFY ALL OF THE EXEMPTIONS GRANTED TO STATE AND COUNTY GOVERNMENTS."

Offered by: Senator Ihara, by request.

No. 99 "SENATE CONCURRENT RESOLUTION REQUESTING OCEANIC CABLEVISION INC. TO CONDUCT A FINANCIAL AUDIT."

Offered by: Senators Ihara, Ige, D., Metcalf.

No. 100 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A PERFORMANCE AUDIT OF STATE GOVERNMENT SERVICES TO REVIEW THE FEASIBILITY OF IMPLEMENTING MANAGED COMPETITION IN THE DELIVERY OF PUBLIC SERVICES."

Offered by: Senator Levin.

No. 101 "SENATE CONCURRENT RESOLUTION REQUESTING A REDUCTION ON THE USE OF HERBICIDES IN ROADSIDE MAINTENANCE."

Offered by: Senator Levin.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 43 to 46) were read by the Clerk and were deferred:

## Senate Resolution

No. 43 "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES WORK WITH THE PRIVATE SECTOR TO CREATE PLANS TO DEVELOP AND IMPROVE EXISTING SMALL BOAT HARBORS."

Offered by: Senator Tanaka.

No. 44 "SENATE RESOLUTION REQUESTING OCEANIC CABLEVISION INC. TO CONDUCT A FINANCIAL AUDIT."

Offered by: Senators Ihara, Ige, D., Metcalf.

No. 45 "SENATE RESOLUTION REQUESTING A STUDY ON THE IMPACT THAT STUDENTS WITH SPECIAL NEEDS HAVE ON THE GENERAL EDUCATION CLASSROOM."

Offered by: Senator Levin.

No. 46 "SENATE RESOLUTION REQUESTING A REDUCTION ON THE USE OF HERBICIDES IN ROADSIDE MAINTENANCE."

Offered by: Senator Levin.

## CONFERENCE COMMITTEE REPORT

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1488, H.D. 2, presented a report (Conf. Com. Rep. No. 51) recommending that H.B. No. 1488, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51 and H.B. No. 1488, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE HOMES," was deferred for a period of 48 hours.

**STANDING COMMITTEE REPORT**

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2780) recommending that S.R. No. 5 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 5, entitled: "SENATE RESOLUTION ESTABLISHING POLICIES FOR THE LEGISLATIVE BROADCAST PROGRAM'S CABLECASTS OF SENATE PROCEEDINGS," was adopted.

**ORDER OF THE DAY**

**REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Friday, March 13, 1998:

Senate  
Concurrent  
Resolution

Referred to:

- No. 53                   Jointly to the Committee on Government Operations and Housing and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 54                   Committee on Economic Development, then to the Committee on Ways and Means
- No. 55                   Committee on Human Resources, then to the Committee on Ways and Means
- No. 56                   Committee on Judiciary, then to the Committee on Ways and Means
- No. 57                   Committee on Education, then to the Committee on Ways and Means
- No. 58                   Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 59                   Committee on Health and Environment, then to the Committee on Ways and Means
- No. 60                   Committee on Economic Development, then to the Committee on Ways and Means
- No. 61                   Jointly to the Committee on Education and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 62                   Committee on Economic Development, then to the Committee on Ways and Means
- No. 63                   Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 64                   Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology
- No. 65                   Jointly to the Committee on Health and Environment and the Committee on Education, then to the Committee on Ways and Means
- No. 66                   Committee on Education, then to the Committee on Ways and Means
- No. 67                   Committee on Education, then to the Committee on Ways and Means
- No. 68                   Committee on Education, then to the Committee on Ways and Means
- No. 69                   Committee on Ways and Means
- No. 70                   Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means
- No. 71                   Committee on Transportation and Intergovernmental Affairs
- No. 72                   Committee on Transportation and Intergovernmental Affairs
- No. 73                   Committee on Education, then to the Committee on Ways and Means
- No. 74                   Committee on Transportation and Intergovernmental Affairs
- No. 75                   Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 76                   Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 77                   Committee on Commerce, Consumer Protection, and Information Technology
- No. 78                   Committee on Education, then to the Committee on Ways and Means
- No. 79                   Committee on Ways and Means
- No. 80                   Committee on Human Resources, then to the Committee on Ways and Means
- No. 81                   Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Government Operations and Housing, then to the Committee on Ways and Means
- No. 82                   Jointly to the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 83                   Committee on Economic Development, then to the Committee on Ways and Means
- No. 84                   Committee on Human Resources, then to the Committee on Ways and Means
- No. 85                   Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 86                   Committee on Human Resources, then to the Committee on Ways and Means
- No. 87                   Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 88 Committee on Education, then to the Committee on Transportation and Intergovernmental Affairs

No. 89 Jointly to the Committee on Economic Development and the Committee on Education, then to the Committee on Ways and Means

No. 90 Committee on Commerce, Consumer Protection, and Information Technology

No. 91 Committee on Economic Development, then to the Committee on Ways and Means

#### REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Friday, March 13, 1998:

Senate Resolution Referred to:

No. 20 Committee on Economic Development, then to the Committee on Ways and Means

No. 21 Committee on Education, then to the Committee on Ways and Means

No. 22 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 23 Committee on Economic Development

No. 24 Committee on Economic Development, then to the Committee on Ways and Means

No. 25 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 26 Committee on Health and Environment, then to the Committee on Commerce, Consumer Protection, and Information Technology

No. 27 Jointly to the Committee on Health and Environment and the Committee on Education, then to the Committee on Ways and Means

No. 28 Committee on Education, then to the Committee on Ways and Means

No. 29 Committee on Education, then to the Committee on Ways and Means

No. 30 Committee on Ways and Means

No. 31 Jointly to the Committee on Transportation and Intergovernmental Affairs, the Committee on Education and the Committee on Judiciary, then to the Committee on Ways and Means

No. 32 Committee on Transportation and Intergovernmental Affairs

No. 33 Committee on Transportation and Intergovernmental Affairs

No. 34 Committee on Education, then to the Committee on Ways and Means

No. 35 Committee on Transportation and Intergovernmental Affairs

No. 36 Committee on Education, then to the Committee on Ways and Means

No. 37 Committee on Ways and Means

No. 38 Committee on Human Resources, then to the Committee on Ways and Means

No. 39 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 40 Committee on Education, then to the Committee on Transportation and Intergovernmental Affairs

No. 41 Jointly to the Committee on Economic Development and the Committee on Education, then to the Committee on Ways and Means

No. 42 Committee on Commerce, Consumer Protection, and Information Technology

#### RE-REFERRAL OF HOUSE BILLS

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

House Bill Referred to:

No. 2482 Committee on Government Operations and Housing

No. 2544, H.D. 1 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary

No. 2792, H.D. 2 Jointly to the Committee on Economic Development, the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, then to the Committee on Ways and Means

Senator Chumbley, for the Committee on Judiciary, requested a waiver to Senate Rule 20 for H.B. Nos. 2441, 2519, 2520, 2530, 2531, 2711, 2714, 2851, 2888 and 3010, and the Chair granted the waiver.

#### ADJOURNMENT

At 11:45 o'clock a.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 17, 1998.

## THIRTY-FIRST DAY

**Tuesday, March 17, 1998**

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mrs. Marilyn Chinen, Senate Majority Office, after which the Roll was called showing all Senators present with the exception of Senator Ihara who was excused.

The President announced that he had read and approved the Journal of the Thirtieth Day.

The following introductions were made to the members of the Senate:

Senator McCartney introduced the following teachers and teacher consultant from the Okinawa Prefectural Board of Education: Mr. Seishou Tamaki, Chief Teacher's Consultant; Ms. Hiromi Uezato, English Teacher, Futenma Senior High School; and Mr. Kiyoshi Oshiro, English Teacher, Nanbu Commercial Senior High School. Accompanying the guests from Okinawa was Mrs. Lana Mito, DOE Student Activities Education Specialist.

Senator Taniguchi then introduced Jocelyn Chong, the 1998 Hawaii Junior Miss; Stacey Mau, First Runner-Up; and Coralie Todo, Second Runner-Up. Accompanying the young ladies was Corlis Chang, Executive Vice President of the Hawaii Junior Miss Program.

Senator Chun Oakland introduced the following recipients of the Hawaii Lawyers Care's NIU Awards: Isaac Smith, Ed Hudcovic, Laurie Tochiki and the students of the William S. Richardson School of Law Family Clinic, the law firm of Love Yamamoto and Motooka, and Billie Jean Wade.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

## HOUSE COMMUNICATION

Hse. Com. No. 82, transmitting H.C.R. No. 41, H.D. 1, which was adopted by the House of Representatives on March 13, 1998, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 41, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEASIBILITY OF ESTABLISHING A MULTIMEDIA EDUCATION PROGRAM TO INFORM AND EDUCATE INCOMING PASSENGERS OF THE DETRIMENTAL EFFECTS AND SERIOUSNESS OF BRINGING ALIEN SPECIES INTO THE STATE," was referred jointly to the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 102 to 120) were read by the Clerk and were referred to committees or deferred:

## Senate Concurrent Resolution

No. 102 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION, PRIVATE SCHOOLS, INSTITUTIONS OF HIGHER EDUCATION, AND ADULT EDUCATION PROGRAMS TO REVIEW

AND IMPROVE EXISTING MUSIC EDUCATION PROGRAMS IN HAWAII."

Offered by: Senator McCartney.

Referred to: Committee on Education, then to the Committee on Ways and Means

No. 103 "SENATE CONCURRENT RESOLUTION RELATING TO THE DEVELOPMENT OF A SMART PARK IN THE DISTRICT OF KAKA'AKO."

Offered by: Senators Solomon, Iwase, Tanaka, Bunda, Sakamoto, Fernandes Salling, Slom, Aki, Ige, M.

No. 104 "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO ESTABLISH AND IMPLEMENT A TOURISM MARKETING AND PROMOTION PLAN TO ATTRACT PARTICIPANTS AND SPECTATORS OF THE 2000 SUMMER OLYMPICS IN SYDNEY, AUSTRALIA TO HAWAII."

Offered by: Senators Solomon, Iwase, Anderson, Tanaka, Bunda, Sakamoto, Slom, Aki, Fernandes Salling, Ige, M.

No. 105 "SENATE CONCURRENT RESOLUTION RELATING TO DEVELOPMENT OF A BIOTECHNOLOGY INDUSTRY IN HAWAII."

Offered by: Senators Solomon, Iwase, Anderson, Tanaka, Bunda, Fernandes Salling, Slom, Aki, Ige, M.

No. 106 "SENATE CONCURRENT RESOLUTION REQUESTING THE IMPLEMENTATION OF A LONG-TERM STRATEGIC PLAN OF ACTION FOR THE STATE'S TRAVEL AND TOURISM INDUSTRY."

Offered by: Senators Solomon, Iwase, Anderson, Tanaka, Bunda, Ige, M., Sakamoto, Fernandes Salling, Slom, Aki.

No. 107 "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE POTENTIAL OF ESTABLISHING A MEDICINAL HERB INDUSTRY IN THE STATE."

Offered by: Senators Solomon, Iwase, Sakamoto, Anderson, Tanaka, Bunda, Fernandes Salling, Slom, Aki, Ige, M.

No. 108 "SENATE CONCURRENT RESOLUTION RELATING TO THE DEVELOPMENT OF ENTREPRENEURIAL PATHWAYS FOR ECONOMIC GROWTH INTO THE NEW MILLENNIUM."

Offered by: Senators Solomon, Iwase, Sakamoto, Anderson, Fernandes Salling, Aki, Tanaka, Bunda, Slom, Ige, M.

No. 109 "SENATE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO ASSUME A ROLE THAT IS MORE SUPPORTIVE RATHER THAN DICTATORIAL TOWARD THE STATES, AND TO REFRAIN FROM IMPOSING MANDATES ON THE STATES WITHOUT FULL FEDERAL FUNDING."

Offered by: Senator Tam.

No. 110 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DEVELOP A MODEL OR PROCEDURE TO MAXIMIZE THE DELIVERY OF

GOVERNMENT SERVICES TO REDUCE COSTS AND ELIMINATE WASTE."

Offered by: Senator Tam.

No. 111 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE ISSUE OF UNIVERSITY OF HAWAII AUTONOMY."

Offered by: Senator Tam.

No. 112 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF PROJECT MA'ALO AND RECOMMENDATIONS ON WHETHER IT SHOULD BE ESTABLISHED AT THE UNIVERSITY OF HAWAII-HILO OR ELSEWHERE."

Offered by: Senator Levin.

No. 113 "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF FINANCE TO USE THE FEDERAL LOCATOR SYSTEM FOR UNCLAIMED PROPERTY."

Offered by: Senator Levin.

No. 114 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF WAYS TO REDUCE THE IMPACT OF GLARE FROM OFFICE BUILDINGS ON MOTORISTS."

Offered by: Senators Kawamoto, Kanno.

No. 115 "SENATE CONCURRENT RESOLUTION REQUESTING THE HONOLULU PUBLIC TRANSIT AUTHORITY TO ADOPT POLICIES AND PROCEDURES ALLOWING BUS DRIVERS TO DENY SERVICE TO STUDENTS WHO DO NOT HAVE A VALID OFF-CAMPUS PASS DURING SCHOOL HOURS."

Offered by: Senators Kawamoto, Aki, Sakamoto, Tam.

No. 116 "SENATE 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."

Offered by: Senator Baker, by request.

No. 117 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE EFFECTS OF THE LAW MANDATING SELLER DISCLOSURES IN RESIDENTIAL REAL ESTATE TRANSACTIONS."

Offered by: Senator Metcalf.

No. 118 "SENATE CONCURRENT RESOLUTION URGING THE EMPLOYEES' RETIREMENT SYSTEM TO ALLOW MEMBERS IN THE CONTRIBUTORY PLAN TO WITHDRAW FUNDS DUE TO FINANCIAL HARDSHIP."

Offered by: Senator Metcalf.

No. 119 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF WAYS TO REDUCE NOISE RELATED TO AUDIBLE REVERSE WARNINGS ON MOTOR VEHICLES DURING LATE NIGHT AND EARLY MORNING HOURS."

Offered by: Senator Ihara.

No. 120 "SENATE CONCURRENT RESOLUTION REQUESTING THE PROCUREMENT POLICY BOARD TO

AMEND ITS RULES REGARDING SOLE SOURCE PROCUREMENT."

Offered by: Senator Ihara.

### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 47 to 57) were read by the Clerk and were referred to committees or deferred:

#### Senate Resolution

No. 47 "SENATE RESOLUTION URGING THE DEPARTMENT OF EDUCATION, PRIVATE SCHOOLS, INSTITUTIONS OF HIGHER EDUCATION, AND ADULT EDUCATION PROGRAMS TO REVIEW AND IMPROVE EXISTING MUSIC EDUCATION PROGRAMS IN HAWAII."

Offered by: Senator McCartney.

Referred to: Committee on Education, then to the Committee on Ways and Means

No. 48 "SENATE RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO ASSUME A ROLE THAT IS MORE SUPPORTIVE RATHER THAN DICTATORIAL TOWARD THE STATES, AND TO REFRAIN FROM IMPOSING MANDATES ON THE STATES WITHOUT FULL FEDERAL FUNDING."

Offered by: Senator Tam.

No. 49 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO DEVELOP A MODEL OR PROCEDURE TO MAXIMIZE THE DELIVERY OF GOVERNMENT SERVICES TO REDUCE COSTS AND ELIMINATE WASTE."

Offered by: Senator Tam.

No. 50 "SENATE RESOLUTION REQUESTING A REVIEW OF PROJECT MA'ALO AND RECOMMENDATIONS ON WHETHER IT SHOULD BE ESTABLISHED AT THE UNIVERSITY OF HAWAII-HILO OR ELSEWHERE."

Offered by: Senator Levin.

No. 51 "SENATE RESOLUTION REQUESTING THE DIRECTOR OF FINANCE TO USE THE FEDERAL LOCATOR SYSTEM FOR UNCLAIMED PROPERTY."

Offered by: Senator Levin.

No. 52 "SENATE RESOLUTION REQUESTING A STUDY OF WAYS TO REDUCE THE IMPACT OF GLARE FROM OFFICE BUILDINGS ON MOTORISTS."

Offered by: Senators Kawamoto, Kanno.

No. 53 "SENATE 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."

Offered by: Senator Baker, by request.

No. 54 "SENATE RESOLUTION REQUESTING A STUDY OF THE EFFECTS OF THE LAW MANDATING SELLER DISCLOSURES IN RESIDENTIAL REAL ESTATE TRANSACTIONS."

Offered by: Senator Metcalf.



No. 55 "SENATE RESOLUTION URGING THE EMPLOYEES' RETIREMENT SYSTEM TO ALLOW MEMBERS IN THE CONTRIBUTORY PLAN TO WITHDRAW FUNDS DUE TO FINANCIAL HARDSHIP."

Offered by: Senator Metcalf.

No. 56 "SENATE RESOLUTION REQUESTING A STUDY OF WAYS TO REDUCE NOISE RELATED TO AUDIBLE REVERSE WARNINGS ON MOTOR VEHICLES DURING LATE NIGHT AND EARLY MORNING HOURS."

Offered by: Senator Ihara.

No. 57 "SENATE RESOLUTION REQUESTING THE PROCUREMENT POLICY BOARD TO AMEND ITS RULES REGARDING SOLE SOURCE PROCUREMENT."

Offered by: Senator Ihara.

#### ORDER OF THE DAY

##### REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Monday, March 16, 1998:

Senate  
Concurrent  
Resolution

Referred to:

No. 92 Committee on Economic Development, then to the Committee on Ways and Means

No. 93 Committee on Economic Development, then to the Committee on Ways and Means

No. 94 Committee on Judiciary, then to the Committee on Ways and Means

No. 95 Committee on Economic Development

No. 96 Committee on Judiciary, then to the Committee on Ways and Means

No. 97 Committee on Judiciary, then to the Committee on Ways and Means

No. 98 Committee on Ways and Means

No. 99 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 100 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 101 Committee on Transportation and Intergovernmental Affairs

##### REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Monday, March 16, 1998:

Senate  
Resolution

Referred to:

No. 43 Committee on Economic Development, then to the Committee on Ways and Means

No. 44 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 45 Committee on Education, then to the Committee on Ways and Means

No. 46 Committee on Transportation and Intergovernmental Affairs

##### RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill Referred to:

No. 2778 Committee on Ways and Means

##### APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 202, S.D. 1 (H.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 202, S.D. 1.

S.B. No. 263, S.D. 2 (H.D. 1):

The President discharged Senator Baker as a co-chairman and appointed Senator Fernandes Salling as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 263, S.D. 2.

S.B. No. 286, S.D. 2 (H.D. 2):

The President discharged Senator Fernandes Salling as a co-chairman and Senator Metcalf as a manager, and appointed Senator Baker as a co-chairman and Senator Ihara as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 286, S.D. 2.

S.B. No. 388, S.D. 2 (H.D. 2):

The President discharged Senator Metcalf as a manager and appointed him as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 388, S.D. 2.

S.B. No. 497 (H.D. 2):

The President discharged Senator Metcalf as a co-chairman and appointed Senator Fernandes Salling as a co-chairman and Senator Chun Oakland as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 497.

S.B. No. 681, S.D. 2 (H.D. 1):

The President appointed Senator Metcalf as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 681, S.D. 2.

S.B. No. 831, S.D. 2 (H.D. 2):

The President discharged Senator Fernandes Salling as a co-chairman and Senator Metcalf as a manager, and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 831, S.D. 2.

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

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman and Senator McCartney as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 871, S.D. 2.

S.B. No. 1089, S.D. 2 (H.D. 2):

The President discharged Senator Metcalf as a co-chairman and appointed Senator Fernandes Salling as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1089, S.D. 2.

S.B. No. 1113, S.D. 1 (H.D. 1):

The President discharged Senator Baker as a co-chairman and appointed Senator Metcalf as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1113, S.D. 1.

S.B. No. 1116, S.D. 1 (H.D. 1):

The President discharged Senator Baker as a co-chairman and appointed Senator Metcalf as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1116, S.D. 1.

S.B. No. 1293, S.D. 1 (H.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and Senator Baker as a manager, and appointed Senator Baker as a co-chairman and Senator Metcalf as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1293, S.D. 1.

S.B. No. 1472, S.D. 2 (H.D. 2):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1472, S.D. 2.

S.B. No. 1533 (H.D. 1):

The President discharged Senator Baker as a co-chairman and appointed Senator Metcalf as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1533.

S.B. No. 1773, S.D. 2 (H.D. 2):

The President discharged Senator Metcalf as a co-chairman and appointed Senator Fernandes Salling as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1773, S.D. 2.

S.B. No. 1802, S.D. 2 (H.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1802, S.D. 2.

S.B. No. 1806, S.D. 2 (H.D. 2):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the

consideration of amendments proposed by the House to S.B. No. 1806, S.D. 2.

S.B. No. 1948, S.D. 1 (H.D. 1):

The President discharged Senator Baker as a co-chairman and appointed Senator Metcalf as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1948, S.D. 1.

H.B. No. 33, H.D. 2 (S.D. 2):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 33, H.D. 2.

H.B. No. 345 (S.D. 1):

The President discharged Senator Baker as a co-chairman and appointed Senator Metcalf as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 345.

H.B. No. 371, H.D. 2 (S.D. 1):

The President discharged Senator Baker as a manager and appointed Senator Metcalf as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 371, H.D. 2.

H.B. No. 432, H.D. 1 (S.D. 1):

The President discharged Senator Metcalf as a manager and appointed Senator Ihara as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 432, H.D. 1.

H.B. No. 646, H.D. 2 (S.D. 2):

The President discharged Senator Metcalf as a co-chairman and appointed Senators Fernandes Salling, Baker and Fukunaga as co-chairmen on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 646, H.D. 2.

H.B. No. 675, H.D. 1 (S.D. 1):

The President discharged Senator Metcalf as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 675, H.D. 1.

H.B. No. 971 (S.D. 1):

The President discharged Senator Metcalf as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 971.

H.B. No. 979, H.D. 2 (S.D. 1, C.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 979, H.D. 2.

H.B. No. 1031, H.D. 1 (S.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1031, H.D. 1.



The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1783.

H.B. No. 1784 (S.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1784.

H.B. No. 1785 (S.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1785.

H.B. No. 1786 (S.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1786.

H.B. No. 1787 (S.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1787.

H.B. No. 1788 (S.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1788.

H.B. No. 1789 (S.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1789.

H.B. No. 1790 (S.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1790.

H.B. No. 1791 (S.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1791.

H.B. No. 1793 (S.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the

consideration of amendments proposed by the Senate to H.B. No. 1793.

H.B. No. 1797, H.D. 1 (S.D. 2):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1797, H.D. 1.

H.B. No. 1798 (S.D. 1, C.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1798.

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

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1799, H.D. 1.

H.B. No. 1805, H.D. 2 (S.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1805, H.D. 2.

H.B. No. 1806, H.D. 1 (S.D. 1):

The President discharged Senator Fernandes Salling as a co-chairman and appointed Senator Baker as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1806, H.D. 1.

H.B. No. 1833 (S.D. 2):

The President discharged Senator Metcalf as a co-chairman and appointed Senator Fernandes Salling as a co-chairman and Senator Kanno as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1833.

H.B. No. 1860, H.D. 3 (S.D. 1):

The President discharged Senator Metcalf as a manager and appointed Senator Metcalf as a co-chairman and Senator Fukunaga as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1860, H.D. 3.

#### ADJOURNMENT

At 11:55 o'clock a.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 18, 1998.

## THIRTY-SECOND DAY

Wednesday, March 18, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Klayton Ko, First Assembly of God Church, Moanalua, after which the Roll was called showing all Senators present with the exception of Senator Bunda who was excused.

The President announced that he had read and approved the Journal of the Thirty-First Day.

The following introductions were made to the members of the Senate:

Senator Tam introduced the 1998 Miss Chinatown Queen Jodie Mei Lynn Ching, First Princess Katherine Mei Lynn Mow, and Second Princess Linda Yuk Ang Au.

Senator Sakamoto then introduced Stanford Yuen and congratulated him on being selected by the Hawaii Society of Professional Engineers as the 1998 Engineer of the Year. Accompanying Mr. Yuen was his wife, Lynette.

At this time, the President invited Miss Chinatown Queen Jodie Ching to address the members of the Senate and appointed Senators Chun Oakland, Tam and Aki to escort her to the podium.

Queen Jodie addressed the members of the Senate as follows:

"Thank you, Senator Tam, for the nice introduction.

"On behalf of the Chinatown Merchants of Hawaii and the Chinese community, I would like to wish you all happiness in the Year of the Tiger.

"It is an honor for Kathy, Linda and me to be here today. We all share a common goal here and that is to improve our great State of Hawaii. And we are very grateful for your support."

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock noon.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 121 to 134) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 121 "SENATE CONCURRENT RESOLUTION CALLING ON THE CITY OF PROVIDENCE, RHODE ISLAND TO REPATRIATE THE KI'I LA'AU TO THE HAWAIIAN PEOPLE."

Offered by: Senator Solomon.

No. 122 "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO EXPEDITIOUSLY RENOVATE THE THELMA PARKER MEMORIAL PUBLIC AND SCHOOL LIBRARY AT WAIMEA, HAWAII."

Offered by: Senator Solomon.

No. 123 "SENATE CONCURRENT RESOLUTION APPROVING THE WITHDRAWAL OF LAND FROM THE OPERATION OF GOVERNOR'S EXECUTIVE ORDER NO.

1529, DATED OCTOBER 1, 1952, TO THE CITY AND COUNTY OF HONOLULU, BOARD OF WATER SUPPLY AND THE TRANSFER OF CERTAIN PUBLIC LANDS AT KALAWAHINE, HONOLULU, OAHU TO THE DEPARTMENT OF HAWAIIAN HOME LANDS."

Offered by: Senator Solomon.

No. 124 "SENATE CONCURRENT RESOLUTION REQUESTING THE COLLECTION OF DATA RELATING TO SEXUAL HARASSMENT IN STATE AGENCIES AND A PROPOSED EDUCATIONAL TRAINING PROGRAM FOR STATE AGENCY DIRECTORS AND MANAGEMENT."

Offered by: Senators Baker, Fernandes Salling, Solomon, Chun Oakland, Fukunaga, Matsunaga, McCartney, Chumbley.

No. 125 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY."

Offered by: Senators Baker, Fernandes Salling, Solomon, Chun Oakland, Fukunaga.

No. 126 "SENATE CONCURRENT RESOLUTION ESTABLISHING A STATE POLICY FOR IMPROVING THE WELL-BEING OF CHILDREN, YOUTH, AND FAMILIES."

Offered by: Senators Chun Oakland, Kanno, Ige, D., Levin.

No. 127 "SENATE CONCURRENT RESOLUTION REQUESTING A TASK FORCE TO STUDY THE QUEST MEDICAL INSURANCE PROGRAM."

Offered by: Senators Chun Oakland, Kanno, Levin.

No. 128 "SENATE CONCURRENT RESOLUTION CREATING A TASK FORCE TO REVIEW PRIVATELY-OWNED THRILLCRAFT SAFETY AND THE FEASIBILITY OF REGISTRATION AND CERTIFICATION."

Offered by: Senator Matsunaga.

No. 129 "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTY EXAMINERS OF DRIVERS TO ADOPT PROCEDURES TO ALLOW TEMPORARY STAYS OF LICENSE REVOCATION FOR FAILURE TO HAVE NO-FAULT AUTOMOBILE INSURANCE."

Offered by: Senator Levin.

No. 130 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE EFFECTS OF THE AVAILABILITY OF CITIZEN'S SUIT UNDER THE FEDERAL AND OTHER JURISDICTIONS' ENDANGERED SPECIES LAWS."

Offered by: Senator Levin.

No. 131 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON UNISEX TOILET FACILITIES FOR PERSONS REQUIRING ASSISTANCE."

Offered by: Senator Levin.

No. 132 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY RELATING TO PENAL RESPONSIBILITY."

Offered by: Senators Matsunaga, Chumbley.

No. 133 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE EFFECTS OF PROSTITUTION IN WAIKIKI."

Offered by: Senators Matsunaga, Chumbley.

No. 134 "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR 'ANO'ANO ALOHA, A HAWAIIAN CHARITABLE NONPROFIT ORGANIZATION DEDICATED TO PRESERVING AND PROPAGATING ORGANIC NATIVE PLANTS AND IMPROVING CONDITIONS FOR NATIVE HAWAIIANS AND HAWAII'S COMMUNITIES, AND REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO MAKE ITS RESOURCES AVAILABLE TO THAT ORGANIZATION AS NEEDED."

Offered by: Senators Bunda, Iwase, Solomon.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 58 to 62) were read by the Clerk and were deferred:

##### Senate Resolution

No. 58 "SENATE RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY."

Offered by: Senators Baker, Fernandes Salling, Solomon, Chun Oakland, Fukunaga.

No. 59 "SENATE RESOLUTION REQUESTING THE COLLECTION OF DATA RELATING TO SEXUAL HARASSMENT IN STATE AGENCIES AND A PROPOSED EDUCATIONAL TRAINING PROGRAM FOR STATE AGENCY DIRECTORS AND MANAGEMENT."

Offered by: Senators Baker, Fernandes Salling, Solomon, Chun Oakland, Fukunaga, Matsunaga, McCartney, Chumbley.

No. 60 "SENATE RESOLUTION CREATING A TASK FORCE TO REVIEW PRIVATELY-OWNED THRILLCRAFT SAFETY AND THE FEASIBILITY OF REGISTRATION AND CERTIFICATION."

Offered by: Senator Matsunaga.

No. 61 "SENATE RESOLUTION REQUESTING THE COUNTY EXAMINERS OF DRIVERS TO ADOPT PROCEDURES TO ALLOW TEMPORARY STAYS OF LICENSE REVOCATION FOR FAILURE TO HAVE NO-Fault AUTOMOBILE INSURANCE."

Offered by: Senator Levin.

No. 62 "SENATE RESOLUTION REQUESTING A STUDY ON UNISEX TOILET FACILITIES FOR PERSONS REQUIRING ASSISTANCE."

Offered by: Senator Levin.

#### STANDING COMMITTEE REPORT

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep.

No. 2781) recommending that the Senate advise and consent to the nominations of JACK ENDO and RANDOLPH G. MOORE to the Barbers Point Naval Air Station Redevelopment Commission, in accordance with Gov. Msg. No. 136.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2781 and Gov. Msg. No. 136 was deferred until Thursday, March 19, 1998.

#### ORDER OF THE DAY

##### FINAL READING

Conf. Com. Rep. No. 51 (H.B. No. 1488, 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. 51 was adopted and H.B. No. 1488, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE HOMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, Fernandes Salling).

##### REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, March 17, 1998:

Senate  
Concurrent  
Resolution

Referred to:

No. 103 Jointly to the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 104 Committee on Economic Development, then to the Committee on Ways and Means

No. 105 Jointly to the Committee on Economic Development and the Committee on Education, then to the Committee on Ways and Means

No. 106 Committee on Economic Development, then to the Committee on Ways and Means

No. 107 Committee on Economic Development, then to the Committee on Ways and Means

No. 108 Committee on Economic Development, then to the Committee on Ways and Means

No. 109 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 110 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 111 Committee on Education, then to the Committee on Ways and Means

No. 112 Committee on Education, then to the Committee on Ways and Means

No. 113 Committee on Ways and Means

No. 114 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 115 Committee on Education, then to the  
Committee on Transportation and Intergovernmental Affairs

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions that were offered on Tuesday, March 18, 1998:

Senate  
Resolution Referred to:

No. 48 Committee on Transportation and  
Intergovernmental Affairs, then to the Committee on Ways and  
Means

No. 49 Committee on Government Operations  
and Housing, then to the Committee on Ways and Means

No. 50 Committee on Education, then to the  
Committee on Ways and Means

No. 51 Committee on Ways and Means

No. 52 Committee on Transportation and  
Intergovernmental Affairs, then to the Committee on Ways and  
Means

**RE-REFERRAL OF HOUSE BILLS**

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

House Bill Referred to:

No. 2790, H.D. 1 Committee on Ways and Means

No. 2865, H.D. 2 Committee on Health and Environment,  
then to the Committee on Ways and Means

No. 3065, H.D. 2 Committee on Health and Environment,  
then to the Committee on Ways and Means

**RE-REFERRAL OF  
SENATE CONCURRENT RESOLUTION**

The Chair re-referred the following Senate concurrent resolution that was offered:

Senate  
Concurrent  
Resolution Referred to:

No. 88 Committee on Transportation and  
Intergovernmental Affairs

**RE-REFERRAL OF  
SENATE RESOLUTION**

The Chair re-referred the following Senate resolution that was offered:

Senate  
Resolution Referred to:

No. 40 Committee on Transportation and  
Intergovernmental Affairs

Senator Matsunaga, for the Committee on Judiciary, requested a waiver to Senate Rule 20 on H.B. Nos. 2709, 2992 and 3031, and the Chair granted the waiver.

**ADJOURNMENT**

At 12:02 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 19, 1998.

## THIRTY-THIRD DAY

Thursday, March 19, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Woodrow Yasuhara, District Superintendent, Hawaii Assembly of God Churches, after which the Roll was called showing all Senators present with the exception of Senators Aki, Ihara and Tanaka who were excused.

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

The following introductions were made to the members of the Senate as follows:

Senator Metcalf introduced and congratulated the following members of the 1998 Hawaii State Science Bowl Champions from Hilo High School: Steven Okamoto, team captain; Aric West; Drew Goya; Naomi Klein; and Fong Chih. The students were accompanied by Biology teacher Jeanette Wong, who was also the team's advisor and coach; and Dr. Harold Goya.

Senator Matsunaga introduced Dorothy Craven, the 1997 recipient of the American Speech-Hearing Foundation's prestigious Louie M. Dicarlo Award for outstanding clinical achievement.

Senator Tam then introduced the 1998 Narcissus Queen Kit Zhu Lan Lo, First Princess Minnie Min Huan Kwok, Second Princess Courtney Hon Lung Lau, Third Princess Lillian Li-Ling Tsang, and Fourth Princess Carlene Jyalyn Yee. Accompanying the young ladies were Wesley Fong, Randall Chang and Michele Choy.

At this time, the President invited Narcissus Queen Kit Lo to address the members of the Senate and appointed Senators Chun Oakland and Tam to escort her to the podium.

The Narcissus Queen addressed the members of the Senate as follows:

"Good morning. On behalf of the Chinese Chamber of Commerce and the 49th Narcissus Queen and Court, I would like to thank you for inviting us here this morning. It is indeed an honor to be invited to represent the Chinese community, as well as the State of Hawaii.

"We will be shortly visiting China this summer as good will ambassadors and hope to represent the Chinese community and the State of Hawaii well.

"In closing, may we wish you good health, good fortune and happiness in this, the Year of the Tiger.

"Thank you."

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 189 to 192) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 189, submitting for consideration and confirmation as Comptroller, the nomination of RAYMOND H.

SATO, term to expire December 7, 1998, was referred to the Committee on Government Operations and Housing.

Gov. Msg. No. 190, informing the Senate that on March 18, 1998, he signed into law House Bill No. 397 as Act 3, entitled: "RELATING TO MOTOR VEHICLE REGISTRATION," was placed on file.

Gov. Msg. No. 191, dated March 11, 1998, transmitting the 1996 Annual Report prepared by the Office of Youth Services pursuant to Section 352D-6, HRS, and Act 151, Section 4, SLH 1991, was placed on file.

Gov. Msg. No. 192, dated February 2, 1998, transmitting the 1996 Annual Report of the Executive Office on Aging, was placed on file.

## DEPARTMENTAL COMMUNICATION

Dept. Com. No. 26, from the State Auditor dated March 18, 1998, transmitting a report, "Audit of the Management of Small Boat Harbors and Boat Ramps," (Report No. 98-11), was read by the Clerk and was placed on file.

## HOUSE COMMUNICATION

Hse. Com. No. 83, transmitting H.C.R. No. 35, H.D. 1, which was adopted by the House of Representatives on March 17, 1998, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 35, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A RURAL HEALTH PLAN FOR THE ISLAND OF HAWAII," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 135 to 143) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 135 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO MAINTAIN THE STATE CAPITOL AIR-CONDITIONING SYSTEM."

Offered by: Senator Tam.

No. 136 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES REQUIRING ALL INFECTIOUS WASTE GENERATORS TO SUBMIT REGULAR REPORTS CONCERNING THE PRODUCTION AND DISPOSITION OF THESE WASTES."

Offered by: Senator Tam.

No. 137 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADDRESS CONCERNS OF PARENTS AND TEACHERS OVER THE USE OF PHONICS OR WHOLE LANGUAGE IN TEACHING STUDENTS TO READ."

Offered by: Senator Tam.

No. 138 "SENATE CONCURRENT RESOLUTION REQUESTING A FOLLOW-UP STUDY ASSESSING THE SOCIAL AND FINANCIAL IMPACT OF AN OPTIONAL HEALTH INSURANCE RIDER FOR NATUROPATHIC



CARE, AND OTHER ISSUES RELATED TO NATUROPATHY."

Offered by: Senator Levin.

No. 139 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A MARKETING PROGRAM UTILIZING FORMER HAWAII RESIDENTS LIVING ABROAD AS DISTRIBUTION REPRESENTATIVES FOR THE SALE OF HAWAII-MADE PRODUCTS."

Offered by: Senators Ihara, Baker, Solomon, Iwase, Tanaka, Taniguchi, Tam, Metcalf, Fukunaga.

No. 140 "SENATE CONCURRENT RESOLUTION ENDORSING AND ADOPTING THE RECOMMENDATIONS CONTAINED IN THE DRAFT ALA WAI CANAL WATERSHED, WATER QUALITY IMPROVEMENT PROJECT, MANAGEMENT AND IMPLEMENTATION PLAN."

Offered by: Senators Ihara, Fukunaga, Taniguchi.

No. 141 "SENATE CONCURRENT RESOLUTION REQUESTING THE EXTENSION OF THE COMMISSION TO ESTABLISH THE HAWAII SPORTS HALL OF FAME."

Offered by: Senator McCartney.

No. 142 "SENATE CONCURRENT RESOLUTION REQUESTING AN EVALUATION OF THE IMPACT OF PROVIDING INCOME TAX DEDUCTIONS FOR PRIVATE SCHOOL TUITION."

Offered by: Senator Tanaka.

No. 143 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A FEASIBILITY STUDY WITH RESPECT TO THE CONSTRUCTION OF AN URGENT CARE FACILITY FOR THE WEST SIDE OF MAUI COUNTY."

Offered by: Senator Tanaka.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 63 to 68) were read by the Clerk and were deferred:

Senate Resolution

No. 63 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO MAINTAIN THE STATE CAPITOL AIR-CONDITIONING SYSTEM."

Offered by: Senator Tam.

No. 64 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES REQUIRING ALL INFECTIOUS WASTE GENERATORS TO SUBMIT REGULAR REPORTS CONCERNING THE PRODUCTION AND DISPOSITION OF THESE WASTES."

Offered by: Senator Tam.

No. 65 "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADDRESS CONCERNS OF PARENTS AND TEACHERS OVER THE USE OF PHONICS OR WHOLE LANGUAGE IN TEACHING STUDENTS TO READ."

Offered by: Senator Tam.

No. 66 "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A MARKETING PROGRAM UTILIZING FORMER HAWAII RESIDENTS LIVING ABROAD AS DISTRIBUTION REPRESENTATIVES FOR THE SALE OF HAWAII-MADE PRODUCTS."

Offered by: Senators Ihara, Baker, Solomon, Iwase, Tanaka, Taniguchi, Tam, Metcalf, Fukunaga.

No. 67 "SENATE RESOLUTION REQUESTING AN EVALUATION OF THE IMPACT OF PROVIDING INCOME TAX DEDUCTIONS FOR PRIVATE SCHOOL TUITION."

Offered by: Senator Tanaka.

No. 68 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A FEASIBILITY STUDY WITH RESPECT TO THE CONSTRUCTION OF AN URGENT CARE FACILITY FOR THE WEST SIDE OF MAUI COUNTY."

Offered by: Senator Tanaka.

#### STANDING COMMITTEE REPORTS

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2782) recommending that the Senate advise and consent to the nomination of PATRICK T. KUBOTA to the Hawai'i Community Development Authority, in accordance with Gov. Msg. No. 138.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2782 and Gov. Msg. No. 138 was deferred until Friday, March 20, 1998.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2783) recommending that the Senate advise and consent to the nomination of COLETTE P. MACHADO to the Kaho'olawe Island Reserve Commission, in accordance with Gov. Msg. No. 140.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2783 and Gov. Msg. No. 140 was deferred until Friday, March 20, 1998.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2784) recommending that the Senate advise and consent to the nomination of KURT K. MENCH to the Kaneohe Bay Regional Council, in accordance with Gov. Msg. No. 141.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2784 and Gov. Msg. No. 141 was deferred until Friday, March 20, 1998.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 2781 (Gov. Msg. No. 136):

Senator Taniguchi moved that Stand. Com. Rep. No. 2781 be received and placed on file, seconded by Senator Baker and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nominations to the Barbers Point Naval Air Station Redevelopment Commission of the following:

JACK ENDO, term to expire June 30, 2000; and

RANDOLPH G. MOORE, term to expire June 30, 2001,

seconded by Senator Baker.

Senator Taniguchi rose to support the nominees and said:

"Mr. President and colleagues, I rise to speak in favor of the motion.

"Your Committee on Economic Development diligently reviewed the candidates and found them to be qualified to fulfill the responsibilities as members of the Barbers Point Naval Air Station Redevelopment Commission. Both candidates served with distinction on the forerunner organization to the commission and participated in the formulation of the Barbers Point Naval Air Station Community Redevelopment Plan.

"While each candidate brings a wealth of experience and knowledge to the commission, your committee was most impressed with their commitment and dedication to public service. Your Committee finds that the nominees will work with compassion and commitment and have been appointed based on their credentials, integrity and a sincere desire to make Hawaii better through their participation, and recommends their nomination."

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

Ayes, 21. Noes, none. Excused, 4 (Aki, Ige, M., Ihara, Tanaka).

#### REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Tuesday, March 17, 1998, and Wednesday, March 18, 1998:

Senate  
Concurrent  
Resolution

Referred to:

No. 116 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means

No. 117 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 118 Committee on Human Resources, then to the Committee on Ways and Means

No. 119 Committee on Health and Environment, then to the Committee on Ways and Means

No. 120 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 121 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Judiciary

No. 122 Committee on Education, then to the Committee on Ways and Means

No. 123 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 124 Jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means

No. 125 Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means

No. 126 Committee on Human Resources, then to the Committee on Ways and Means

No. 127 Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Human Resources, then to the Committee on Ways and Means

No. 128 Committee on Economic Development, then to the Committee on Ways and Means

No. 129 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology

No. 130 Jointly to the Committee on Health and Environment and the Committee on Judiciary, then to the Committee on Ways and Means

No. 131 Committee on Health and Environment, then to the Committee on Ways and Means

No. 132 Committee on Judiciary, then to the Committee on Ways and Means

No. 133 Committee on Education, then to the Committee on Ways and Means

No. 134 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

#### REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Tuesday, March 17, 1998, and Wednesday, March 18, 1998:

Senate

Resolution

Referred to:

No. 53 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means

No. 54 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 55 Committee on Human Resources, then to the Committee on Ways and Means

No. 56 Committee on Health and Environment, then to the Committee on Ways and Means

No. 57 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 58 Jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means

No. 59 Jointly to the Committee on Human Resources and the Committee on Judiciary, then to the Committee on Ways and Means

No. 60 Committee on Economic Development, then to the Committee on Ways and Means

No. 61 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection, and Information Technology

No. 62 Committee on Health and Environment, then to the Committee on Ways and Means

## RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill	Referred to:
No. 3037, H.D. 2	Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

Senator Slom rose on a point of personal privilege and stated:

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

"I learned a short time ago that Liberty House has filed for bankruptcy today, and I think, unfortunately, this is part of a growing trend and a problem that we're all facing within our community. But I think that this is a special business that has brought worldwide attention and praise to Hawaii, a locally homegrown retailer, and an organization that has made many contributions.

"And I guess the message here, again, is that it doesn't matter how big you are or how old you are or how strong you've been in the past, we have to deal with the current problems. And so I think we should acknowledge the many contributions that they have made and thank them for that. We wish them success in dealing with their present financial difficulties and hope that they will have continued success in the future, and we wish their employees and those connected with the firm the best.

"And again, Mr. President, I think this should be a wake-up call for all of us that there is a sense of urgency, that when these last of the big companies have this kind of difficulty that we should be listening to what it is that they've called for, and they've called for reduction in taxes, reduction in government growth, reduction in those regulations that have made our business climate very difficult.

"Thank you, Mr. President."

Senator McCartney rose on a point of personal privilege and stated:

"Mr. President, I'd like to join and echo the remarks of the Minority Floor Leader that it's a sad day that an institution like Liberty House that employs thousands of local employees is filing for Chapter 11 today. There's still hope in Chapter 11 that they can turn things around. We have our work cut out for us. We need to make some tough decisions to improve the business climate in this state.

"I know John Monahan and it's a very sad day for him and he cares very much about the employees that he represents. I have many family members and friends who work there in very good paying jobs. And it affects every family in this state. And so, yes, the message is out there that we need to work harder.

"There are many things happening in our economy that are going on in Asia, restructuring of the retail marketplace, and yes, we need to overhaul and fix existing regulatory and government structure that's in place. So I'd like to thank the Minority Floor Leader for bringing up those remarks, and we all now need to work together to move forward to make a difference for the people who are employed in companies like Liberty House.

"Thank you."

At this time, Senator Matsunaga, on behalf of the members of the Senate, extended happy birthday wishes to Senator Chumbley.

Senator Solomon also spoke on a point of personal privilege and stated:

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

"Mr. President, there was an article in the Star-Bulletin about how motorists have overpaid \$800 million dollars for gasoline here in the State of Hawaii. And according to Mr. Hamilton, he says there is no end in sight.

"The reason I am rising to speak on the matter is that this is no new issue to the Legislature, especially to this body. You were around in the days when our previous President, Richard Wong, fought Standard Oil, and we dealt with many, many of these pressing issues. Last session, we did look at it in your CPI Committee, and of course, as you know, Mr. President, I've been a very strong supporter of divorcement. I'm thinking that this is the way that we can get a true handle on the situation as to who is responsible for causing the inflation of these gas prices here in the State of Hawaii.

"I think times are critical when we're hearing about Liberty House declaring bankruptcy, other businesses going down and under. The bottom line is that it would be real sweet to have \$800 million back in the consumers' pockets and those dollars circulating in the community. And I think that it behooves us to make inquiries of the Attorney General's office to ask what they're doing about the problem. As you know, we have given them the responsibility to monitor the situation, to come up with recommendations of how we could possibly recommend changes, and what we have to do. I'm sure many of us around here are familiar with Attorney General Ted Clause. He's been around this building a few years and Mr. Clause has made recommendations, but this was way back in 1994. A study was brought to our attention. Unfortunately, nothing really was done from that study, and I think that study still has a lot of pluses. I think it's a matter of us looking at that.

"I did make an inquiry of our CPI chairman. Perhaps our committee could start tackling these kinds of issues besides those issues that we have been looking at this past session, which is primarily looking at our regulatory functions but also looking at these kinds of critical areas that impact our consumers every day. And if you can imagine, if Oahu's prices are going up where these refineries are located, you can just imagine what the neighbor islands have been paying.

"So with that, Mr. President, I'd like to make an inquiry of our chairman. If the chairman would yield, are we planning to hold some kind of a public hearing on this issue? What are we planning to do in response to this?"

Senator D. Ige responded:

"We have initiated discussions with the Attorney General's office to determine the appropriate course of action. If you recall the study and the recommendations previously done in 1994, the biggest recommendation to ensure lower prices was to enhance competition. And they had suggested that having some distributors import gasoline would probably be the best protection against price gauging. I know that there were several companies that were investigating and looking at importing gasoline into the state. I do believe, unfortunately, with one of the bigger mergers that are currently under review by the Justice Department, that those are the companies that were thinking of bringing in gasoline. So I think, for the time period being, that the project to develop storage facilities at the harbors was kind of put on hold.

"But we are in discussion with the Attorney General's office to determine what the most appropriate action would be."

Senator Solomon continued:

"Mr. President, I want to thank the chairman for his remarks.

"I'd like to ask you a question, Mr. President. To your knowledge, is it possible or can we implement some kind of freeze on the prices of gasoline as we are investigating the situation here in Hawaii to see if there's a possibility of assuring our consumers that they no longer will be charged these excessive fees at the pump? Can we do something like that?"

The Chair replied:

"There is a possibility for the appropriate Senate committees to initiate discussions with the Attorney General's office and also review your particular recommendation."

Senator Solomon then said:

"Thank you very much."

Senator Anderson rose and said:

"Point of follow-up, I guess, on some of the comments made previously.

"One of the problems, from my understanding, on the gasoline was that the shipping cost was going to be very high for them. And another, Mr. President, is this morning on the radio, and I forgot which station, there were comments that milk prices, for instance, are up because they have to use their vehicles to deliver milk. And so the gas costs money. If you remember some years back when we allowed a thirty-some-odd million dollar industry like the milk industry, we imported our milk. Safeway and others can bring in milk from the mainland. My argument on the floor at that time was, if you want competition, let them open a processing plant. That would have given us three processing plants here in the state. But no, what we did was we allowed them to bring in milk. Consequently, Foremost brings in their own milk. Meadow Gold brings in their own milk. Safeway and everybody else brings in their milk.

"So whenever we do any type of legislation, we have to look at the long term. How is this going to help us? Is it going to help employ our people? Is it going to help a business? And that's where we fail and that's why we haven't done well. It's easy enough to say we're going to check with a department and find out what their likes and dislikes are, but they can write a rule to anything that we do because we've given away most of our responsibilities that we're supposed to have.

"So, just checking out with a department, Mr. President, doesn't mean that we're going to get good legislation because they say it's good or bad for us. We have to sit down and discuss and find out exactly how this is going to implement five years down the road. Is it going to help us today to say we'll do this, and then it hurts us.

"Thank you very much, Mr. President."

#### ADJOURNMENT

At 12:15 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 20, 1998.

## THIRTY-FOURTH DAY

Friday, March 20, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Tom Gross, St. John Vianney, after which the Roll was called showing all Senators present with the exception of Senators Sakamoto and Solomon who were excused.

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

The following introductions were made to the members of the Senate as follows:

Senator Aki introduced James Nobles, Jr., Executive Vice President of American Hawaii Cruises, in recognition of American Hawaii Cruises' support of community service scholarships. Accompanying Mr. Nobles was Dr. Dorothy Ching, Vice President of Student Affairs, University of Hawaii.

Senator Tam then introduced Daniel Kinoshita and commended him on being named "Friend of Adult Education" for 1998 for his extraordinary contributions to adult and community education over the years. Accompanying Mr. Kinoshita were Teresa Diaz, Wilbert Ching, Herbert Watanabe and Wayne Kanemoto, representatives of the Adult Community Education Program.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:00 o'clock noon.

## HOUSE COMMUNICATION

Hse. Com. No. 84, informing the Senate of the passage on Final Reading in the House of Representatives of H.B. No. 1488, H.D. 2, S.D. 1, C.D. 1, on March 18, 1998, was read by the Clerk and was placed on file.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 144 to 169) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 144 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE STATE PER DIEM SYSTEM."

Offered by: Senator Ige, D.

No. 145 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO INVESTIGATE THE POSSIBILITY OF IMPLEMENTING A FAMILY DEVELOPMENT ACCOUNT PROGRAM."

Offered by: Senators Chun Oakland, Kanno.

No. 146 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS STRATEGIES FOR ORGANIZING THE VARIOUS FORMS OF RESIDENTIAL CARE PROVIDERS."

Offered by: Senators Chun Oakland, Kanno.

No. 147 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO AMEND ITS RULES FOR EMPLOYERS PAYING STATE WITHHOLDING TAXES FOR NONRESIDENTS."

Offered by: Senators Kawamoto, Sakamoto.

No. 148 "SENATE CONCURRENT RESOLUTION EXPRESSING THE CONCERNS OF THE LEGISLATURE REGARDING THE SHOOTING OF RODNEY LAULUSA BY HONOLULU POLICE OFFICERS, AND REQUESTING THAT THE HONOLULU POLICE DEPARTMENT USE SENSITIVITY IN INVESTIGATING THAT CASE."

Offered by: Senator Matsunaga.

No. 149 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A STATE OFFICE OF PEACE POLICY."

Offered by: Senator Matsunaga.

No. 150 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF USING MARIJUANA DERIVATIVES FOR MEDICAL RESEARCH IN HAWAII."

Offered by: Senators Matsunaga, Chumbley.

No. 151 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY METHODS TO PRIVATIZE APPROPRIATE STATE GOVERNMENT FUNCTIONS THROUGH THE DEVELOPMENT AND PROMOTION OF EMPLOYEE-OWNED COMPANIES."

Offered by: Senator Matsunaga.

No. 152 "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO FILL ONE OF THE COMING VACANT SEATS ON THE BOARD OF 'OLELO: THE CORPORATION FOR COMMUNITY TELEVISION WITH A NOMINEE FROM THE COMMUNITY TELEVISION PRODUCERS ASSOCIATION."

Offered by: Senator Ihara.

No. 153 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON DEVELOPING ALTERNATIVE DEVELOPMENT REGULATION SCENARIOS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA."

Offered by: Senators Ihara, Taniguchi, Levin, Fukunaga.

No. 154 "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE REASONS WHY GASOLINE PRICES CONTINUE TO REMAIN SIGNIFICANTLY HIGHER THAN MAINLAND PRICES, AND WHETHER THERE IS ANY COLLUSION IN HAWAII'S WHOLESALE GASOLINE MARKET."

Offered by: Senator Tam.

No. 155 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO EXAMINE THE EQUITY OF COMPENSATING CERTAIN POLITICAL APPOINTEES AT AN ANNUAL COMPENSATION RATE THAT IS HIGHER THAN THE PAY RATE OF THE DEPARTMENT HEAD TO WHOM THEY REPORT."

Offered by: Senator Tam.

No. 156 "SENATE CONCURRENT RESOLUTION REQUESTING THE PAYMENT OF EMERGENCY RESTITUTION TO ELDERLY NATIVE HAWAIIAN BENEFICIARIES OF THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED."

Offered by: Senator Bunda, by request.

No. 157 "SENATE CONCURRENT RESOLUTION ESTABLISHING A CITY, STATE, AND COMMUNITY TASK FORCE TO DEVELOP A MASTER PLAN FOR IMPROVEMENTS TO MANOA RECREATIONAL PARK AND MANOA ELEMENTARY SCHOOL."

Offered by: Senators Taniguchi, Fukunaga.

No. 158 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE TEMPORARY, VOLUNTARY ATHLETIC TRAINERS COMMISSION TO EXAMINE THE PROS AND CONS OF SEPARATE STATE REGULATION OF CERTIFIED ATHLETIC TRAINERS AND THE FEASIBILITY AND IMPACT OF ALLOWING CERTIFIED ATHLETIC TRAINERS TO ACT AS THIRD-PARTY BILLERS FOR SERVICES UNDER THE PREPAID HEALTH CARE ACT AND THE WORKERS' COMPENSATION LAW."

Offered by: Senators Taniguchi, Ige, D., Tanaka, Anderson, Baker, Bunda, Chun Oakland, Fukunaga, Kanno, Kawamoto, McCartney, Slom, Tam.

No. 159 "SENATE CONCURRENT RESOLUTION REQUESTING ALL STATE EMPLOYEES TO USE THE WORD 'ALOHA' AS AN OFFICIAL GREETING WHEN MEETING THE PUBLIC OR ANSWERING PHONE CALLS FROM THE PUBLIC."

Offered by: Senators Taniguchi, Baker, Bunda, Chun Oakland, Fukunaga, Ige, D., Kanno, Kawamoto, McCartney, Slom, Tam.

No. 160 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE CRIMINAL INJURIES COMPENSATION COMMISSION AND FUND."

Offered by: Senators Matsunaga, by request, Chumbley, by request.

No. 161 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESSIONAL ACTION ON FEDERAL HIGHWAY LEGISLATION AND FUNDING."

Offered by: Senators Sakamoto, Kawamoto.

No. 162 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A NEEDS ASSESSMENT OF FAMILIES WHO PROVIDE HOME CARE TO THEIR FAMILY MEMBER WITH A DEVELOPMENTAL DISABILITY AND DEVELOP A PLAN TO ADDRESS THOSE NEEDS."

Offered by: Senator Levin.

No. 163 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE EFFECTS OF PROPOSITION 65 ON CALIFORNIA'S ECONOMY AND ENVIRONMENT AND THE HEALTH OF ITS RESIDENTS."

Offered by: Senator Levin.

No. 164 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF MANDATORY HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH."

Offered by: Senator Levin, by request.

No. 165 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION AND THE ATTORNEY GENERAL TO EVALUATE THE EFFECTIVENESS OF PROVIDING TAX INCENTIVES TO REPORT TAX FRAUD AND ENCOURAGE CONVICTION OF VIOLATORS."

Offered by: Senator Levin.

No. 166 "SENATE CONCURRENT RESOLUTION URGING SUPPORT OF BUDGET REQUESTS FOR THE COUNTY EXTENSION AGENT POSITIONS WITH FAMILY AND LEADERSHIP DEVELOPMENT EMPHASIS AT THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES."

Offered by: Senator Metcalf.

No. 167 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A FINANCIAL AND MANAGEMENT AUDIT OF APPROPRIATIONS MADE TO COMPLY WITH THE FELIX CONSENT DECREE."

Offered by: Senator Metcalf.

No. 168 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE STATE AUDITOR CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE HAWAII STATE QUEST DENTAL CAPITATION PROGRAM."

Offered by: Senator Metcalf.

No. 169 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE COST IMPLICATIONS OF ENACTING A DIRECT PAYMENT LAW FOR DENTISTS."

Offered by: Senator Metcalf.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 69 to 90) were read by the Clerk and were deferred:

Senate Resolution

No. 69 "SENATE RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO INVESTIGATE THE POSSIBILITY OF IMPLEMENTING A FAMILY DEVELOPMENT ACCOUNT PROGRAM."

Offered by: Senators Chun Oakland, Kanno.

No. 70 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO AMEND ITS RULES FOR EMPLOYERS PAYING STATE WITHHOLDING TAXES FOR NONRESIDENTS."

Offered by: Senators Kawamoto, Sakamoto.

No. 71 "SENATE RESOLUTION EXPRESSING THE CONCERNS OF THE LEGISLATURE REGARDING THE SHOOTING OF RODNEY LAULUSA BY HONOLULU POLICE OFFICERS, AND REQUESTING THAT THE HONOLULU POLICE DEPARTMENT USE SENSITIVITY IN INVESTIGATING THAT CASE."

Offered by: Senator Matsunaga.

No. 72 "SENATE RESOLUTION REQUESTING THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO FILL ONE OF THE COMING VACANT SEATS ON THE BOARD OF 'OLELO: THE CORPORATION FOR COMMUNITY TELEVISION WITH A NOMINEE FROM THE COMMUNITY TELEVISION PRODUCERS ASSOCIATION."

Offered by: Senator Ihara.

No. 73 "SENATE RESOLUTION REQUESTING A STUDY ON DEVELOPING ALTERNATIVE DEVELOPMENT REGULATION SCENARIOS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA."

Offered by: Senators Ihara, Taniguchi, Levin, Fukunaga.

No. 74 "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE REASONS WHY GASOLINE PRICES CONTINUE TO REMAIN SIGNIFICANTLY HIGHER THAN MAINLAND PRICES, AND WHETHER THERE IS ANY COLLUSION IN HAWAII'S WHOLESALE GASOLINE MARKET."

Offered by: Senator Tam.

No. 75 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DETERMINE THE EXTENT OF INCIDENTS INVOLVING PATIENTS WHO ARE DENIED MEDICAL TREATMENT DUE TO LACK OF MEDICAL INSURANCE."

Offered by: Senator Taniguchi, by request.

No. 76 "SENATE RESOLUTION REQUESTING CONGRESSIONAL ACTION ON FEDERAL HIGHWAY LEGISLATION AND FUNDING."

Offered by: Senators Sakamoto, Kawamoto.

No. 77 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A NEEDS ASSESSMENT OF FAMILIES WHO PROVIDE HOME CARE TO THEIR FAMILY MEMBER WITH A DEVELOPMENTAL DISABILITY AND DEVELOP A PLAN TO ADDRESS THOSE NEEDS."

Offered by: Senator Levin.

No. 78 "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE EFFECTS OF PROPOSITION 65 ON CALIFORNIA'S ECONOMY AND ENVIRONMENT AND THE HEALTH OF ITS RESIDENTS."

Offered by: Senator Levin.

No. 79 "SENATE RESOLUTION URGING SUPPORT OF BUDGET REQUESTS FOR THE COUNTY EXTENSION AGENT POSITIONS WITH FAMILY AND LEADERSHIP DEVELOPMENT EMPHASIS AT THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES."

Offered by: Senator Metcalf.

No. 80 "SENATE RESOLUTION REQUESTING THE AUDITOR TO PERFORM A FINANCIAL AND MANAGEMENT AUDIT OF APPROPRIATIONS MADE TO COMPLY WITH THE FELIX CONSENT DECREE."

Offered by: Senator Metcalf.

No. 81 "SENATE RESOLUTION REQUESTING A STUDY ON ESTABLISHING FOREIGN CAPITAL DEPOSITORIES IN HAWAII."

Offered by: Senators Ige, D., Metcalf.

No. 82 "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT AND IMPLEMENTATION OF A JAPANESE TOURIST DEPOSIT ACCOUNT MARKETING AND PROMOTION PLAN TO ATTRACT JAPANESE DEPOSITORS TO HAWAII."

Offered by: Senator Mizuguchi.

No. 83 "SENATE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION, AND STATE, COUNTY, AND FEDERAL PUBLIC OFFICIALS TO SEEK AN EXEMPTION FOR THE STATE OF HAWAII FROM THE AIR ACCORD BETWEEN THE UNITED STATES AND JAPAN."

Offered by: Senator Tanaka.

No. 84 "SENATE RESOLUTION REQUESTING THAT THE ALOHA TOWER DEVELOPMENT CORPORATION FACILITATE THE REPAYMENT OF JUNIOR LIENS BEFORE TRANSFERRING ANY DEVELOPMENT RIGHTS."

Offered by: Senators Sakamoto, Bunda, Iwase, Kawamoto.

No. 85 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO WORK WITH THE APPROPRIATE OFFICIALS OF THE CITY AND COUNTY OF HONOLULU AND PRIVATE INDUSTRY TO DEVELOP AND IMPLEMENT AN ALTERNATIVE OR RAPID TRANSIT SYSTEM BETWEEN WAIKIKI AND OTHER AREAS OF HONOLULU, INCLUDING BUT NOT LIMITED TO THE HAWAII CONVENTION CENTER, ALA MOANA SHOPPING CENTER, WARD CENTRE, WARD WAREHOUSE, AND ALOHA TOWER MARKETPLACE."

Offered by: Senators Sakamoto, Kawamoto.

No. 86 "SENATE RESOLUTION REQUESTING THE LEGISLATURE AND THE DEPARTMENT OF HEALTH TO EXPRESS THEIR COMMITMENT TO SEXUAL ASSAULT VICTIMS BY RESTORING PROPOSED BUDGET CUTS."

Offered by: Senators Chun Oakland, Fernandes Salling.

No. 87 "SENATE RESOLUTION ENCOURAGING THE PROMOTION OF COMMUNITY MEDIA THROUGHOUT THE STATE."

Offered by: Senators Ihara, Baker, Metcalf, Chumbley.

No. 88 "SENATE RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES, THE CONGRESS OF THE UNITED STATES, AND THE GOVERNOR OF HAWAII TO TAKE STEPS TO SAVE CONSUMERS MONEY THROUGH PROMOTION OF ALTERNATE ENERGY MEASURES THAT REDUCE GLOBAL WARMING."

Offered by: Senators Levin, Ihara, McCartney.

No. 89 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO DEVELOP A DEFINITION OF 'HAWAII RESIDENT' BY RULE AND TO PROPOSE THE USE OF THE DEFINITION TO THE FEDERAL GOVERNMENT TO

CLARIFY AND TO FACILITATE ENFORCEMENT OF PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII."

Offered by: Senators Kawamoto, Sakamoto.

No. 90 "SENATE RESOLUTION REQUESTING THE HAWAII VISITORS AND CONVENTION BUREAU TO ALLOCATE FUNDS IN THEIR BUDGET FOR OPERATING EXPENSES OF THE VISITOR ALOHA SOCIETY OF HAWAII."

Offered by: Senators Kawamoto, Fukunaga, Ihara, Taniguchi.

### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 2782 (Gov. Msg. No. 138):

Senator Iwase moved that Stand. Com. Rep. No. 2782 be received and placed on file, seconded by Senator Baker and carried.

Senator Iwase then moved that the Senate advise and consent to the nomination of PATRICK T. KUBOTA to the Hawai'i Community Development Authority, term to expire June 30, 1999, seconded by Senator Baker.

Senator Iwase rose in support of the nominee and said:

"Mr. President, we have before us the nomination of Mr. Patrick Kubota to the Hawaii Community Development Authority. Your Committee on Water, Land, and Hawaiian Affairs conducted a public hearing, has reviewed his nomination and finds him to be extremely qualified and recommends that he be confirmed.

"Thank you."

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

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Sakamoto, Solomon, Tanaka).

Stand. Com. Rep. No. 2783 (Gov. Msg. No. 140):

Senator Iwase moved that Stand. Com. Rep. No. 2783 be received and placed on file, seconded by Senator Baker and carried.

Senator Iwase then moved that the Senate advise and consent to the nomination of COLETTE P. MACHADO to the Kaho'olawe Island Reserve Commission, term to expire June 30, 2001, seconded by Senator Baker.

Senator Iwase rose in support of the nominee and said:

"Mr. President, we have before us the nomination of Colette P. Machado to the Kaho'olawe Island Reserve Commission. Your Committee on Water, Land, and Hawaiian Affairs conducted a public hearing, has reviewed her nomination and finds her to be extremely qualified and recommends that she be confirmed.

"Thank you."

Senator McCartney rose in support and stated:

"Mr. President, I'd like to insert some remarks into the Journal about Gov. Msg. No. 140 on Colette Machado, in favor of her nomination."

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

"Mr. President, Colette Machado is an excellent nominee for the commission because she has the sensitivity necessary to perpetuate Hawaiian culture in the backdrop of a modern day global society. She will be fair and make decisions that will not only benefit Hawaiians, but all of the people of Hawaii as well."

Senator Baker, rising in support, then said:

"Mr. President, I have some remarks in support of Colette Machado that I'd like inserted into the Journal."

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

"Mr. President, I rise to speak in favor of G.M. No. 140, nominating Colette P. Machado to the Kaho'olawe Island Reserve Commission.

"Mr. President and colleagues, the Kaho'olawe Island Reserve Commission will be well served with Colette Machado as one of its members. Colette, a native Hawaiian from the Island of Moloka'i, has an outstanding record as a community leader and is widely respected for her advocacy of native Hawaiian initiatives. Her leadership skills, integrity and genuine aloha most recently earned her the privilege to represent the Island of Moloka'i as a trustee of the Office of Hawaiian Affairs.

"I am confident that Ms. Machado will bring to the commission the same kind of commitment and enthusiasm that she has demonstrated in all of her past endeavors. The work of the commission to rejuvenate and restore the Island of Kaho'olawe is important to the people of this state, and I cannot think of anyone more qualified to help carry out those objectives than Colette Machado.

"I urge my colleagues to support this nomination."

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

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Sakamoto, Solomon, Tanaka).

Stand. Com. Rep. No. 2784 (Gov. Msg. No. 141):

Senator Iwase moved that Stand. Com. Rep. No. 2784 be received and placed on file, seconded by Senator Baker and carried.

Senator Iwase then moved that the Senate advise and consent to the nomination of KURT K. MENCH to the Kaneohe Bay Regional Council, term to expire July 1, 1998, seconded by Senator Baker.

Senator Iwase rose in support of the nominee and said:

"Mr. President, we have before us the nomination of Kurt Mench to the Kaneohe Bay Regional Council. Your Committee on Water, Land, and Hawaiian Affairs conducted a public hearing, has reviewed his nomination and finds him to be extremely qualified and recommends that he be confirmed.

"Thank you."

Senator McCartney rose in support of the nominee and said:

"Mr. President, I rise to speak in favor of the nomination of Kurt K. Mench, Gov. Msg. No. 141.

"Mr. President, it gives me great honor and privilege to know that the Kaneohe Bay Regional Council will have somebody on



it who grew up in Kaneohe Bay, who deeply cares about the bay and knows that the bay is a public natural resource, and that we need to find ways of balancing all the conflicting uses so that it works for all. He is an outstanding individual who gives of his time to the community. I believe that he will be fair and he'll listen to all sides, and that he'll work together to try and get consensus in our community so we can close some of the divisions that we have right now.

"On a more personal note, Kurt Mench was an outstanding miler at Castle High School, and when I went to school there, he was a legend. He still holds the state record for the mile -- he ran 4:06 for the mile -- and he was one of Hawaii's most outstanding runners. The legend that I remember about him, and our coaches would tell us this story, is: At the Punahou relays he was running, I think it was, a 2-mile relay and Punahou was in the lead, and then he actually ran the anchor leg and stopped around the first turn and tied his shoe, then caught up to the Punahou runner and won the race -- after tying his shoe. So if he can do that at the Punahou relays, we know that he'll do an outstanding job on the Kaneohe Bay Regional Council to do what's right for the entire community and all the users of the bay, so I recommend his approval to the body."

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

Ayes, 21. Noes, none. Excused, 4 (Fernandes Salling, Sakamoto, Solomon, Tanaka).

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

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

"Since it's Aloha Friday and it's a wonderful day, I just want to take some time out to thank some of my colleagues who were responsible for letting people in Hawaii Kai know yesterday that they would be willing to put a prison in the Koko Head District Park. It caused me to get even closer to my constituents as many of them called last night and were very concerned. And I told them that it was just a combination of things -- what some people smoke and do inhale down here; also that it was April Fools coming a little bit early. But then, you know, on reflection, Mr. President, I thought about the idea of having a prison at the Koko Head District Park area and as I was helping coach some of the boys last night, the 4 and 5 and 6-year-olds in the Hawaii Kai youth baseball at Goas field and looking back where the prison would be, I thought actually it would be a positive thing because these young children would have an opportunity to bond and get closer with the molesters, the rapists and the murderers. And that could be a beneficial thing. Also, looking over towards the firing range at Koko Head, it made a lot of sense because I'm sure the ACLU would want the folks behind any prison in our area to be able to improve their skills at the firing range. So that could be positive. And even though we in Hawaii Kai simply asked for 24-hour ambulance and medical services, the idea of a prison would be so much finer to have there.

"So, again, I just want to express my appreciation. I think it would go very well with the state's stated purpose to spend taxpayer money to buy Ka Iwi to make the coastline so we could look out and enjoy the coastline, enjoy the recreational facilities, and also have the prison there too. So again, thank you to my colleagues that made sure that information was available.

"Thank you, Mr. President."

Senator Anderson also rose on a point of personal privilege and said:

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

"It's to do a little follow-up to what the Minority Floor Leader said. I would like to remind our colleagues and friends

that when we were on a neighboring island we heard that there was no problem in putting the prison on Oahu. After all, most of the prisoners are supposed to be from that island anyway. Well, crime has escalated like crazy on all neighboring islands, but I'd just like to focus in on a minute.

"In Kailua alone, we have the Youth Facility for Boys and Girls, and we have the Women's Prison. In Kaneohe we have the State Hospital, we have half-way houses, we have women's domestic abuse shelters. On the Island of Oahu we have Halawa, we have Oahu Prison, we have Waiawa, we have a federal prison being built, and of course, we have the detention home. There's nothing wrong, Mr. President, with the governor looking at a neighboring island if he would actually have some communication with the people. When you say economics -- no, that's what the people think it is but that's what he led them to believe. That's the only reason. It's a necessity that we build a prison -- a necessity. We can't wait another year to make up our minds.

"I watched him on television last night, Mr. President. He finally got the message that our gas rates are higher. Something should be done, he said. This was brought out weeks ago.

"I would hope that if we're going to be serious about building a prison, that if it's not going to be Ka'u, then go up and look at Kualani. Kulani Prison is there. They have lots and lots of land. The Senator from Hilo doesn't like it. Nobody wants anything in their backyard. It's all right if you put it in somebody else's backyard, but don't put it in my backyard.

"Well, the point is -- wherever we build it, I will vote for it. If you want to take Enchanted Lakes, go ahead. We'll fill in the lakes. If you want to put it in Kawaiinui, fill in Kawaiinui. But make a damn decision. If I vote against it, you can vote for it and build it. That's the difference. You can vote 'no.' But we have to make a decision, Mr. President, and that's what's lacking here.

"Today we passed a bill that said it was good to have an Ocean Day because that brings in a lot of money. We need a bill to tell us that -- that the ocean facilities are bringing in money. But we ought to talk to the departments because a lot of things that they're closing are taking money out of that particular facility recreational type boating.

"Anyway, I just thought that on a Friday I'd like to leave us all in happy mood. Thank you very much, Mr. President."

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

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

"I'd like to add my vote to that of the Senator from Kaneohe, and undoubtedly the Senator from Ka'u, that the present site be considered at Koko Head.

"Thank you."

Senator McCartney, rising on a point of personal privilege, then stated:

"Mr. President, I, too, rise on a point of personal privilege and would like to acknowledge the remarks of the Minority Floor Leader to accept the prison in Hawaii Kai. I graciously would accept that.

"On a serious note, Mr. President, I think my colleague from the windward side has brought up an important point that it's a serious business when we come to talk about a prison. And what we hear today is maybe a little bit of people making some remarks and talking about things on a lighter note, and it is Friday, but on the issue of the prison, I can assure you that as a member of the Judiciary Committee and working with the

Judiciary chairs, we need to make a decision and all of us need to make a decision.

"I think what is illustrated today is the difficulty of placing a prison in anyone's community. And for any community that gets the prison placed there, they are the impacted community and they have to live with some things. And as public policy makers, we need to have those concerns addressed, and I think that's the essence of what is being brought up today.

"For the good of the state, I acknowledge what the Minority Leader said, that we need to make a decision and that we do need more prison space. The challenge is going to be in whose community are we going to do that, and how do we make that decision working with that impacted community. And that's the challenge and commitment that the Majority and the Minority have -- to make that happen. And so we need to move forward. Today is day 34, and by day 60 that decision should be made.

"Thank you, Mr. President."

Senator M. Ige also rose on a point of personal privilege, stating:

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

"Mr. President, since my district was mentioned, which was Kawaiinui Marsh, I cannot let those comments go without my objection. The president of the Audubon Society of America came down and said that this is one of the most exciting spots for natural habitats in the country. And I hope that we can keep Kawaiinui for not just ourselves but the next generation as well. And I know the Senator from my neighboring district was basically saying that tongue in cheek, but I just could not allow that to pass without my objection. It is a very exciting future for Kawaiinui and I'm almost positive that all generations will enjoy that sanctuary once it's completed.

"Thank you."

Senator Anderson rose again and said:

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

"On Kawaiinui, we've been studying for over 15 years or 20 years that I know of to make that into a park. Nobody wants to go ahead and say what kind of a park. And that's when we had money. That's the problem that we have here -- a decision. And who's going to come in. When you get a group of 25 people that say I don't want it, we say that's the community speaking -- that's not; that's 25 people. That's the problem that we have here.

"When we have capital punishment, you get 40 or 50 people who come here and they all vote against it. You say we cannot make that decision tonight, but you watch television and they'll say we're going to find out tonight how the people stand, then they take a survey and 70 percent are for it, but because of 40 people, we vote 'no.' That's the only difference.

"Thank you very much, Mr. President."

Senator M. Ige also rose again and said:

"Mr. President, I'm sorry. Again on personal privilege.

"Mr. President, I wasn't in the Senate way back then when it was being considered for a park. I was just recently elected. But last year this Legislature appropriated \$800,000 to be matched with federal funds. We're beginning to plan that entire facility, that park. You'll see a resolution coming down to the floor requesting the Department of Land and Natural Resources to be sensitive to the needs of the people that have present leases on that parcel. We're deeply concerned about the way the state is moving forward on this project, but it is moving

forward. We just made that commitment, the monetary commitment, and I believe once the project is done, Senator Anderson and all of you will be able to enjoy it.

"Thank you."

#### SENATE CONCURRENT RESOLUTIONS SENATE RESOLUTIONS

On motion by Senator Ihara, seconded by Senator Slom and carried unanimously, the Senate authorized the Clerk to receive Senate concurrent resolutions and Senate resolutions prior to 6:00 o'clock p.m. In consequence thereof, and subsequent to its recessing at 12:17 o'clock p.m., the following resolutions were received and deferred:

#### SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution

No. 170 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON ESTABLISHING FOREIGN CAPITAL DEPOSITORIES IN HAWAII."

Offered by: Senators Ige, D., Metcalf.

No. 171 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT AND IMPLEMENTATION OF A JAPANESE TOURIST DEPOSIT ACCOUNT MARKETING AND PROMOTION PLAN TO ATTRACT JAPANESE DEPOSITORS TO HAWAII."

Offered by: Senator Mizuguchi.

No. 172 "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR TO INITIATE A PARTNERSHIP WITH THE NATIONAL PERFORMANCE REVIEW."

Offered by: Senator Mizuguchi, by request.

No. 173 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION, AND STATE, COUNTY, AND FEDERAL PUBLIC OFFICIALS TO SEEK AN EXEMPTION FOR THE STATE OF HAWAII FROM THE AIR ACCORD BETWEEN THE UNITED STATES AND JAPAN."

Offered by: Senator Tanaka.

No. 174 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES PRESIDENT AND CONGRESS TO ASSIST IN THE PROCESS OF NATIVE HAWAIIAN SELF-GOVERNANCE."

Offered by: Senator Solomon.

No. 175 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONDUCT A COMPREHENSIVE ASSESSMENT OF THE ISSUES AND POTENTIAL FOR JOB CREATION IN THE STATE."

Offered by: Senators Solomon, Iwase, Tanaka, Sakamoto, Aki, Bunda, Ige, D., Metcalf, Kawamoto, Slom.

No. 176 "SENATE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT FEDERAL LEGISLATION RELATING TO THE INTERNATIONAL MONETARY FUND AND STABILIZATION OF THE ASIAN FINANCIAL CRISIS."

Offered by: Senators Sakamoto, Bunda, Iwase, Kawamoto, Tanaka.

No. 177 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE ALOHA TOWER DEVELOPMENT CORPORATION FACILITATE THE REPAYMENT OF JUNIOR LIENS BEFORE TRANSFERRING ANY DEVELOPMENT RIGHTS."

Offered by: Senators Sakamoto, Bunda, Iwase, Kawamoto.

No. 178 "SENATE CONCURRENT RESOLUTION REQUESTING AN INVENTORY OF PARKING SPACES IN THE CENTRAL BUSINESS DISTRICT OF HONOLULU AND DEVELOPMENT OF A GRADUATED PARKING FEE SCHEDULE."

Offered by: Senators Sakamoto, Kawamoto.

No. 179 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO WORK WITH THE APPROPRIATE OFFICIALS OF THE CITY AND COUNTY OF HONOLULU AND PRIVATE INDUSTRY TO DEVELOP AND IMPLEMENT AN ALTERNATIVE OR RAPID TRANSIT SYSTEM BETWEEN WAIKIKI AND OTHER AREAS OF HONOLULU, INCLUDING BUT NOT LIMITED TO THE HAWAII CONVENTION CENTER, ALA MOANA SHOPPING CENTER, WARD CENTRE, WARD WAREHOUSE, AND ALOHA TOWER MARKETPLACE."

Offered by: Senators Sakamoto, Kawamoto.

No. 180 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO NAME THE MAUI HIGH SCHOOL GYMNASIUM IN HONOR OF FORMER SENATOR MAMORU YAMASAKI."

Offered by: Senator Tanaka.

No. 181 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOMELANDS TO CREATE AND OVERSEE A FORUM REGARDING THE ISSUE OF AN ELECTED HAWAIIAN HOMES COMMISSION."

Offered by: Senator Aki.

No. 182 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO MAKE THE SCHOOL-BASED HEALTH CLINIC PROGRAM PERMANENT, TO RESTORE FUNDING TO THE PROGRAM AND EXPAND IT TO REACH FARRINGTON HIGH SCHOOL, AND TO WORK WITH THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN SERVICES TO INTEGRATE THE PROGRAM INTO THE COMPREHENSIVE STUDENT SUPPORT SYSTEM."

Offered by: Senators Chun Oakland, Mizuguchi, Sakamoto.

No. 183 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE AND THE DEPARTMENT OF HEALTH TO EXPRESS THEIR COMMITMENT TO SEXUAL ASSAULT VICTIMS BY RESTORING PROPOSED BUDGET CUTS."

Offered by: Senators Chun Oakland, Fernandes Salling.

No. 184 "SENATE CONCURRENT RESOLUTION ENCOURAGING THE PROMOTION OF COMMUNITY MEDIA THROUGHOUT THE STATE."

Offered by: Senators Ihara, Baker, Metcalf, Chumbley.

No. 185 "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES, THE CONGRESS OF THE UNITED STATES, AND THE GOVERNOR OF HAWAII TO TAKE STEPS TO SAVE CONSUMERS MONEY THROUGH PROMOTION OF ALTERNATE ENERGY MEASURES THAT REDUCE GLOBAL WARMING."

Offered by: Senators Levin, Ihara, McCartney.

No. 186 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO DEVELOP A DEFINITION OF 'HAWAII RESIDENT' BY RULE AND TO PROPOSE THE USE OF THE DEFINITION TO THE FEDERAL GOVERNMENT TO CLARIFY AND TO FACILITATE ENFORCEMENT OF PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII."

Offered by: Senators Kawamoto, Sakamoto.

No. 187 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII VISITORS AND CONVENTION BUREAU TO ALLOCATE FUNDS IN THEIR BUDGET FOR OPERATING EXPENSES OF THE VISITOR ALOHA SOCIETY OF HAWAII."

Offered by: Senators Kawamoto, Fukunaga, Ihara, Taniguchi.

No. 188 "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES SENATE TO CONFIRM THE NOMINATION OF BILL LANN LEE AS ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS AT THE JUSTICE DEPARTMENT."

Offered by: Senator Fernandes Salling.

No. 189 "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO GRANT EXTENSIONS FOR TIMELY COMPLIANCE WITH TITLE 11 OF THE HAWAII ADMINISTRATIVE RULES IN CASES OF ECONOMIC HARDSHIP."

Offered by: Senator Fernandes Salling.

No. 190 "SENATE CONCURRENT RESOLUTION SUPPORTING THE WAIKIKI YACHT CLUB'S ALOHA RACING CHALLENGE TO THE ROYAL NEW ZEALAND YACHT SQUADRON FOR AMERICA'S CUP XXX."

Offered by: Senators Taniguchi, Ihara, Tanaka.

No. 191 "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND CITY AND COUNTY OF HONOLULU TO COOPERATIVELY WORK TOGETHER TO ESTABLISH A JOINT WAIKIKI TASK FORCE TO EXPLORE THE REVITALIZATION AND RENOVATION OF WAIKIKI AND SURROUNDING AREAS INCLUDING THE HAWAII CONVENTION CENTER."

Offered by: Senator Taniguchi.

No. 192 "SENATE CONCURRENT RESOLUTION ENCOURAGING THE KIHAI HIGH SCHOOL COMMUNITY COMMITTEE TO CONTINUE ITS EFFORTS TO ESTABLISH A CHARTER SCHOOL IN KIHAI, MAUI, CENTERED ON SYSTEMS TECHNOLOGY AND BASED ON PUBLIC-PRIVATE PARTNERSHIPS."

Offered by: Senator Chumbley.

No. 193 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF

DISTRIBUTING PROPOSED RULES TO THE PUBLIC WITHIN THE THIRTY-DAY PUBLIC NOTICE REQUIREMENT."

Offered by: Senators Ige, D., Metcalf.

No. 194 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO ADOPT RULES TO DESIGNATE MOORAGE FOR COMMERCIAL FISHING VESSELS AT SMALL BOAT HARBORS."

Offered by: Senator Chumbley.

No. 195 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO SUPPORT THE ESTABLISHMENT OF SCHOOLS-WITHIN-A-SCHOOL."

Offered by: Senators Levin, Metcalf.

No. 196 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF HEALTH TO EXAMINE WAYS TO ELIMINATE DUPLICATION OF THE ADMINISTRATION AND PROVISION OF HOME-AND COMMUNITY-BASED PROGRAMS AND SERVICES BY THE TWO DEPARTMENTS."

Offered by: Senator Levin.

No. 197 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO RECOMMEND ALTERNATIVES FOR DEALING WITH 'NOISE' OR UNWANTED SOUND EMANATING FROM SMALL AGRICULTURAL PARCELS."

Offered by: Senator Levin.

No. 198 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION TO AUTHORIZE A CHECKOFF ON THE FEDERAL INCOME TAX RETURN FOR DONATIONS TO A STATE ENVIRONMENTAL FUND."

Offered by: Senator Levin.

No. 199 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO INVESTIGATE THE CREATION OF A PUBLIC-PRIVATE KEIKI TRUST FUND TO SUPPORT PROGRAMS BENEFITTING CHILDREN AND YOUTH."

Offered by: Senators Chun Oakland, Kanno, McCartney, Chumbley, Ihara, Baker, Taniguchi.

No. 200 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO PROMPTLY REVIEW MATERIAL RELEVANT TO THE 'LAP DANCING' CASES AND EXERCISE APPROPRIATE REMEDIAL OPTIONS."

Offered by: Senator Matsunaga, by request.

No. 201 "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIAL SELECTION COMMISSION TO CONDUCT PUBLIC HEARINGS AND CONSIDER JUDICIAL CONDUCT BASED UPON PEER REVIEW WITH RESPECT TO JUSTICES AND JUDGES WHO ARE BEING CONSIDERED FOR RETENTION."

Offered by: Senators Matsunaga, Chumbley.

No. 202 "SENATE CONCURRENT RESOLUTION REQUESTING THE HONOLULU CITY COUNCIL TO AMEND THE REVISED ORDINANCES OF HONOLULU

TO PROMOTE PET POPULATION CONTROL AND PREVENTION OF CRUELTY TO ANIMALS."

Offered by: Senator Matsunaga.

No. 203 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF ISSUES REGARDING PATIENT RECORD CONFIDENTIALITY."

Offered by: Senators Metcalf, Ige, D.

No. 204 "SENATE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF KA'APUNI O'HAWAII TRAIL (TRAIL THAT CIRCLES THE ISLAND OF HAWAII)."

Offered by: Senator Metcalf.

No. 205 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ISSUE A PERMIT FOR A PILOT DEMONSTRATION OPEN OCEAN AQUACULTURE PROJECT TO THE UNIVERSITY OF HAWAII."

Offered by: Senator Metcalf.

No. 206 "SENATE CONCURRENT RESOLUTION SUPPORTING THE PROPOSAL TO ESTABLISH THE MARINE BIOPRODUCTS ENGINEERING CENTER, WITH FACILITIES AT THE UNIVERSITY OF HAWAII, AS A KEY COMPONENT FOR THE FUTURE SUCCESS OF MARINE BIOTECHNOLOGY IN HAWAII."

Offered by: Senator Metcalf.

No. 207 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SEEK TO IDENTIFY THE STATEWIDE PREVALENCE OF HEPATITIS C IN VARIOUS SEGMENTS OF THE STATE'S POPULATION."

Offered by: Senators Bunda, Fernandes Salling, Levin.

No. 208 "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO REVIEW THE REGULATION OF LAP DANCING AND RELATED ADULT ENTERTAINMENT ACTIVITIES IN OTHER JURISDICTIONS."

Offered by: Senator Solomon.

No. 209 "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN EMERGENCY PLAN TO ALLEVIATE TRAFFIC TIE-UPS THAT RESULT FROM MAJOR TRAFFIC ACCIDENTS."

Offered by: Senators Kanno, Kawamoto.

No. 210 "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO REVIEW AND RECONSIDER ITS PREVIOUS APPROVAL OF DOCKET NO. 7040, DECISION AND ORDER NO. 11463, WITH REGARD TO THE INSTALLATION OF A 46 KILOVOLT OVERHEAD CIRCUIT ON A SINGLE STEEL POLE LINE ALONG KUNIA ROAD AND REVIEW ITS APPROVAL PROCESS."

Offered by: Senators Kanno, Ige, D., Kawamoto.

No. 211 "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO REPORT ON ITS EFFORTS TO MODERNIZE ITS POLICIES AND PROCEDURES."

Offered by: Senator Tam.

No. 212 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO PROVIDE A PLAN FOR COMPUTER TECHNOLOGY IN THE CLASSROOM."

Offered by: Senator Tam.

No. 213 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE SUN YAT-SEN UNIVERSITY OF MEDICAL SCIENCES AND THE NATIONAL TAIPEI UNIVERSITY OF TECHNOLOGY."

Offered by: Senator Tam.

No. 214 "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO REVIEW, INTERPRET, AND ISSUE AN OPINION REGARDING CERTAIN FEDERAL REQUIREMENTS REGARDING REAL ESTATE APPRAISALS."

Offered by: Senators Aki, Tam.

No. 215 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CHANGE THE NAME OF THE HAWAII YOUTH SPORT AND FITNESS PROGRAM TO THE HAWAII YOUTH SPORTS AND FITNESS INSTITUTE."

Offered by: Senator Ige, M.

#### SENATE RESOLUTIONS

##### Senate Resolution

No. 91 "SENATE RESOLUTION ENCOURAGING THE KIHEI HIGH SCHOOL COMMUNITY COMMITTEE TO CONTINUE ITS EFFORTS TO ESTABLISH A CHARTER SCHOOL IN KIHEI, MAUI, CENTERED ON SYSTEMS TECHNOLOGY AND BASED ON PUBLIC-PRIVATE PARTNERSHIPS."

Offered by: Senator Chumbley.

No. 92 "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF DISTRIBUTING PROPOSED RULES TO THE PUBLIC WITHIN THE THIRTY-DAY PUBLIC NOTICE REQUIREMENT."

Offered by: Senators Ige, D., Metcalf.

No. 93 "SENATE RESOLUTION REQUESTING THE HONOLULU CITY COUNCIL TO AMEND THE REVISED ORDINANCES OF HONOLULU TO PROMOTE PET POPULATION CONTROL AND PREVENTION OF CRUELTY TO ANIMALS."

Offered by: Senator Matsunaga.

No. 94 "SENATE RESOLUTION REQUESTING A STUDY OF ISSUES REGARDING PATIENT RECORD CONFIDENTIALITY."

Offered by: Senators Metcalf, Ige, D.

No. 95 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SEEK TO IDENTIFY THE STATEWIDE PREVALENCE OF HEPATITIS C IN VARIOUS SEGMENTS OF THE STATE'S POPULATION."

Offered by: Senators Bunda, Fernandes Salling, Levin.

No. 96 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ALLOCATE

RESOURCES FOR A COMMUNICATION SKILLS INSTRUCTOR IN THE VOCATIONAL REHABILITATION AND SERVICES FOR THE BLIND DIVISION."

Offered by: Senators Bunda, Chun Oakland, Kanno.

No. 97 "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF AN EMERGENCY PLAN TO ALLEVIATE TRAFFIC TIE-UPS THAT RESULT FROM MAJOR TRAFFIC ACCIDENTS."

Offered by: Senators Kanno, Kawamoto.

No. 98 "SENATE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO REVIEW AND RECONSIDER ITS PREVIOUS APPROVAL OF DOCKET NO. 7040, DECISION AND ORDER NO. 11463, WITH REGARD TO THE INSTALLATION OF A 46 KILOVOLT OVERHEAD CIRCUIT ON A SINGLE STEEL POLE LINE ALONG KUNIA ROAD AND REVIEW ITS APPROVAL PROCESS."

Offered by: Senators Kanno, Ige, D., Kawamoto.

No. 99 "SENATE RESOLUTION REQUESTING THE LEGISLATURE TO SUPPORT THE ESTABLISHMENT OF SCHOOLS-WITHIN-A-SCHOOL."

Offered by: Senator Levin.

No. 100 "SENATE RESOLUTION REQUESTING THE JUDICIARY TO REPORT ON ITS EFFORTS TO MODERNIZE ITS POLICIES AND PROCEDURES."

Offered by: Senator Tam.

No. 101 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE SUN YAT-SEN UNIVERSITY OF MEDICAL SCIENCES AND THE NATIONAL TAIPEI UNIVERSITY OF TECHNOLOGY."

Offered by: Senator Tam.

No. 102 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO USE FEDERAL IMPACT AID REIMBURSEMENTS FOR EDUCATION EXCLUSIVELY FOR EDUCATIONAL PURPOSES."

Offered by: Senators Aki, Tam.

No. 103 "SENATE RESOLUTION AUTHORIZING THE SENATE COMMITTEE OF EDUCATION TO EVALUATE THE STRUCTURE AND APPROPRIATENESS OF SCHOOL/COMMUNITY-BASED MANAGEMENT, STUDENT-CENTERED SCHOOLS, CHARTER SCHOOLS, AND SCHOOLS-WITHIN-A-SCHOOL IN RELATION TO A COMMUNITY-BASED APPROACH TO ESTABLISHING SCHOOL PRIORITIES AND ACCOUNTABILITY."

Offered by: Senators Aki, Tam.

No. 104 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO IMPROVE KAHEKILI HIGHWAY TO REFLECT THE WINDWARD SIDE OF OAHU."

Offered by: Senator Ige, M.

No. 105 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO BE SENSITIVE TO THE CONCERNS OF LOCAL LESSEES IN THE KAWAI NUI MARSH AREA."

Offered by: Senator Ige, M.

No. 106 "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO LIST POSSIBLE SITES ALONG STATE HIGHWAYS FOR PLACEMENT OF 'WELCOME TO KANEOHE' SIGNS."

Offered by: Senator Ige, M.

No. 107 "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO PROVIDE A PLAN FOR COMPUTER TECHNOLOGY IN THE CLASSROOM."

Offered by: Senator Tam.

**ADJOURNMENT**

At 6:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Monday, March 23, 1998.

## THIRTY-FIFTH DAY

**Monday, March 23, 1998**

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Rosalyn H. Baker, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Fernandes Salling and Tanaka who were excused.

The President announced that he had read and approved the Journal of the Thirty-Fourth Day.

At this time, the following student "shadows" were introduced:

Senator Metcalf introduced Jocelynn Agustin and Michael Taylor, Jr., from Waiakea High School;

Senator Baker introduced April Cendana from Baldwin High School and Ira Boswell from Molokai High School;

Senator Iwase introduced Jasmine Tucker, Dalvin Meyer and Lorrin Gacusan from Wahiawa Intermediate School;

Senator Sakamoto introduced Michael Eichelberger from Aliamanu Intermediate School and Kristen Philliono from Radford High School;

Senator Kawamoto introduced Lorraine Stickley from Waipahu High School;

Senator Bunda introduced Tressie Turner from Leilehua High School;

Senator Taniguchi introduced Daroll Sakamoto from Washington Middle School;

Senator McCartney introduced Landen Paikai and Jimmy Hernandes from Waimanalo Intermediate School;

Senator Levin introduced Jessica Smith and Charmaine Mahoe from Pahoehoe High School;

Senator D. Ige introduced Maria Wilson from Pearl City High School and Jennifer Tan from Highlands Intermediate School;

Senator Chun Oakland introduced Mari Ann Viernes from Farrington High School and Faith Nagatani from McKinley High School; and

Senator Kanno introduced Rose Baligaut and Robert Howard from Campbell High School.

Senator Taniguchi, on behalf of President Mizuguchi, then introduced Tetsu Aiko and recognized him for his major contributions and dedicated service to the Kuakini Health Center and the community.

Senator Ihara, also on behalf of the President, recognized Dr. Margaret Y. Oda for her dedicated service and major contributions to the Kuakini Health System. Accepting the Senate certificate on Dr. Oda's behalf was Gary Kajiwara, President and CEO of Kuakini Health System.

Senator Taniguchi then introduced Robin Johnson, Director of Development for the Kuakini Foundation.

Senator Ihara then rose to congratulate the Boy Scout Troop 10 of Crater Road, Kaimuki, on the occasion of its 80th anniversary. Representing Troop 10 were Scout Master Gordon

Wong, Assistant Scout Master Bob Watada, and Eagle Scouts Ryan Tanaka and Jason Hino.

Senators Solomon and Anderson then recognized "Aunty" Irmgard Farden Aluli and commended her on her outstanding contributions to Hawaiian music and her induction into the Hawaiian Music Hall of Fame. Accompanying Aunty Irmgard were her daughters Luana McKenney, Mihana Souza and Aima McManus, and nephew Hailama Farden.

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

## STANDING COMMITTEE REPORTS

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2785) recommending that H.B. No. 2765, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2765, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2786) recommending that H.B. No. 2793, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2793, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2787) recommending that H.B. No. 2801, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2801, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2788) recommending that H.B. No. 3185, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3185, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2789) recommending that H.B.

No. 3252, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3252, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY," passed Second Reading and was referred to the Committee on Judiciary.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2790) recommending that H.B. No. 2791, H.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2791, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2791) recommending that H.B. No. 2519 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2519, entitled: "A BILL FOR AN ACT RELATING TO LIST OF PERSONS EXAMINING RECORDS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2792) recommending that H.B. No. 2714, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2714, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCOLLECTIBLE ACCOUNTS IN THE JUDICIARY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2793) recommending that H.B. No. 2888, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2888, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2794) recommending that H.B. No. 2447 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2447, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES,

CLARIFYING LANGUAGE, AND DELETING OR REPEALING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 25, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2795) recommending that H.B. No. 2780, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2780, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senators Tanaka and Taniguchi, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2796) recommending that H.B. No. 2997, H.D. 2 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 2997, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM MARKETING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2797) recommending that H.B. No. 3365, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3365, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2798) recommending that H.B. No. 2331, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2331, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2799) recommending that H.B. No. 2435, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2435, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### REFERRAL OF SENATE CONCURRENT RESOLUTIONS



The President made the following committee assignments of concurrent resolutions that were offered on Thursday, March 19, 1998, and Friday, March 20, 1998:

Senate  
Concurrent  
Resolution

Referred to:

No. 135 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 136 Committee on Health and Environment, then to the Committee on Ways and Means

No. 137 Committee on Education

No. 138 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 139 Committee on Economic Development, then to the Committee on Ways and Means

No. 140 Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means

No. 141 Committee on Economic Development, then to the Committee on Ways and Means

No. 142 Committee on Ways and Means

No. 143 Committee on Health and Environment, then to the Committee on Ways and Means

No. 144 Committee on Ways and Means

No. 145 Committee on Human Resources, then to the Committee on Ways and Means

No. 146 Committee on Human Resources, then to the Committee on Ways and Means

No. 147 Committee on Ways and Means

No. 148 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 149 Committee on Judiciary, then to the Committee on Ways and Means

No. 150 Jointly to the Committee on Health and Environment and the Committee on Education, then to the Committee on Ways and Means

No. 151 Jointly to the Committee on Government Operations and Housing and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 152 Committee on Commerce, Consumer Protection, and Information Technology

No. 153 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 154 Committee on Commerce, Consumer Protection, and Information Technology

No. 155 Committee on Human Resources, then to the Committee on Ways and Means

No. 156 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 157 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Education, then to the Committee on Ways and Means

No. 158 Jointly to the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 159 Committee on Human Resources

No. 160 Committee on Judiciary, then to the Committee on Ways and Means

No. 161 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 162 Committee on Health and Environment, then to the Committee on Ways and Means

No. 163 Committee on Health and Environment, then to the Committee on Ways and Means

No. 164 Jointly to the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 165 Committee on Judiciary, then to the Committee on Ways and Means

No. 166 Committee on Education, then to the Committee on Ways and Means

No. 167 Jointly to the Committee on Education and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 168 Committee on Human Resources, then to the Committee on Ways and Means

No. 169 Jointly to the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 170 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions that were offered on Thursday, March 19, 1998, and Friday, March 20, 1998:

Senate  
Resolution

Referred to:

No. 63 Committee on Government Operations and Housing, then to the Committee on Ways and Means

No. 64 Committee on Health and Environment, then to the Committee on Ways and Means

No. 65 Committee on Education

No. 66 Committee on Economic Development, then to the Committee on Ways and Means

No. 67 Committee on Ways and Means

No. 68 Committee on Health and Environment, then to the Committee on Ways and Means

No. 69 Committee on Human Resources, then to the Committee on Ways and Means

No. 70 Committee on Ways and Means

No. 71 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 72 Committee on Commerce, Consumer Protection, and Information Technology

No. 73 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 74 Committee on Commerce, Consumer Protection, and Information Technology

No. 75 Committee on Health and Environment, then to the Committee on Ways and Means

No. 76 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 77 Committee on Health and Environment, then to the Committee on Ways and Means

No. 78 Committee on Health and Environment, then to the Committee on Ways and Means

No. 79 Committee on Education, then to the Committee on Ways and Means

No. 80 Jointly to the Committee on Education and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 81 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

Senator Levin, for the Committee on Health and Environment, requested a waiver of the 48-hour Notice of a Public Hearing on H.B. No. 2852, and the Chair granted the waiver.

At 12:08 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

Senator Anderson rose on a point of personal privilege:

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

"Mr. President, in this morning's Advertiser, there was an editorial on the Hamakua Ditch and also on Waiahole, and I would like to commend them for the Hamakua Ditch and also mentioning the Waiahole Ditch. The thing that bothers me, Mr. President, is that it's a little late because we have been saying for a while that the farmers in Hamakua need the water. We've had the responsibility for three years. We knew the Hamakua Ditch at that time needed repairs. Now they're not even receiving any water, and the farmers are having a hard enough time because of the draught that's there. I think it's a very sad time when the economy is down, we allow this water flow to stop in the Hamakua area.

"As far as the Waiahole Ditch, that's another problem. We're going to pay \$10 million dollars for a ditch that needs

repair that the owners themselves say is a loser because it costs them money, and yet it used to be for sugar so they were making money in the old days. Now it's going to cost them money and they're willing to sell that to us. The thing that bothers me more is that we should, under condemnation, take that land over, or lease it, or maybe even have all of the owners, for a dollar and love they could give it to us because the farmers there also need the water. But the ditch needs repair.

"The ditch in Waimanalo, as I told you, won't even go out for bid until late this month or maybe even early next month. And that's because we have laws, and the rules and regs of every department, even though we didn't vote for them or put them out there for the people that we work for, they have the force of law. So, whenever you say, let's do this, they say, oh, we can't, we have a rule and that rule prohibits us from doing certain things. So, my colleagues, what it does to you and me is it prohibits us to make the changes that we have to within this state. And as I told one person today, I really don't give a darn about their rules and regs; common sense is what I'm after. And we have to make those corrections.

"Also in the editorial, Mr. President, it's about gambling. They think that we're going to take the easy way out, and that it is very, very easy to look at something that's evil when you're having trouble. Well, let me explain something to you. If you look at horse racing as an industry, it's not evil. If you look at ways of helping our community by putting money into the general fund with shipboard gambling, it's not evil. What is wrong at this time is we have the means to allow the public to vote without changing our constitution, and we keep saying that it's an advisory referendum that is legal. And all the people who are opposed to gambling can vote that way. And anyone who is in favor can vote that way. And that bill should be put forth as soon as possible, allow the people to vote in this coming election, and if they vote it down, so be it. And if they pass it, that bill should be that it is going to be signed upon approval of the voters. And that's fair.

"We've been passing a lot of things that are not fair. We're going to approve it as soon as it's passed. It doesn't do anything for our economy. It doesn't help our economy. But we're going to pass that as soon as it's signed. It becomes legal.

"So, Mr. President, I do want to again say that I believe that the Advertiser should be commended for some of the things that they've said in the editorial and the others that I disagree with, Mr. President, I'm only disagreeing because I don't think we're being fair to the public. And I don't think that we're being fair when the economy is down, not looking at every single option we have to turn things around.

"Thank you very much, Mr. President."

#### ADJOURNMENT

At 12:16 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 24, 1998.

## THIRTY-SIXTH DAY

**Tuesday, March 24, 1998**

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Myokan Shakti Kali Khan, Soto Mission Betsuin Shoboji, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Thirty-Fifth Day.

At this time, the following student "shadows" were introduced:

Senator Baker introduced Gregory Wiger from Lahaina Intermediate School, Keith Izawa from Molokai High School, and Janelle Ishida and Pedro Haro from Lahainaluna High School;

Senator Ihara introduced Chrysalis Lizarondo from Kaimuki High School;

Senator Matsunaga introduced Joel Arakaki and Logan Okita from Jarrett Middle School;

Senator Chumbley introduced Maria Howell and Jamaica Bradley from Hana High School;

Senator Levin introduced Cheryl Santana and Capsun Poe from Konawaena High School;

Senator Taniguchi introduced Jason Chin from Roosevelt High School;

Senator Tam introduced Sandra Kim from McKinley High School; and

Senator M. Ige introduced Sarah Murakami from Castle High School.

Senator Iwase, in celebration of Mililani's 30th anniversary, then introduced the following representatives of the Mililani development: Wally Miyahira, President, Castle & Cooke Hawaii; Harry Saunders, Sr. Vice President, Castle & Cook Hawaii; and Lucien Wong, President, Castle & Cook Commercial Division.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 193 to 214) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 193, submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, County of Kauai, the nominations of GEORGE R. COATES and ELTON S. USHIO, terms to expire June 30, 2002, was referred to the Committee on Economic Development.

Gov. Msg. No. 194, submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, the nominations of: RANDOLPH B. AHLO, term to expire June 30, 2000; and TED CANDIA, term to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 195, submitting for consideration and confirmation to the Civil Defense Advisory Council, the nominations of EDITH C. PASCUA and WALTER L. ORNELLAS, terms to expire June 30, 2002, was referred to the Committee on Transportation and Intergovernmental Affairs.

Gov. Msg. No. 196, submitting for consideration and confirmation to the Convention Center Authority, the nominations of RICHARD L. HUMPHREYS and ANTHONY RUTLEDGE, terms to expire June 30, 2002, was referred to the Committee on Economic Development.

Gov. Msg. No. 197, submitting for consideration and confirmation to the Credit Union Advisory Board, the nomination of RAY MOORE, term to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 198, submitting for consideration and confirmation to the Board of Trustees, Deferred Compensation Plan, the nomination of RONALD N. HIRANO, term to expire June 30, 2002, was referred to the Committee on Human Resources.

Gov. Msg. No. 199, submitting for consideration and confirmation to the State Planning Council on Developmental Disabilities, the nominations of: DIRK K. WASANO and MILLICENT L. K. ROGERS, terms to expire June 30, 1999; JOHN H. ROBERTS, term to expire June 30, 2000; and MATTHEW CHARLES BASSETT, ANGELA I. ZANGERLE, GLORIA S. KISHI, Ph.D., JAMES RICHARD SKOUGE, ED.D., DAVID A. WOLL and J. CURTIS TYLER, III, terms to expire June 30, 2002, was referred to the Committee on Health and Environment.

Gov. Msg. No. 200, submitting for consideration and confirmation to the Commission on Persons with Disabilities, the nominations of: TERRY YOUNG, Ph.D., ANTHONY S. AKAMINE, DEAN M. GEORGIEV and DONALD A. MEDEIROS, terms to expire June 30, 2002, was referred to the Committee on Health and Environment.

Gov. Msg. No. 201, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nominations of: WINIFRED N. ODO and WENDELL P. K. SILVA, terms to expire June 30, 1999; CHRIS J. KANAZAWA, term to expire June 30, 2000; and ARTHUR W. MARTIN, term to expire June 30, 2001, was referred to the Committee on Human Resources.

Gov. Msg. No. 202, submitting for consideration and confirmation to the Environmental Council, the nominations of: STEPHEN T. DYE, Ph.D., term to expire June 30, 1998; and WILLIAM S. PETTI, STEPHEN T. DYE, Ph.D., and PURNIMA PATIL MCCUTCHEON, terms to expire June 30, 2002, was referred to the Committee on Health and Environment.

Gov. Msg. No. 203, submitting for consideration and confirmation to the Hawai'i School-to-Work Opportunities Executive Council, the nominations of: ALBERT S. NISHIMURA, term to expire June 30, 1998; GLENN K. Y. HONG, MURRAY TOWILL, WILLIAM T. HONJIYO and WILLIAM ROY JOHNSON, terms to expire June 30, 1999; RICHARD E. MEIERS, BRUCE A. COPPA and JAMES L. WALTER, terms to expire June 30, 2000; and LYNNE E. WOODS, ALBERT S. NISHIMURA, MAHANA WILCOX, LOIS HASEGAWA, THERESIA C. MCMURDO, TARA LULANI MCKENZIE and KATHRYN K. INKINEN, terms to expire June 30, 2001, was referred to the Committee on Human Resources.

Gov. Msg. No. 204, submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, the nominations of: CATHERINE H. PAYNE, term to expire June 30, 1998; GERVACIO BUENCONSEJO and PETER C. MORTON, terms to expire June 30, 1999; SHARON T. NAKAGAWA and TWYLLA-DAWN STEER, terms to expire June 30, 2000; and EDWIN T. GINOZA, CATHERINE H. PAYNE and CHERYL M. SHINTANI, terms to expire June 30, 2001, was referred to the Committee on Education.

Gov. Msg. No. 205, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nomination of ROCKNE C. FREITAS, term to expire June 30, 2002, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 206, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nominations of COLBERT M. MATSUMOTO and RUSSELL S. KOKUBUN, terms to expire June 30, 2002, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 207, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of WILLIAM C. LENNOX, JR., term to expire June 30, 2000, was referred to the Committee on Health and Environment.

Gov. Msg. No. 208, submitting for consideration and confirmation to the Molokai Irrigation System Water Users Advisory Board, the nomination of WILMA NOELANI N. JOY, term to expire June 30, 2001, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 209, submitting for consideration and confirmation to the Natural Area Reserves System Commission, the nominations of: STEVEN LEE MONTGOMERY, Ph.D., term to expire June 30, 2000; FRANK A. TRUSDELL, term to expire June 30, 2001; and LINDA W. PRATT, term to expire June 30, 2002, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 210, submitting for consideration and confirmation to the Procurement Policy Board, the nominations of: STANLEY S. INKYO and JANE RENFRO SMITH, terms to expire June 30, 2001; and HARUO SHIGEZAWA, term to expire June 30, 2002, was referred to the Committee on Government Operations and Housing.

Gov. Msg. No. 211, submitting for consideration and confirmation to the Public Utilities Commission, the nomination of DENNIS R. YAMADA, term to expire June 30, 2004, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 212, submitting for consideration and confirmation to the Radiologic Technology Board, the nominations of: NICHOLAS JOHN GLADDIS and RICHARD DE JOURNETT, M.D., terms to expire June 30, 2001; and MARY E. C. OYADOMARI, term to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 213, submitting for consideration and confirmation to the Reproductive Rights Protection Committee, the nominations of SETSU FURUNO, Ph.D., and HELEN MAY SMALLEY-BOWER, terms to expire June 30, 2002, was referred to the Committee on Health and Environment.

Gov. Msg. No. 214, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Water Treatment Plants, the nomination of IAN KAGIMOTO, term to expire June 30, 2002, was referred to the Committee on Health and Environment.

## STANDING COMMITTEE REPORTS

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 2800) recommending that S.C.R. No. 9, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 9, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 2801) recommending that S.C.R. No. 40, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 40, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE CONSTRUCTION OF A MULTI-PURPOSE SPORTS AND RECREATION COMPLEX IN HILO," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 2802) recommending that S.R. No. 13, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 13, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING THE CONSTRUCTION OF A MULTI-PURPOSE SPORTS AND RECREATION COMPLEX IN HILO," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2803) recommending that S.C.R. No. 34, as amended in S.D. 1, be adopted.

On motion by Senator Aki, seconded by Senator Tam and carried, the report of the Committee was adopted and S.C.R. No. 34, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2804) recommending that H.B. No. 2846, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2846, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2805) recommending that H.B. No. 3032, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3032, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2806) recommending that H.B. No. 2711, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2711, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2807) recommending that H.B. No. 2230, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2230, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII-HILO," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 2808) recommending that H.B. No. 2899 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 2899, entitled: "A BILL FOR AN ACT RELATING TO DONATIONS TO GOVERNMENT AGENCIES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2809) recommending that H.B. No. 3004, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3004, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2810) recommending that H.B. No. 3454, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3454, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE HUNDRETH ANNIVERSARY OF THE ARRIVAL OF OKINAWANS TO HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2811) recommending that H.B. No. 2695 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2695, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 27, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2812) recommending that H.B. No. 3581, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3581, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2813) recommending that H.B. No. 2613, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2613, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF SUPERVISORS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 27, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2814) recommending that H.B. No. 2528, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2528, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2815) recommending that H.B. No. 2901, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2901, H.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

**ORDER OF THE DAY**

**REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Friday, March 20, 1998:

Senate Concurrent Resolution	Referred to:
No. 171	Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
No. 172	Committee on Ways and Means
No. 173	Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
No. 174	Jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

- No. 175 Jointly to the Committee on Education and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 176 Jointly to the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 177 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means
- No. 178 Jointly to the Committee on Government Operations and Housing and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 179 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 180 Committee on Education
- No. 181 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Judiciary
- No. 182 Jointly to the Committee on Health and Environment and the Committee on Education, then to the Committee on Ways and Means
- No. 183 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 184 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 185 Jointly to the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 186 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, then to the Committee on Ways and Means
- No. 187 Committee on Economic Development, then to the Committee on Ways and Means
- No. 188 Committee on Human Resources, then to the Committee on Judiciary
- No. 189 Jointly to the Committee on Health and Environment and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 190 Committee on Economic Development, then to the Committee on Ways and Means
- No. 191 Jointly to the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 192 Jointly to the Committee on Education and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 193 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 194 Committee on Economic Development, then to the Committee on Ways and Means
- No. 195 Committee on Education, then to the Committee on Ways and Means
- No. 196 Jointly to the Committee on Human Resources and the Committee on Health and Environment, then to the Committee on Ways and Means
- No. 197 Jointly to the Committee on Health and Environment and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 198 Jointly to the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 199 Committee on Human Resources, then to the Committee on Ways and Means
- No. 200 Committee on Judiciary
- No. 201 Committee on Judiciary
- No. 202 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary
- No. 203 Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, then to the Committee on Ways and Means
- No. 204 Committee on Economic Development, then to the Committee on Ways and Means
- No. 205 Jointly to the Committee on Economic Development and the Committee on Education, then to the Committee on Ways and Means
- No. 206 Jointly to the Committee on Education and the Committee on Economic Development, then to the Committee on Ways and Means
- No. 207 Committee on Health and Environment, then to the Committee on Ways and Means
- No. 208 Committee on Judiciary
- No. 209 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 210 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 211 Committee on Judiciary, then to the Committee on Ways and Means
- No. 212 Jointly to the Committee on Education and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means
- No. 213 Committee on Education, then to the Committee on Ways and Means
- No. 214 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary
- No. 215 Committee on Education

## REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Friday, March 20, 1998:

Senate  
Resolution

Referred to:

No. 82 Jointly to the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 83 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 84 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 85 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 86 Committee on Health and Environment, then to the Committee on Ways and Means

No. 87 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 88 Jointly to the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 89 Jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, then to the Committee on Ways and Means

No. 90 Committee on Economic Development, then to the Committee on Ways and Means

No. 91 Jointly to the Committee on Education and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 92 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 93 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Judiciary

No. 94 Jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, then to the Committee on Ways and Means

No. 95 Committee on Health and Environment, then to the Committee on Ways and Means

No. 96 Committee on Human Resources, then to the Committee on Ways and Means

No. 97 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 98 Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

No. 99 Committee on Education, then to the Committee on Ways and Means

No. 100 Committee on Judiciary, then to the Committee on Ways and Means

No. 101 Committee on Education, then to the Committee on Ways and Means

No. 102 Committee on Education, then to the Committee on Ways and Means

No. 103 Committee on Education, then to the Committee on Ways and Means

No. 104 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 105 Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means

No. 106 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 107 Jointly to the Committee on Education and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means

Senator Taniguchi, for the Committee on Economic Development, requested a waiver of the 72-hour Notice of a Public Hearing on H.B. No. 3527, and the Chair granted the waiver.

## ADJOURNMENT

At 12:04 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 25, 1998.

## THIRTY-SEVENTH DAY

Wednesday, March 25, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Bruce Dusseault, Baha'i Faith, Honolulu, after which the Roll was called showing all Senators present with the exception of Senator McCartney who was excused.

The President announced that he had read and approved the Journal of the Thirty-Sixth Day.

The following introductions were made to the members of the Senate:

Senator Iwase introduced and congratulated Vickie Shiroma on receiving the Presidential Award for Excellence in Mathematics and Science Teaching.

Senator Taniguchi introduced Coach Les Murakami of the University of Hawaii Baseball Team and congratulated him on achieving his one-thousandth win on March 22, 1998, against Fresno State. Accompanying Coach Murakami was his wife Dorothy.

Senator Chumbley, on behalf of Senator Fernandes Salling and himself, recognized and commended Neal Wagatsuma on his outstanding service to the community and for being named the "Best in the Business" by the American Correctional Association.

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 85 and 86) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 85, transmitting H.C.R. No. 33, H.D. 1, which was adopted by the House of Representatives on March 20, 1998, was placed on file.

By unanimous consent, H.C.R. No. 33, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION, TEACHERS, AND ADMINISTRATORS TO IMPLEMENT THE POLICIES ESTABLISHED BY THE BOARD OF EDUCATION REGARDING STUDENT PROMOTION AND TO PROMOTE STUDENTS BASED SOLELY UPON ACADEMIC PERFORMANCE," was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 86, returning S.B. No. 2773, S.D. 1, which passed Third Reading in the House of Representatives on March 23, 1998, was placed on file.

## STANDING COMMITTEE REPORTS

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2816) recommending that H.B. No. 2655, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No.

2655, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2817) recommending that H.B. No. 2967, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2967, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SURFING," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 27, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2818) recommending that H.B. No. 3045, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3045, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX EXEMPTION FOR AIRCRAFT SERVICE AND MAINTENANCE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2819) recommending that H.B. No. 3331, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3331, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2820) recommending that H.B. No. 735, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 735, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GAME MAMMALS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2821) recommending that H.B. No. 2547, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2547, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2822) recommending that H.B. No. 3403, H.D. 2, pass Second Reading and be referred to the Committee on Judiciary.



On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3403, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY," passed Second Reading and was referred to the Committee on Judiciary.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2823) recommending that H.B. No. 2558, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2558, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2824) recommending that H.B. No. 2332, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2332, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2825) recommending that H.B. No. 2358, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2358, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Chun Oakland and Kanno, jointly with Senators Chumbley and Matsunaga, for the Committee on Human Resources and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2826) recommending that H.B. No. 2496, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2496, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2827) recommending that H.B. No. 2845, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2845, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2828) recommending that H.B. No. 3022, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3022, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH FACILITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2829) recommending that H.B. No. 3024, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2830) recommending that H.B. No. 3026 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3026, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL CARE SERVICES PAYMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2831) recommending that H.B. No. 3027, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3027, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID OVERPAYMENT RECOVERY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2832) recommending that S.C.R. No. 18, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEVELOPMENT OF PUBLIC-PRIVATE SECTOR PARTNERSHIPS WITH TRUSTS AND FOUNDATIONS FOR A PILOT PROGRAM OF EARLY CHILDHOOD PROGRAMS AND SERVICES FOR NATIVE HAWAIIAN CHILDREN," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2833) recommending that S.C.R. No. 22, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 22, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION THE HAWAII STATE LEGISLATURE URGES THE U.S. CONGRESS, THE PRESIDENT OF THE UNITED STATES, AND THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT THE HAWAII CONGRESSIONAL DELEGATION'S EFFORT TO AMEND THE SOCIAL SECURITY ACT TO INCREASE HAWAII'S FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP)," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2834) recommending that H.C.R. No. 48, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 48, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION INVITING THE CHILDREN'S MILLENNIUM CONFERENCE TO HONOLULU IN OCTOBER 1999," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2835) recommending that H.C.R. No. 39 be adopted.

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, the report of the Committee was adopted and H.C.R. No. 39, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO MINIMIZE TRAUMA, BE SENSITIVE TO THE EMOTIONAL NEEDS OF THE CHILD, AND CONSIDER UTILIZING PEOPLE SIGNIFICANT TO THE CHILD WHEN PICKING UP THE CHILD FOR CUSTODY," was adopted.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2836) recommending that H.B. No. 3005, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3005, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2837) recommending that H.B. No. 3524, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3524, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, jointly with Senators Kawamoto and Sakamoto, for the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2838) recommending that H.B. No. 2787, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2787, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 27, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2839) recommending that H.B. No. 2533, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2533, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," passed Second Reading and was referred to the Committee on Judiciary.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2840) recommending that H.B. No. 2909, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2909, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2841) recommending that H.B. No. 2957, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2957, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUNTING LICENSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2842) recommending that H.B. No. 3443, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3443, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOANS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators D. Ige and Metcalf, for the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2843) recommending that H.B. No. 2647, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2647, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER'S MUTUAL INSURANCE COMPANY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2844) recommending that H.B. No. 2854, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2854, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2845) recommending that H.B. No. 2858, H.D. 2, as

amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2858, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2846) recommending that H.B. No. 2859, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2859, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH ADULT MENTAL HEALTH DIVISION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2847) recommending that H.B. No. 3021, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3021, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

**ORDER OF THE DAY**

**THIRD READING**

H.B. No. 2447:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2447, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OR REPEALING OBSOLETE OR UNNECESSARY PROVISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

**RE-REFERRAL OF HOUSE BILL**

The Chair re-referred the following House bill that was received:

House Bill	Referred to:
No. 2874, H.D. 2	Committee on Ways and Means

Senator Baker, for the Committee on Ways and Means, requested a waiver to Senate Rule 20 for H.B. Nos. 2778 and 2802, and the Chair granted the waiver.

Senator Levin, for the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, also requested a

waiver to Senate Rule 20 for H.B. No. 2856, and the Chair granted the waiver.

**STANDING COMMITTEE REPORTS**

On motion by Senator Ihara, seconded by Senator Slom and carried unanimously, the Senate authorized the adoption of standing committee reports recommending that House bills pass Second Reading and be referred to committees. In consequence thereof, and subsequent to its recessing at 12:01 o'clock p.m., the Senate took the following actions on the following House bills and standing committee reports:

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2848) recommending that H.B. No. 3059, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Human Resources.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3059, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICE," passed Second Reading and was referred to the Committee on Human Resources.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2849) recommending that H.B. No. 3247, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3247, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2850) recommending that H.B. No. 3248, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3248, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAPSED WARRANTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2851) recommending that H.B. No. 2486, H.D. 3, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2486, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2852) recommending that H.B. No. 2660, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2660, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX," passed Second

Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2853) recommending that H.B. No. 2671, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2671, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2854) recommending that H.B. No. 2762, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2762, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POOLED INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2855) recommending that H.B. No. 2774, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2774, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed Second Reading and was referred to the Committee on Judiciary.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2856) recommending that H.B. No. 3613, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3613, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, jointly with Senators Tanaka and Taniguchi, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 2857) recommending that H.B. No. 3489, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 3489, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2858) recommending that H.B. No. 3437, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3437, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDING THE HAWAII HURRICANE FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2859) recommending that H.B. No. 3142, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3142, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TEACHER EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2860) recommending that H.B. No. 3302, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3302, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Aki and Tam, jointly with Senators Fernandes Salling and Levin, for the Committee on Education and the Committee on Health and Environment, presented a joint report (Stand. Com. Rep. No. 2861) recommending that H.B. No. 3367, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 3367, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH TOURISM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2862) recommending that H.B. No. 3340, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3340, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, jointly with Senators Kawamoto and Sakamoto, for the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2863) recommending that H.B. No. 2883, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2883, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAWAINUI MARSH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com.

Rep. No. 2864) recommending that H.B. No. 3020, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3020, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Fernandes Salling and Levin, for the Committee on Economic Development and the Committee on Health and Environment, presented a joint report (Stand. Com. Rep. No. 2865) recommending that H.B. No. 2788, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2788, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CLEAN HAWAII CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2866) recommending that H.B. No. 3457, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3457, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2867) recommending that H.B. No. 3625, H.D. 3, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3625, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT REORGANIZATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2868) recommending that H.B. No. 2441, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2441, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2869) recommending that H.B. No. 2786, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2786, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL AND MEDICAL EXAMINATION OF CONVICTED DEFENDANTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2870) recommending that H.B. No. 2992, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2992, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2871) recommending that H.B. No. 3031 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3031, entitled: "A BILL FOR AN ACT RELATING TO THE CAMPAIGN SPENDING COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2872) recommending that H.B. No. 3192, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3192, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2873) recommending that H.B. No. 2438, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2438, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2874) recommending that H.B. No. 2422, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2422, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMATIC BRAIN INJURY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2875) recommending that H.B. No. 2598, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2598, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2876) recommending that H.B. No. 2842, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2842, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2877) recommending that H.B. No. 2843, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2843, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2878) recommending that H.B. No. 2844, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2844, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2879) recommending that H.B. No. 2857 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2857, entitled: "A BILL FOR AN ACT RELATING TO THE CHRONIC RENAL DISEASE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2880) recommending that H.B. No. 2560, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2560, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2881) recommending that H.B. No. 2563, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2563, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

SCHOOL-BASED BUDGETING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 2882) recommending that H.B. No. 2564, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 2564, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2883) recommending that H.B. No. 2837, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2837, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE," passed Second Reading and was referred to the Committee on Judiciary.

Senators Aki and Tam, jointly with Senators Fernandes Salling and Levin, for the Committee on Education and the Committee on Health and Environment, presented a joint report (Stand. Com. Rep. No. 2884) recommending that H.B. No. 3110, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 3110, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TREATMENT OF TEENAGERS DEPENDENT ON DRUGS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2885) recommending that H.B. No. 3165, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3165, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2886) recommending that H.B. No. 3452, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3452, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2887) recommending that H.B. No. 2423, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2423, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was referred to the Committee on Judiciary.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2888) recommending that H.B. No. 3568, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3568, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT USE OF CREDIT CARD," passed Second Reading and was referred to the Committee on Judiciary.

Senators Bunda and M. Ige, for the majority of the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2889) recommending that H.B. No. 2369, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 2369, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2890) recommending that H.B. No. 2424, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2424, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the majority of the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2891) recommending that H.B. No. 3317 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 3317, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, jointly with Senators Fernandes Salling and Levin, for the Committee on Government Operations and Housing and the Committee on Health and Environment, presented a joint report (Stand. Com. Rep. No. 2892) recommending that H.B. No. 3446, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 3446, S.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," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2893) recommending that H.B. No. 2498, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2498, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary.

Senators Fernandes Salling and Levin, jointly with Senators D. Ige and Metcalf, for the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2894) recommending that H.B. No. 2852, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2852, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEHEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2895) recommending that H.B. No. 2855, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2855, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSE MIDWIVES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2896) recommending that H.B. No. 3453, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3453, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Iwase and Solomon, for the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2897) recommending that H.B. No. 1332, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 1332, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Iwase and Solomon, for the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2898) recommending that H.B. No. 2990, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2990, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed

Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2899) recommending that H.B. No. 3527, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3527, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PROJECTS ON THE ISLAND OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2900) recommending that H.B. No. 2537, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2537, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Judiciary.

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2901) recommending that H.B. No. 2702, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 2702, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2902) recommending that H.B. No. 2357, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2357, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the majority of the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2903) recommending that H.B. No. 2361, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 2361, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING FEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the majority of the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2904) recommending that H.B. No. 2366, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 2366, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, jointly with Senators Chun Oakland and Kanno, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2905) recommending that H.B. No. 2478, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2478, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2906) recommending that H.B. No. 2649, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Human Resources.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2649, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Human Resources.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2907) recommending that H.B. No. 2892, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2892, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, jointly with Senators Iwase and Solomon, and Senators Tanaka and Taniguchi, for the Committee on Transportation and Intergovernmental Affairs, the Committee on Water, Land, and Hawaiian Affairs, and the Committee on Economic Development, presented a joint report (Stand. Com. Rep. No. 2908) recommending that H.B. No. 2998, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2998, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MARITIME AUTHORITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2909) recommending that H.B. No. 3082, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3082, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," passed Second Reading and was referred to the Committee on Judiciary.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a



report (Stand. Com. Rep. No. 2910) recommending that H.B. No. 3138, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Water, Land, and Hawaiian Affairs.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3138, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Second Reading and was referred to the Committee on Water, Land, and Hawaiian Affairs.

Senators Kawamoto and Sakamoto, jointly with Senators Chun Oakland and Kanno, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2911) recommending that H.B. No. 3313, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 3313, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE OFFICERS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Bunda and M. Ige, jointly with Senators Kawamoto and Sakamoto, for the Committee on Government Operations and Housing and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2912) recommending that H.B. No. 2567, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2567, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DUPLICATION OF GOVERNMENTAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2913) recommending that H.B. No. 2958, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2958, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2914) recommending that H.B. No. 2680, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2680, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, jointly with Senators Chun Oakland and Kanno, for the Committee on Education and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2915) recommending that H.B. No. 2685, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2685, H.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO SCHOOL-TO-WORK OPPORTUNITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2916) recommending that H.B. No. 2736, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2736, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, jointly with Senators Chun Oakland and Kanno, for the Committee on Education and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2917) recommending that H.B. No. 2835, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2835, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, jointly with Senators Chun Oakland and Kanno, for the Committee on Education and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2918) recommending that H.B. No. 3207, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 3207, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Aki and Tam, jointly with Senators Chun Oakland and Kanno, for the Committee on Education and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2919) recommending that H.B. No. 3616, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 3616, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2920) recommending that H.B. No. 2535, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2535, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2921) recommending that H.B. No. 2776, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2776, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2922) recommending that H.B. No. 3033, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3033, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2923) recommending that H.B. No. 1813, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1813, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2924) recommending that H.B. No. 2614, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2614, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE OFFICERS, FIREFIGHTERS, AND BANDSMEN PENSION SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2925) recommending that H.B. No. 2657, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2657, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2926) recommending that H.B. No. 2761, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2761, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARY PAYMENTS TO NEW EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2927) recommending that H.B. No. 2803, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2803, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2928) recommending that H.B. No. 3003, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3003, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2929) recommending that H.B. No. 3002, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3002, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS OF THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2930) recommending that H.B. No. 3225, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3225, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKER'S COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators Kawamoto and Sakamoto, for the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2931) recommending that H.B. No. 3257, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 3257, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2932) recommending that H.B. No. 3063, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3063, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the majority of the Committee on Economic Development, presented a report

(Stand. Com. Rep. No. 2933) recommending that H.B. No. 2554, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 2554, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Chun Oakland and Kanno, for the Committee on Economic Development and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2934) recommending that H.B. No. 2985, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2985, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION AND WATER UTILIZATION PROJECTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators D. Ige and Metcalf, for the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2935) recommending that H.B. No. 3037, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 3037, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT CORPORATIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2936) recommending that H.B. No. 3289, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3289, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," passed Second Reading and was referred to the Committee on Judiciary.

Senators Bunda and M. Ige, jointly with Senators D. Ige and Metcalf, for the Committee on Government Operations and Housing and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2937) recommending that H.B. No. 2426, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2426, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 2938) recommending that H.B. No. 3429, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3429, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR A STATE PAYROLL PILOT PROJECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Bunda and M. Ige, jointly with Senators Chun Oakland and Kanno, for the Committee on Government Operations and Housing and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2939) recommending that H.B. No. 2758, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2758, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2940) recommending that H.B. No. 2754, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2754, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2941) recommending that H.B. No. 2847, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2847, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senators Fernandes Salling and Levin, jointly with Senators D. Ige and Metcalf, for the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2942) recommending that H.B. No. 2856, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2856, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2943) recommending that H.B. No. 2865, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2865, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES COLLECTED BY THE DEPARTMENT OF HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2944) recommending that H.B. No. 2862, H.D. 2, as

amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2862, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Aki and Tam, for the Committee on Health and Environment and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2945) recommending that H.B. No. 3164, H.D. 3, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 3164, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PEER EDUCATION PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Chun Oakland and Kanno, for the Committee on Health and Environment and the Committee on Human Resources, presented a joint report (Stand. Com. Rep. No. 2946) recommending that H.B. No. 3363, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 3363, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPTIMAL HEALTH OF AT-RISK PREGNANT WOMEN AND THEIR BABIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2947) recommending that H.B. No. 2552, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2552, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators D. Ige and Metcalf, for the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2948) recommending that H.B. No. 2646, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2646, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COORDINATED CARE ORGANIZATIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2949) recommending that H.B. No. 3000, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3000, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

HEALTH BENEFITS FOR PART-TIME, TEMPORARY, AND SEASONAL OR CASUAL EMPLOYEES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2950) recommending that H.B. No. 1966, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1966, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2951) recommending that H.B. No. 3028, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3028, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators Chumbley and Matsunaga, for the Committee on Human Resources and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2952) recommending that H.B. No. 3361, H.D. 3, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 3361, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2953) recommending that H.B. No. 2648, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2648, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2954) recommending that H.B. No. 2760, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2760, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARY PERIODS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2955) recommending that H.B. No. 2870, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2870, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the majority of the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2956) recommending that H.B. No. 3065, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and H.B. No. 3065, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Chun Oakland and Kanno, for the Committee on Health and Environment and the Committee on Human Resources, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2957) recommending that H.B. No. 3163, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and H.B. No. 3163, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 2958) recommending that H.B. No. 3468, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3468, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2959) recommending that H.B. No. 3528, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3528, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 2960) recommending that H.B. No. 3200, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3200, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

## ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 11:30 o'clock a.m., Friday, March 27, 1998.

## THIRTY-EIGHTH DAY

Friday, March 27, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Randy Roche, SJ, Newman Center, University of Hawaii, after which the Roll was called showing all Senators present with the exception of Senators Fernandes Salling and Metcalf who were excused.

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

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 215, informing the Senate that on March 25, 1998, he signed into law House Bill No. 967 as Act 4, entitled: "RELATING TO OCEAN RECREATION MANAGEMENT," was read by the Clerk and was placed on file.

## STANDING COMMITTEE REPORTS

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2961) recommending that H.B. No. 2693, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2693, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2962) recommending that H.B. No. 2596, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2596, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BARBERS POINT HARBOR," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2963) recommending that H.B. No. 2734, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2734, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2964) recommending that H.B. No. 2872, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2872, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION INSPECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 10, 1998.

Senators Chun Oakland and Kanno, jointly with Senators D. Ige and Metcalf, for the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand. Com. Rep. No. 2965) recommending that S.C.R. No. 19, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 19, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MEDICAL FOODS FOR THE TREATMENT OF INHERITED METABOLIC DISEASES," was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

## THIRD READING

H.B. No. 2695:

On motion by Senator Aki, seconded by Senator Tam and carried, H.B. No. 2695, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Fernandes Salling, McCartney, Metcalf).

H.B. No. 2613, H.D. 1, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, H.B. No. 2613, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF SUPERVISORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Fernandes Salling, McCartney, Metcalf).

H.B. No. 2967, H.D. 1, S.D. 1:

On motion by Senator Tanaka, seconded by Senator Taniguchi and carried, H.B. No. 2967, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SURFING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fernandes Salling, Metcalf).

H.B. No. 2787, H.D. 1:

On motion by Senator Iwase, seconded by Senator Kawamoto and carried, H.B. No. 2787, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Fernandes Salling, Metcalf).

## RE-REFERRAL OF HOUSE BILLS

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

House Bill	Referred to:
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No. 2566, H.D. 2 Jointly to the Committee on Human Resources and the Committee on Government Operations and Housing and the Committee on Ways and Means

No. 2764, H.D. 1 Jointly to the Committee on Human Resources and the Committee on Ways and Means

No. 3141, H.D. 1 Jointly to the Committee on Human Resources, the Committee on Government Operations and Housing and the Committee on Ways and Means

No. 3199, H.D. 2 Jointly to the Committee on Human Resources, the Committee on Government Operations and Housing and the Committee on Ways and Means

#### RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

The President re-referred the following concurrent resolution that was offered:

Senate  
Concurrent  
Resolution

Referred to:

No. 192

Committee on Education

#### RE-REFERRAL OF SENATE RESOLUTION

The President re-referred the following resolution that was offered:

Senate  
Resolution

Referred to:

No. 91

Committee on Education

Senator Slom rose on a point of personal privilege and stated:

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

"About 1,500 of our fellow citizens came this morning to a rally here at the Capitol and I want to thank my colleagues that were there. I want to say to my other colleagues that we're sorry that we missed you and so was the public.

"They were calling, Mr. President, for no tax increases. In effect, validating the position that this Senate has said and we reminded them that unequivocally no member of this Senate body would vote for any tax increases this term. In addition, they were looking for longer term solutions to the problems of unemployment, the problems that have been caused by our lack of adoption of privatization, land reform, water programs, and so forth. And I assured them, Mr. President, on our behalf, that the Senate will continue its efforts and have long term programs that we will all work together to provide the proper leadership for.

"Thank you, Mr. President."

#### ADJOURNMENT

At 11:44 o'clock a.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 30, 1998.

## THIRTY-NINTH DAY

Monday, March 30, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Kathleen Marie Shields, CSJ, Director of Religious Education, Catholic Diocese, after which the Roll was called showing all Senators present with the exception of Senators Iwase and Solomon who were excused.

The President announced that he had read and approved the Journal of the Thirty-Eighth Day.

Senator Matsunaga introduced Dr. Arlene Meyers, Hawaii Medical Association Alliance's 1998 Physician of the Year, and Melvin Kumasaka, Hawaii Medical Association Alliance's 1998 Community Volunteer of the Year. Accompanying the honored guests were Cherlita Gutteling and Connie Chung.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 216, dated March 20, 1998, transmitting a report prepared by the Department of Public Safety pursuant to Act 328, Section 120, SLH 1997, on the transportation and necessary operating costs of housing 300 inmates in mainland-based correctional facilities, was read by the clerk and was placed on file.

## HOUSE COMMUNICATION

Hse. Com. No. 87, transmitting H.C.R. No. 30, H.D. 1, which was adopted by the House of Representatives on March 25, 1998, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 30, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SUBMIT A STATE OF HAWAII APPLICATION TO THE UNITED STATES SECRETARY OF TRANSPORTATION TO AUTHORIZE FOREIGN AIR CARRIERS TO CONDUCT CERTAIN EXPANDED CARGO TRANSFER ACTIVITIES AT INTERNATIONAL AIRPORTS IN THE STATE OF HAWAII," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

## STANDING COMMITTEE REPORTS

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2966) recommending that the Senate advise and consent to the nomination of RAE M. LOUI to the Public Utilities Commission, in accordance with Gov. Msg. No. 143.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2966 and Gov. Msg. No. 143 was deferred until Tuesday, March 31, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2967) recommending that H.B. No. 2520, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2520, H.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO FRIVOLOUS LOBBYING CHARGES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 31, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2968) recommending that H.B. No. 2523 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2523, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL COUNTY REGISTER," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 31, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2969) recommending that H.B. No. 2531, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2531, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ELECTIONS REQUIRING A RUNOFF," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 31, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2970) recommending that H.B. No. 3010, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3010, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 1, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2971) recommending that H.B. No. 2802 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2802, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE UNCLAIMED PROPERTY PROGRAM," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 31, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2972) recommending that H.B. No. 2788, H.D. 1, pass Third Reading.

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2972 was adopted and H.B. No. 2788, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CLEAN HAWAII CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2973) recommending that H.B. No. 2854, H.D. 1, pass Third Reading.

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2973 was adopted and H.B.



No. 2854, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2974) recommending that H.B. No. 2859, H.D. 1, pass Third Reading.

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2974 was adopted and H.B. No. 2859, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH ADULT MENTAL HEALTH DIVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2975) recommending that H.B. No. 2901, H.D. 1, pass Third Reading.

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2975 was adopted and H.B. No. 2901, H.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2976) recommending that H.B. No. 2997, H.D. 2, pass Third Reading.

Senator Baker moved that Stand. Com. Rep. No. 2976 be adopted and H.B. No. 2997, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose in opposition to the measure and stated:

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

"Mr. President, while I certainly recognize and appreciate pulchritude and all of the things that our Miss Universe has done for the State of Hawaii, I nevertheless feel that it is inappropriate for the taxpayers to pay \$3.3 million to invest in the Miss Universe contest here, particularly since over \$1 million goes directly to Mr. Donald J. Trump, the owner of the Miss Universe contest, because we are having difficult economic times, and because if this is such a good investment, either it should be done entirely by private investment or it should come out of the HVCB's budget already.

"And I think, Mr. President, part of the problem with these and other measures are that when we say yes to this particular function, where do we draw the line and where do we say no. I would much rather have us spend our money in other ways, and again to reiterate that an investment is something that is made voluntarily.

"And finally, when we first discussed this bill, there had been no budget presented. Secondly, when the bill advanced and we looked at the budget, we found that there were a great deal of expenditures that should and could be covered by private investment entirely. So, for these and other reasons, Mr. President, I'm compelled to vote 'no' on the bill.

"Thank you."

Senator Anderson rose to speak on the measure and said:

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

"The other day I made a mistake by saying it was going to be at the Blaisdell rather than the university arena. But nevertheless, the reason that I am 'with reservations' is, in fact we're going to have the pageant and it cannot go in our own convention center that we just built, it bothered me that we were going to have other functions that may go to the university or it may go to the Blaisdell. One of the big concerns of mine is that we do have a state policy whereby if we are unable to hold a function at the convention center, then it would go to another public area and there's a policy that we cannot allow our own citizens, the taxpayers of this state, to use the convention center. So, if there is a function going on, where does the public go? They cannot utilize the convention center.

"There are other problems that we have within the policy and I would hope that we can correct those before the next bill at the conference that we will have on this, whereby you could sit down with the Convention Center Authority and make some changes so that we could use it more for our own taxpayers.

"Thank you very much, Mr. President."

Senator Baker rose to support the measure and said:

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

"Mr. President, this investment will bring to Hawaii a live, two-hour, prime time special on CBS television network. It will bring Hawaii into the homes of millions of American viewers and hundreds of millions of people in more than 75 countries. It is the kind of exposure that we could not buy with this limited investment. It's also the kind of investment that will generate some 9 million additional dollars in local expenditures in our economy at a time when the tourist season is slow. There will be 2,000-plus visitors arriving just with the pageant members alone, not counting their families. These visitors will add tremendously to our tax revenues and to the health and well-being of local businesses. These are just some of the short term effects of hosting the Miss Universe Pageant.

"The long term effects will be spin-off of additional TV commercials and other promotional activities at no cost to the state and will enable us to make the best use of the advertising dollars we have to promote Hawaii. The commercials and the pageant will showcase Hawaii very positively.

"Mr. President, we are all very proud of our very own Miss Universe, Brook Lee. We can demonstrate that pride by allowing her the opportunity to relinquish her crown here in Hawaii. The pageant will showcase Hawaii to the world. The exposure will be very positive and will ultimately help our local businesses' bottom line, as well as state's revenues. For a small investment, we'll be reaping millions in return. So I urge all of my colleagues to support this measure. Thank you."

Senator Fukunaga then rose to support the measure and said:

"Mr. President, I also rise to speak in support of this measure to add to the comments that were articulated by the co-chair of the Ways and Means Committee.

"During these times when we are looking at impacting our economy in ways that also begin to position Hawaii in a new way in the global environment, this is really a golden opportunity to showcase Hawaii's culture and international perspective in countries that we would ordinarily never have an opportunity to advertise in.

"I'd just like to quote from the committee report that our advertising exposure as a result of the Miss Universe competition will allow us additional exposure in Japan, South Korea, Hong Kong, Taiwan, China, and the Philippines. At a

time that we're really trying to go beyond the traditional 'sun and surf' type of advertising, this is one of the best ways in which we might capitalize on the talents of many who are putting together the production, including Mr. Al Masini and his experience in producing unusual and creative television series like 'Lifestyles of the Rich and Famous' and 'Solid Gold.'

"And for all of the above reasons, Mr. President, I would urge my colleagues to vote in support of this measure. Thank you."

Senator McCartney supported the measure as follows:

"Mr. President, I, too, would like to speak in favor of the bill.

"There's a lot of talk and there's a lot of discussion, and it seems like almost everything we do, somebody will throw stones at, and we get accused of not taking action. We're taking action today, Mr. President.

"This is a positive bill. For probably the only time in Hawaii in its statehood and in its entire history, and maybe never again, will we have the chance in one moment in time to have a worldwide audience. Think about it, Mr. President. How many places around the world can get a worldwide audience on worldwide television? Hawaii is going to be given that opportunity. It's not just going to be a one-time show, Mr. President, but for 17 days leading up to the Miss Universe Pageant there'll be promos shown on the CBS television network showcasing Hawaii -- for 17 days.

"Mr. President, in the countries that all the contestants come from, when they say, 'Where are you going to represent your country?' -- whether it's Venezuela, Brazil, Taiwan, China, Korea, it's going to say, 'She's going to Honolulu.' In every country there'll be a newspaper article about Hawaii.

"Mr. President, our co-chairs of the Ways and Means Committee alluded to it that during this production, we are fortunate to have Mr. Al Masini who is volunteering his time to help produce this special. He's not only producing a special, but he's going to give us tremendous opportunities. HVCB is going to have the opportunity to take the footage that he's doing with the Danny Couch song which talks about these islands and that will be used for an HVCB commercial. That'll save \$500,000 in marketing time. We're going to have a segment about Hawaii on the show, and there's also going to be a special on the E-Network -- The Making of Miss Universe -- that will add a lot of value. There are special programs that are going to take place, as the chairs alluded to, in Japan and Korea.

"Mr. President, the \$3.3 million that the state is spending -- yes, it is an investment. Some people may view it as a risk, but it's an investment. It's about hope. It's about action. It's about the opportunity to bring investment into this state and to showcase Hawaii.

"Let me just quickly look at a few numbers. Mr. President, if you take a 40 percent HOT level (those are the televisions that will be on that night), 40 percent of all the TVs in the world, that's 2 billion people. If only 10 percent were watching the show, a 10 percent share, I'm not even talking about a 10 percent rating point, a 10 percent share, that's 200 million people. If one half of 1 percent of those 200 million people think about coming to Hawaii, that's a million people. If out of the one half of 1 percent, only half of them say, 'Well, okay, I'm going to come now,' that's 500,000 people. And if 500,000 people do come to Hawaii before the year is up and they spend \$100 in tax revenue, that's \$50 million to the state -- a 1,500 percent return on the \$3.3 million -- just on tax revenue alone. It doesn't even talk about the impact it will bring to the hotels and the residual businesses, Mr. President.

"Mr. President, this is a risk that we cannot afford not to take. We must take it. It's an opportunity Hawaii will never have

again. And I'm proud that we are taking this step to move forward and to showcase Miss Universe Brook Lee and make the people of Hawaii showcase who we are to the rest of the world. I think it's an investment and it's time that we stop whining about the economy and we start moving ahead. This is step one of many steps that need to be taken.

"Thank you."

Senator Anderson rose again to speak on the measure and said:

"Mr. President, a slight rebuttal.

"I don't think that I personally have overlooked the benefits of the economic part of it. What bothers me is that you're going to have all of these people coming and they're going to say, 'Here you built this beautiful convention center and you can't use it.' As usual, everything we've built, we haven't been able to utilize it the way we want. And the first real convention pageant is because the ceilings are too low, so we're going to go to the University of Hawaii arena. Now all of these people are going to say, why didn't you use the convention center? That was brought up the other day in Ways and Means. It's because of the unique type of television cameras that are going to be used. And that might be true. And I don't know if we're going to have other types of pageants or another reason not to go to the convention center. But when they said that was the only thing, we can't even use the rooftop, Mr. President, because of the noise for the neighbors.

"So what we're looking at is an investment. And the economy right now is down. We're trying to help it and I think it's great that we're going to have the pageant. But I think it's an awful shame that we can't use this beautiful convention center that we have put millions and millions of tax dollars in, and then we turn around and say, we can't even allow our own taxpayers to use the facility if they have a function and would like to have it there and it may be large enough. That's the point that bothers me more than anything, Mr. President.

"Thank you very much."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2976 was adopted and H.B. No. 2997, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TOURISM MARKETING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Slom). Excused, 3 (Bunda, Iwase, Solomon).

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2977) recommending that H.B. No. 3021, H.D. 1, S.D. 1, pass Third Reading.

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2977 was adopted and H.B. No. 3021, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2978) recommending that H.B. No. 3032, H.D. 2, pass Third Reading.

Senator Baker moved that Stand. Com. Rep. No. 2978 be adopted and H.B. No. 3032, H.D. 2, having been read

throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Anderson rose in opposition as follows:

"Mr. President, I'd like to speak against the measure.

"The reason that I'm going to be voting 'no,' Mr. President, is because this bill is going to allow us to take 300 inmates out of state at a cost of approximately \$2,151,800. And when we had another bill very recently in Judiciary, Public Safety said that we were looking at the year 2001 for a prison site.

"I'm opposed to this bill because it allows us to send people out of state and it really doesn't put enough pressure on all of us to make a decision as to where that prison is going to be, the designing, planning and the whole bit and get it started now, not in the year 2001. I don't care if it's constructed by then, but to give them at least until then to go ahead and build it, I think that that's wrong, and for that reason I don't want to give Public Safety any more money until they can come up and give us a deadline on where, when, designing and the whole bit.

"Now, I'll let the two chairmen talk. Thank you very much."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2978 was adopted and H.B. No. 3032, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Anderson, Slom). Excused, 3 (Bunda, Iwase, Solomon).

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2979) recommending that H.B. No. 2858, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2979 and H.B. No. 2858, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," was deferred until Wednesday, April 1, 1998.

## ORDER OF THE DAY

### THIRD READING

H.B. No. 2693, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2693, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 31, 1998.

H.B. No. 2596, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, H.B. No. 2596, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BARBERS POINT HARBOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

H.B. No. 2734, S.D. 1:

Senator Baker moved that H.B. No. 2734, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Levin rose to support the measure as follows:

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

"Mr. President, my concern with the bill is the way it is worded. The intention, as I understand it from the committee, is to expand the situations in which cars are to stop behind school buses, and I'm a bit concerned that the way the bill is written, it might result in some smart aleck lawyer getting a client off because of some technical wording in the bill. But I've spoken with the chairs and they've indicated that it can be dealt with in conference and I am confident in their efforts and I appreciate their concerns and, therefore, will be voting for the bill.

"Thank you."

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

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

H.B. No. 2872, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, H.B. No. 2872, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION INSPECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Solomon).

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

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

"Mr. President, I normally don't rise to speak on a point of personal privilege because I'm not an eloquent speaker as some of my esteemed colleagues. But I saw in yesterday's paper an article that says 'Texas Company Wins Schofield Contract, \$20.4 million.' This is added to the \$44 million they received last year. We are continuing to go at this status quo pace. Our colleagues on the other side held a bill that could have remedied this or may have remedied this.

"The article goes on to say that our U.S. Representative Patsy Mink said that the Huntsville Builders has a good reputation of hiring local sub-contractors.

"When you go back and talk to the people who have worked for Horita for 20 years as engineers, designers, and all those folks that are part of the planning phases, they're not part of the subcontractors. And these are the people who also were part of the 12,000 jobs lost in the last four years.

"We need to tell our congressional people, 'Wake up, we need the money here in the state to improve our economy, so let's get the jobs for our people.' And we need to tell people in the House to realize that some of the bills that we passed over to help in this area will help our local contractors, will help keep the money in this state, and will help local jobs. That's the bottom line, Mr. President, and I hope that we can show them that we are still at this thing and that the fat lady has not sung the last song.

"Thank you."

Senator Slom rose on a point of personal privilege and stated:

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

"Mr. President, actually I have two things to say. The first thing is that I noticed, Mr. President, in the media and among several people including the governor, there was an impression left on Friday after the big rally here at the Capitol, and the

press conference that was held the day before, that there are a group of dissidents within this body, the State Senate. And you know, for the life of me, I've been looking around and I've been trying to find dissidents and I can't find any dissidents. I have, however, found a group of very analytical, cerebral, rational, clear thinking individuals who happen to number ten in this august body, so perhaps maybe that group should be referred to as the 'big five times two' or 'the top ten.' I think dissidents probably does them a disservice and I'm sure the governor had misspoken about that.

"Further, I think the governor is having a problem with math. He seems to have a continuing problem on the deficit and the numbers that he throws out. He has a problem on tax savings and he figures that all of us, including the public, are really dumb because we can't understand that a general excise tax increase is going to hurt us. Of course, I remind everyone that the Senate position is one of enlightenment where we have said that under no circumstances will we increase the general excise tax.

"The governor has argued for the \$3.3 million for Miss Universe that this body has just passed. But then to show the priority of things, he came out lauding the partial report that was given from the Ninth Circuit Court of Appeals on Friday regarding our constitutional convention election. And what he said then, Mr. President, was that this could be very costly to have a con con at this time. It's okay to have the Miss Universe contest but not to allow the public to have a constitutional convention where they can talk about such things as initiative, referendum, recall, the 1970 collective bargaining act, term limits, and the financial status of our state and our future.

"But what troubles me the most, Mr. President, is I remember that a couple of months ago the governor was talking about the expenses of a con con, saying that there would be a special election and that would cost \$2 million, and the con con itself might cost another two or three million dollars. And then on Friday, the governor said the cost would be \$15 million for a constitutional convention. And I'm very troubled, Mr. President, because I don't know where the governor is getting his figures. First of all, now we subtract \$2 million because there doesn't need to be a special election. And I picked up the Journal from the last constitutional convention, the 1978 report, and in that, the report was that the expenses were listed as \$2,032,401.04, of which surplus over-appropriations was \$467,598.96. Now, allowing for inflation at a 100 percent rate since 1978, that would bring the total cost to approximately \$4 million. The governor, though, is using a figure of \$15 million. Mr. Rodrigues has been using a figure of \$12 million. The Legislative Committee of the League of Women Voters has also used a figure in that amount.

"It troubles me because if these figures are so inflated and so incorrect, then I think some of the other figures that we're looking at, in terms of our financing, are incorrect as well. But I think that the public should know that it is extremely important that we have a constitutional convention, that we address some of the problems that we have let languish for 20 years or more, and that the root cause of many of the problems that we grapple with today goes back to our constitution.

"So, if we're looking for money to spend, first of all, we should be accurate with our figures. And secondly, that's why I stood up and while it may be unpopular and not the politically correct thing to do to speak against a beauty pageant here, I think it is only right.

"So, thank you, Mr. President."

Senator Anderson also rose on a point of personal privilege and said:

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

"Mr. President, in yesterday's Advertiser in Section A23, I couldn't help but read the title 'Bill would benefit ex-board member; "Special legislation" opposed by chairman.' In there, Mr. President, there was a bill that came over from the House and we also had one in the Senate whereby there's a problem on the Big Island with a condominium which is the old Travel Lodge. We talked about it and lo and behold, some years back, if you remember, I had a bill in, or several bills, to allow the state or have them at least consider selling off state lands if you had a 65-year lease or more and it was down to 10 years whereby the banks and other financial institutions would be able to allow you to borrow money if you wanted to expand your business and at the same time you could buy that land that you were on. Well, we've never had any bill that had a hearing. We also had a phase-in so that people could build with a 55-year lease and a 5-year rent-free.

"So when I saw this bill, Mr. President, I thought it would be a great opportunity to give the lessee a first-time option on renewal of their lease. It would help the banks. It would help construction. It would help entrepreneurs, the whole bit. Well, Mr. Desmond Byrne said, 'This is very targeted rather than benefiting a wider group, an industry or something like that' should be used. They thought that bill originally was too narrow, and so did Mr. Mike Wilson. But Mike Wilson doesn't want to give anybody a chance to renew because we already have laws on the books. That's what the bill is all about. It's trying to change the law.

"So, Mr. President, I read in the back that the land board was upset because Mr. Arata went ahead and did something with the building that he had by converting it and they charged him. The land board later fined Mr. Arata \$40,500 for the unauthorized sublease and a penalty of \$500 for each sublease. Now, that piece of property, I understand, has 148 rooms. It rents at \$400.

"The problem that we have with leases is that the person who takes over the lease normally is a very visionary type of person. They go ahead and clear the land. They may be farmers. They may be businessmen, or whatever. They go ahead and build and proceed to have a business going. When their lease is near up, by that time they're starting to live life a little easier, but lo and behold, their lease comes due, and what happens? Somebody that's sitting on the side says, 'God, that's a pretty good deal. I can lease that piece of property. I don't have to do any of the original work that the guy does. I don't have an investment.' He just bids a little higher. And I think that that's a shame.

"And I think our local people, over the years, have had a bad time when it comes to re-leasing. Somebody else comes along and takes over the land that they've had. We've also had farmers who have been promised, over the years, that they were going to get long leases, and they never did. Subsequently, what they did really is they have sub-standard homes; they buy farm equipment that is old because they're waiting so that they can go to the bank with a lease that's going to be beneficial. And we've cheated our local people by not giving them what they should have -- a chance to get the first option on that lease. And that's what this bill would have done, and we broadened it so that it wasn't a small group of people that were going to be benefitting, but everybody. And I think that's fair. I think it's equitable. And I certainly will push anything like that I can to benefit our local people anytime that I can, be it farmers, commercial, residential, or whatever it can be that's going to help the local people of this state because that's what we're here for is to represent them.

"Thank you very much, Mr. President."

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

"Mr. President, just a short point of personal privilege.

"I'd like to thank the good Senator from Hawaii Kai for his comments. I disagree with them. I think it's nice to have a point of view, but you don't always have to be accurate, especially when you accuse somebody else of not being accurate.

"And if you would look at the Star-Bulletin poll on Miss Universe where she is categorized as a popular vote, it is really an unpopular vote because the majority of the people did not want us to fund that. So you took a popular vote today by voting 'no.' It was a popular vote you took, not an unpopular vote. I just wanted to clarify that for you."

Senator Slom rose again and stated:

"Mr. President, I rise to thank my colleague from Kahaluu, Heeia, Kaneohe and ABC TV.

"I just want to say first of all, I didn't even mention any polls, let alone the Honolulu Star-Bulletin. What I mentioned was that we're not dealing with our money in here, because if we were, the line could form over there to the left, and everybody who believed this was a good investment could reach in their own pocket and take out their own money and say it's a good investment. We are dealing with the public's money. We are taking their money. We're saying we're giving them an investment, but we have never asked them. But when they have told us, they said they wanted a constitutional convention, and we find out ways of not having a constitutional convention. And we have priorities and that's what I said.

"And you know, every so often, like about three times a week, I hear the famous 'stones and whining' speech, and I'm not referring to the Rolling Stones. I'm referring to those who criticize our ill-thought out policies involving other people's finances who are accused of throwing stones. Now I thought that we already used those stones and we were building houses. But now I hear the stones again and I hear about this whining. And I want to let our colleagues know that those people that raised the issues about child abuse were thought to be whiners because they were complaining about a state agency, and those people that raised issues about the Bishop Estate were told to be whiners because they were saying things are not being done right. We have to stand up here and speak about things that are right, not because any poll talks about them but because we know inherently what the origin is.

"So that was my source, Senator. I did not mention any political polls or any news agency. And I think that's important for you to know.

"Thank you very much."

Senator McCartney then said:

"Thank you for being such an active listener."

#### ADJOURNMENT

At 12:22 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, March 31, 1998.

## FORTIETH DAY

**Tuesday, March 31, 1998**

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Miss Yulie Tjahjadi, St. Andrew's Priory, after which the Roll was called showing all Senators present with the exception of Senator Ihara who was excused.

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

#### MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 217 to 220) were read by the Clerk and were placed on file:

Gov. Msg. No. 217, dated March 13, 1998, transmitting the Business Action Center Biennial Report for 1996 and 1997, pursuant to Section 201D-7, HRS.

Gov. Msg. No. 218, dated March 16, 1998, transmitting the 1997 Annual Report and financial statements prepared by the Housing Finance and Development Corporation, pursuant to Chapter 201E, HRS.

Gov. Msg. No. 219, dated March 27, 1998, transmitting the 1997 Report on the Status of the Aloha Tower Special Fund, prepared by the Department of Business, Economic Development, and Tourism, Aloha Tower Development Corporation, pursuant to Act 137, SLH 1994.

Gov. Msg. No. 220, dated March 27, 1998, transmitting the 1997 Annual Report of the Aloha Tower Development Corporation, pursuant to Section 206J-19, HRS.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 88 to 92) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 88, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 2613, H.D. 1; and  
H.B. No. 2967, H.D. 1,

was placed on file.

Hse. Com. No. 89, transmitting H.C.R. No. 37, H.D. 1, which was adopted by the House of Representatives on March 30, 1998, was placed on file.

By unanimous consent, H.C.R. No. 37, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO MAINTAIN A MODERN, STATE-OF-THE-ART HELICOPTER AVIATION BRIGADE AT SCHOFIELD BARRACKS," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 90, transmitting H.C.R. No. 69, H.D. 1, which was adopted by the House of Representatives on March 30, 1998, was placed on file.

By unanimous consent, H.C.R. No. 69, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE COASTAL ZONE MANAGEMENT

PROGRAM, THE DEPARTMENT OF THE NAVY, THE DEPARTMENT OF THE ARMY, THE DEPARTMENT OF THE AIR FORCE, THE DEPARTMENT OF THE INTERIOR MINERALS MANAGEMENT SERVICE, AND THE UNITED STATES ARMY CORPS OF ENGINEERS TO PLAN AND IMPLEMENT BEACH RESTORATION AND NOURISHMENT PROJECTS IN HAWAII," was referred jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 91, returning S.B. No. 3215, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 3215, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL IMPORTATION," was deferred until Friday, April 3, 1998.

Hse. Com. No. 92, returning S.B. No. 2916, which passed Third Reading in the House of Representatives on March 30, 1998, was placed on file.

#### ORDER OF THE DAY

##### ADVISE AND CONSENT

Stand. Com. Rep. No. 2966 (Gov. Msg. No. 143):

Senator D. Ige moved that Stand. Com. Rep. No. 2966 be received and placed on file, seconded by Senator Metcalf and carried.

Senator D. Ige then moved that the Senate advise and consent to the nomination of RAE M. LOUI to the Public Utilities Commission, term to expire June 30, 2002, seconded by Senator Metcalf.

Senator Metcalf rose to support the nominee as follows:

"Mr. President, I rise to speak in support of the nomination of Ms. Rae Loui to the Public Utilities Commission. Your Committee on Commerce, Consumer Protection, and Information Technology has found Ms. Loui to be most qualified and well recommended to serve as a Public Utilities Commissioner.

"Ms. Loui has demonstrated extensive knowledge and skills concerning public utilities. She is the former Director of Maui's Board of Water Supply and more recently of the State Commission on Water Resource Management. Her hard work and commitment to public service was emphasized by testimony given in support of her nomination. Various groups commented on her outstanding professionalism and public advocacy.

"In her testimony to the committee, Ms. Loui stated she believes that the role of the Public Utilities Commission in adapting to a changing regulatory environment due to a rapidly changing technology and a more competitive economic environment is called for. It also calls for a commission that is flexible, open to new ideas, willing to listen to all affected parties, and most of all, willing to face that more regulation is not the answer to everything.

"For these reasons, Mr. President, Senator David Ige and I and the members of our committee urge our colleagues to support the nomination of Ms. Rae Loui to the Public Utilities Commission. Thank you."

Senator Kanno rose in opposition and stated:

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

"Mr. President, at the public hearing of the nomination of Rae Loui, she stated that she'd like to see reforms implemented at the PUC to deal with the perception that the PUC is not responsive to concerns of the community. Since Ms. Loui has been on the PUC from January 1998, I brought her an issue of great concern to the community of Village Park. After some checking, her response was that nothing could be done to address the community concern.

"In another area, the Legislature is looking at improvements to the Public Utilities Commission. Senate Bill 2607 creates two separate panels within the Public Utilities Commission. One assigned jurisdiction over the regulation of the public telecommunications services and the other assigned jurisdiction over all other utility matters. The members of the PUC, including Ms. Loui, are opposing this measure.

"What is needed in government is a willingness to address the concerns of the public, and I don't believe that the nominee is really bringing that commitment to this position.

"What is happening with the community of Village Park is there was a HECO proposal made approximately seven years ago. There was a public hearing that was held on October 2, 1991, on an overhead power line that was going to be installed on Kunia Road. After some deliberation, the PUC approved the project on February 1, 1992. To this day, the project has not been installed. However, the project is planned to be installed this summer.

"In 1997, the Legislature passed Act 95 which directed the PUC to evaluate and make specific findings on a number of factors, including the amortized cost of construction over the respective usable life of an above-ground versus an underground system, the proximity and visibility of an above-ground system, and the breadth and depth of public sentiment with respect to an above-ground versus underground system.

"At the time the PUC held a public hearing on the Kunia power transmission line project back in 1991, the community was unaware of the impacts that the installation of overhead power lines would have on the community.

"During the period of 1993-1995 the community of Village Park became involved in fighting the installation of a 138kv power transmission line in close proximity to the community and concerns were raised about possible health impacts, declining property values and diminished view planes.

"Unfortunately, community residents have been told that they are too late to effect any change with the power lines that are going up this summer, and that the time for a public hearing was back in 1991.

"I believe government's role is to address the concerns of the community and we in government need to be working together with the community to find solutions. I don't find it acceptable that attorneys tell us that this law or that rule or that regulation is standing in the way. We have been working for the past several months looking for a way to address the situation. We have been looking at a number of possibilities. We've been dealing with the Department of Transportation; we've been dealing with Hawaiian Electric Company, and no one is able to help the community. And as the area Senator, I think it is something that we need to look at and the Public Utilities Commission has a role in, where there's been a great deal of concern having to do with overhead power lines in close proximity to homes and schools.

"The perception is that the Public Utilities Commission is not addressing the community's concerns. And where we have heard statements from this nominee that she would like to see a new PUC that is responsive to the community, that addresses issues that are important to the community, based on the actions

as noticed previously, I don't think this is happening. I think it is an important issue for us to consider as we go forward through this session to make changes at the Public Utilities Commission to deal with concerns from the public.

"We had a proposal to install two sewer lines down Kunia Road. It would involve possibly two separate construction periods where one sewer line would go in, then it would be covered back up. Separately, a second sewer line would go back down the very same route, then we would go and put in this power line. Then we'd also go in and widen the road through four different projects. From the community's perspective, we really need to be looking at common sense in projects that are going to be negatively impacting the community. In this situation, we were able to stop the two sewer lines from going in, but we still don't feel that there is a level of common sense in the way that the community's concerns are being dealt with.

"I'll be voting 'no.' Thank you."

Senator D. Ige rose in support and said:

"Mr. President, I also rise in support of the nomination.

"I did want to note that she's an engineer by profession and we all know that we need more engineers in state government, although I would note that she is a civil engineer which means that, you know, the electrical engineer guys are the best guys and the rejects go into civil or mechanical. (Laughter.) So, for the record.

"Thank you."

Senator Baker also rose to support the nominee as follows:

"Mr. President, I, too, rise in support of this nominee.

"I had the good fortune of observing the good work that Ms. Loui did when she was head of the Department of Water Supply for the County of Maui. I know that she has the skills necessary to craft solutions for very delicate and ticklish situations. She has the ability to bring parties together. I think she has the right attitude and the requisite skills demanded of a nominee for the PUC at this time.

"Thank you."

Senator Chumbley rose in support and said:

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

"Mr. President, I've always found Ms. Loui to be very accessible and responsive to concerns that I have raised both at the Board of Water Supply on Maui and the state Water Resources Commission. And I feel that her level of professionalism, fairness and objectivity will be an asset to the Public Utilities Commission.

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

Senator Kawamoto rose in opposition and stated:

"Mr. President, I just want to support my neighboring Senator. We all worked very hard to get the power lines underground and we all worked very hard to get the sewer lines diverted, so I will be voting 'no' on this nominee.

"Thank you."

Senator McCartney rose in support of the nomination and said:

"Mr. President, I'm speaking in favor of the nominee. And with all due respect, I understand there are many concerns in impacted communities and these are challenging times. I'd like to speak to the nominee specifically -- I think she did a good job on the Waiahole contested case hearing regarding water. That was a very tough issue -- many different factions, sides and perspectives on that issue. And I think that she dealt with all the parties fairly, equitably, and no matter what the decision that came out of the commission, people felt that they had a fair shake from her. And I think that's what we need on the PUC.

"Thank you."

Senator Sakamoto rose and said:

"Mr. President, I just want to rise in defense of civil engineers. Civil engineers put the sewer lines underground -- electrical engineers choose to put their products above ground." (Laughter.)

The Chair then commented:

"Thank you for that clarification."

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

Ayes, 21. Noes, 3 (Ige, M., Kanno, Kawamoto). Excused, 1 (Ihara).

At this time, Senator Metcalf introduced Ms. Loui who was seated in the gallery with family and friends.

### THIRD READING

#### MATTER DEFERRED FROM MONDAY, MARCH 30, 1998

H.B. No. 2693, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Tam and carried, H.B. No. 2693, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

### THIRD READING

H.B. No. 2520, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2520, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRIVOLOUS LOBBYING CHARGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2523:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2523, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL COUNTY REGISTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2531, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2531, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ELECTIONS REQUIRING A RUNOFF," having been read throughout,

passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2802:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, H.B. No. 2802, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE UNCLAIMED PROPERTY PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

### RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

The Chair re-referred the following Senate concurrent resolution that was offered:

Senate  
Concurrent  
Resolution

Referred to:

No. 24 Jointly to the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

### ADJOURNMENT

At 12:00 o'clock noon, on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 1, 1998.



## FORTY-FIRST DAY

**Wednesday, April 1, 1998**

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Norman Okasako, Mililani Missionary Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fortieth Day.

Senator Tam, with the assistance of Senators Metcalf, Baker, M. Ige and Slom, introduced and congratulated the following recipients of the Milken Family Foundation's National Educator Awards: Jay Chow, Waiakea High School; Wallace Fujii, principal, Baldwin High School; Ellen Schroeder, Olomana School; and Neal Hirasaki, Kalani High School.

Senator Slom then introduced Dennis Kaneshiro, Band Director of Kalani High School, in recognition of his exemplary performance in motivating and directing his students.

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

#### HOUSE COMMUNICATION

Hse. Com. No. 93, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 2596;  
H.B. No. 2734;  
H.B. No. 2872, H.D. 1; and  
H.B. No. 3021, H.D. 1,

was read by the Clerk and was placed on file.

#### STANDING COMMITTEE REPORTS

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2980) recommending that H.B. No. 611, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 611, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 2, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2981) recommending that H.B. No. 2851 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2851, entitled: "A BILL FOR AN ACT RELATING TO GRANDPARENTS' VISITATION RIGHTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 2, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2982) recommending that H.B. No. 2768 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2768, entitled: "A BILL FOR AN ACT RELATING TO MILK," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 2, 1998.

Senators Tanaka and Taniguchi, jointly with Senators Aki and Tam, for the Committee on Economic Development and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2983) recommending that S.C.R. No. 89, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 89, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CREATION OF A PROFESSIONAL GOLF MANAGEMENT CERTIFICATION PROGRAM," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Aki and Tam, for the Committee on Economic Development and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 2984) recommending that S.R. No. 41, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.R. No. 41, S.D. 1, entitled: "SENATE RESOLUTION URGING THE CREATION OF A PROFESSIONAL GOLF MANAGEMENT CERTIFICATION PROGRAM," was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

##### THIRD READING

H.B. No. 3010, S.D. 1:

Senator Chumbley moved that H.B. No. 3010, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose and said:

"With reservations, please, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, H.B. No. 3010, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Anderson). Excused, 2 (Bunda, Iwase).

Stand. Com. Rep. No. 2979 (H.B. No. 2858, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2979 was adopted and H.B. No. 2858, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, Iwase).

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

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

"Mr. President, this morning I was reading the *Advertiser* and it was about some of the Task Force not having some of their bills going through. And I watched television, CNN news, and that said in Washington they took an audit and we're losing trillions of dollars because the audit of Congress. They were losing airplanes, ships, missile tanks -- they don't know where they are. There are a whole bunch of things missing. Then coming to work, I heard a commercial for the ERTF, Economic Revitalization Task Force package. They were talking about all of these things. And then I get to my office and there's a whole bunch of faxes that they support ERTF.

"I'd just like to mention that every one of us received from the Center on Budget and Policy Priorities, and I pulled my copy out and it says that the Tax Department calculations understate the consequences of taxes. It also states that we did not get from the Tax Office an analysis of the task force proposal, where fully phased in it would only benefit the higher income people, but it would not benefit the lower because they forgot to put us in there.

"I also received, and I'm sure every one of you did, from Japan, in 1995 they were doing the same thing. They lowered the personal income and they received, I forgot how many trillions of dollars and then they kicked in the consumption tax, and they're in trouble.

"All of these things, Mr. President, came to mind. The more I read and the more I heard, when I got to work this morning I wrote down a few things because the city is laying off people. We're losing businesses one after the other. But what bothers me more than anything, I realize that when we keep talking about leadership that everybody blames government. Well, it's also private enterprise. They can do a lot today without government input. I've said that they could go ahead and start a Kamaaina Week or Kamaaina Month and spend some of the money that the Task Force people have been spending on marketing so that retail stores, hotels, U-Drives, everybody would get a tax break or cut their cost and if they're making money on us, the guy gets off the plane, he's a kamaaina. We don't have to show our driver's license.

"I've also stated that we should build a cultural park whereby private enterprise, the developers and the rest of the people could get involved, and we could use state lands and streamline the process, and build something like Polynesian Cultural Center has, but with every ethnic group in there. That would stimulate construction. That would stimulate new entrepreneurs. The environmentalists wouldn't be concerned because we would be planting rather than destroying some of our lands.

"Also, we should move ahead with the prison that we talk so much about and that would provide jobs. We should look at the referendum for gambling. We have studies that show what's happening with shipboard gambling, lotteries, whatever we want to do . . . horse racing. We should look at helping our ag products so that we can export them to the Pacific Islands. Those are the kinds of leadership that I think we should be looking at, Mr. President.

"And government does not generate taxes. Yes, every one of us pays taxes, but businesses generate the taxes. And that's what we should be looking at. If we're going to be laying off people, we should be generating jobs for those people so that when they are out of work here, they have a place to go. All we talk about is cutting taxes and what we're going to do to help keep what we have now. But we're not talking about new jobs, new help for our people, and that's where leadership comes in,

and it's not party and it's not an individual -- it's everybody that's lacking.

"So, Mr. President, those are just a few things that I wanted to say this morning because I don't think I need anybody to give me ideas. When we were in a hearing this morning, members said we don't want to give you ideas for floor speeches. I don't need ideas. They're in there everyday, in the newspapers, in everything that we do. We have to look at how we're going to stimulate the economy and get jobs for the very people that we're talking about cutting but not providing for.

"Thank you very much, Mr. President."

Senator Slom also rose on a point of personal privilege and stated:

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

"Yesterday we had a joint Senate hearing and it was very interesting because one of the subjects that came up had been the subject of a very contentious bill that we had voted on March 10. It happened to be the bill referred to as the project labor agreement bill, and it pitted union versus non-union contractors against one another, and yet the intent of the bill was very clear and very straight-forward. My colleague from God's country, Waipahu, in a tireless effort to encourage that construction jobs be handled by local businesses, local contractors, local workers, had tried tirelessly, as I mentioned, to try to get agreement in the Senate. And that bill, of course, passed, but, as I say, it was very controversial on a number of matters.

"There were several resolutions that were up yesterday in the joint Senate committees, and there was no controversy. Everybody was in favor of them. The union contractors, the non-union contractors, those of us who opposed the project labor agreements, everyone, except for one agency, Mr. President. The state Department of Labor and Industrial Relations came and they testified against the resolutions. Every major labor union representative was there. We were all there. We were all in total agreement and their point was that they didn't know how to find the definition for 'Hawaii resident.' They couldn't do that and they suggested that we in the Senate may want to contact the state Department of Taxation or the state DCCA or someone else because they were incapable or unable to come up with a definition. And when I asked the representative, since the director was not present yesterday, I asked the representative how many other states have definitions, defining their own residents for these kinds of projects, he was unable to provide that information. But we did pass out the resolutions. I think again, congratulations to the Senator from Waipahu.

"And maybe if we're looking for areas to cut, maybe we should be looking more closely at the state Department of Labor because if they are unable to come up with a simple definition of 'Hawaii resident' to help all residents including our laborers, then maybe they should be looking for something else to do.

"Thank you, Mr. President."

At 12:22 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:31 o'clock p.m.

At this time, a late introduction was made to the members of the Senate as follow:

Senator McCartney introduced Carl Shores, Iolani School's Athletic Director; Dr. Mark Mugiishi, coach; and the members of the Iolani Boys' Basketball Team and congratulated them on becoming the State Champions.

At 12:37 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:40 o'clock p.m.

**RECONSIDERATION OF ACTION TAKEN**

H.B. No. 3010, S.D. 1:

Senator Chumbley moved that the Senate reconsider its action taken earlier on the calendar on H.B. No. 3010, S.D. 1, seconded by Senator Matsunaga.

Senator Chumbley explained:

"Mr. President, we have determined that there was an error on the voting record sheet. In addition, there are a couple of items that we need some clarification on in the contents of the bill."

The motion was then put by the Chair and carried.

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 3010, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," was recommitted to the Committee on Judiciary.

**ADJOURNMENT**

At 12:42 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 2, 1998.

## FORTY-SECOND DAY

Thursday, April 2, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Bishop Hosen Fukuhara, Higashi Hongwanji Mission, after which the Roll was called showing all Senators present with the exception of Senator Bunda who was excused.

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

Senator Kawamoto welcomed General Richard B. Myers, United States Air Force, and his wife, Mary Jo, and congratulated him on achieving the rank of Four Star General and on being appointed Commander of Pacific Air Forces. Accompanying General and Mrs. Myers was Colonel Black, Public Affairs Officer.

At this time, the President appointed Senators Kawamoto, Sakamoto and Anderson to escort General Myers to the rostrum to address the members of the Senate.

General Myers addressed the Senate as follows:

"Senator Mizuguchi and Senator Kawamoto, thank you very much for that kind introduction. The President here says to keep these remarks brief. He said that several times to me so I'm going to do that. (Laughter.) I assume he says that to all of you as well, so I don't feel like I'm being picked on.

"This welcome shows the significance of the relationship between our military and the State of Hawaii -- and it is a significant one -- but it also shows the warmth and hospitality that you show all our military members as we come to Hawaii to serve our country.

"On our part, our military members try very hard to reciprocate that warmth and that hospitality. In fact, I looked up the facts for our Hickam Air Force Base personnel and they volunteer over 40,000 hours every year in the community in things such as local churches, the schools, the blood drives, in many other community causes, habitat for humanity as well.

"As you are well aware, Hawaii is a key strategic location for us. The military, of course, has served here honorably and one of the most important things we do from this location is try to promote the stability and security of the Asia/Pacific region. In fact, everywhere I go in the region, you hear the same thing over and over again. We just got back from Australia and not too long before that Thailand and Brunei, and they always say please stay engaged in the region; we want the U.S. presence here -- the military presence for stability and of course the business presence for prosperity.

"I should also point out that your military is very proud to provide assistance in times of need, whether it's a hurricane here in Hawaii (Iniki) or the typhoon in Guam (super typhoon Paka) or the Kobe earthquake, we stand ready to provide that kind of assistance as well.

"I might just mention briefly that we are also very proud of our Air Force relationship with the Hawaii Air National Guard -- a very important part of what we do in the Air Force day in and day out. In fact I fly with the Hawaii Air National Guard out at Hickam Airforce Base on a routine basis.

"So it's been with your support that America's Air Force has been able to accomplish all that we have in this region and our future is bright as long as we continue our friendship and partnership.

"So I accept this welcome. On behalf of my wife, Mary Jo, and my family, as well as the thousands of servicemen and women, and the 45,000 servicemen and women in the Pacific Air Forces, we all thank you very much for your tremendous support. God bless you all, God bless the U.S., aloha and mahalo."

Senator Taniguchi, on behalf of President Mizuguchi, then introduced Governor Yuzan Fujita of Hiroshima Prefecture, and Mr. Toshihiro Hiyama, Chairperson, Hiroshima Prefectural Assembly, and commended them for their efforts in establishing Japan Airlines' direct flights between Hiroshima and Hawaii and in strengthening the sister-state relationship between Hiroshima Prefecture and the State of Hawaii. Accompanying Governor Fujita and Chairperson Hiyama were Hiroshima Prefectural Assembly Members: Mr. Naomi Hirata, Mr. Toshifumi Kojima, Mr. Yasuo Yamaki and Mr. Osamu Okii; Mr. Tatsuro Ogihara, Deputy Mayor, City of Hiroshima; Mr. Satoshi Imada, Chairperson, Hiroshima City Council; Mr. Koichi Ikeuchi, Vice President, Hiroshima Chamber of Commerce & Industry; Mr. Katsushi Hayashi, Vice President, Fukuyama Chamber of Commerce & Industry; Mr. Hiroshi Ueda, Director General, Airport and Seaport Bureau Hiroshima Prefectural Government; Mr. Kagetomi Shimomi, Director, Airport Affairs Division, Airport and Seaport Bureau Hiroshima Prefectural Government; Mr. Wayne Miyao and Mr. Ben Fukumoto, Chairman and Vice Chairman, respectively, Hiroshima-Hawaii Sister-State Committee.

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 221 to 243) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 221, dated March 24, 1998, transmitting the 1998 Report to the Governor on Workforce Development, prepared by the Department of Labor and Industrial Relations, Hawaii Workforce Development Council, pursuant to Section 202-2, HRS, was placed on file.

Gov. Msg. No. 222, informing the Senate that on April 1, 1998, he signed into law House Bill No. 1488 as Act 5, entitled: "RELATING TO FAMILY CHILD CARE HOMES," was placed on file.

Gov. Msg. No. 223, submitting for consideration and confirmation to the State Board of Public Accountancy, the nominations of GARY T. NISHIKAWA and BRIAN M. IWATA, terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 224, submitting for consideration and confirmation to the State Board of Barbering and Cosmetology, the nominations of: BARBARA M. KOKUBUN and MILTON Y. MIGITA, terms to expire June 30, 1999; KENNETH R. JOYNER, LANCE M. MARUGAME and RICHARD Y. MITSUMORI, terms to expire June 30, 2000; and EDNA H. KANO and ELAINE K. KIMURA, terms to expire June 30, 2001, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 225, submitting for consideration and confirmation to the Civil Service Commission, the nominations of: KENNETH I. CRAW, term to expire June 30, 2000; NORMITA F. FENN, term to expire June 30, 2001; and

JAMES T. SATO, term to expire June 30, 2002, was referred to the Committee on Human Resources.

Gov. Msg. No. 226, submitting for consideration and confirmation to the Contractors License Board, the nominations of LESLIE ISEMOTO and ALVIN T. KOBAYASHI, terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 227, submitting for consideration and confirmation to the Correctional Industries Advisory Committee, the nominations of CARL R. ANDERSON and LYNETTE R. CRUZ, terms to expire June 30, 2002, was referred to the Committee on Judiciary.

Gov. Msg. No. 228, submitting for consideration and confirmation to the Defender Council, the nominations of CALVIN K. MURASHIGE and JACQUELINE K. MURAI, terms to expire June 30, 1999; and PAMELA E. TAMASHIRO, term to expire June 30, 2002, was referred to the Committee on Judiciary.

Gov. Msg. No. 229, submitting for consideration and confirmation to the Drug Product Selection Board, the nomination of TODD K. INAFUKU, term to expire June 30, 2002, was referred to the Committee on Health and Environment.

Gov. Msg. No. 230, submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, the nominations of LELAND M. GLASER and DAVID BOBACK, terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 231, submitting for consideration and confirmation to the Hawai'i Community Development Authority, the nomination of WALTER H. KUPAU, term to expire June 30, 2002, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 232, submitting for consideration and confirmation to the Labor and Industrial Relations Appeals Board, the nomination of CAROL K. YAMAMOTO, term to expire June 30, 2008, was referred to the Committee on Human Resources.

Gov. Msg. No. 233, submitting for consideration and confirmation to the Medical Advisory Board, the nominations of CHRISTOPHER H. MAI, M.D., NEAL JUN SHIKUMA, M.D., and KEVIN K. LUI, O.D., terms to expire June 30, 2002, was referred to the Committee on Transportation and Intergovernmental Affairs.

Gov. Msg. No. 234, submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, the nominations of ROY T. OZAKI and STUART C. LAU, terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 235, submitting for consideration and confirmation to the Board of Examiners in Optometry, the nominations of MILTON N. HIGA and DENNIS KUWABARA, O.D., terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 236, submitting for consideration and confirmation to the Board of Osteopathic Examiners, the nomination of HERBERT K. ENDO, term to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 237, submitting for consideration and confirmation to the Board of Pharmacy, the nominations of ANGELINA E. RAMOS and JOHN WILLIAM SZABO, terms

to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 238, submitting for consideration and confirmation to the Board of Physical Therapy, the nomination of TIMOTHY F. OLDERR, M.D., term to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 239, submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nominations of GEORGE FREITAS and GUY H. KAULUKUKUI, Ph.D., terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 240, submitting for consideration and confirmation to the Board of Psychology, the nominations of ROGER S. HAMADA, Ph.D., and LESTER K. M. LEU, terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 241, submitting for consideration and confirmation to the Board of Veterinary Examiners, the nominations of AIMEE ANDERSON and HERBERT M. RICHARDS III, terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 242, submitting for consideration and confirmation as Chairperson, Hawai'i Paroling Authority, the nomination of ALFRED K. BEAVER, Sr., term to expire June 30, 2001, was referred to the Committee on Judiciary.

Gov. Msg. No. 243, submitting for consideration and confirmation to the Board of Regents, University of Hawai'i, the nomination of CHARLES NAINOA THOMPSON, term to expire June 30, 1999, was referred to the Committee on Education.

## HOUSE COMMUNICATION

Hse. Com. No. 94, transmitting H.C.R. No. 59, H.D. 2, which was adopted by the House of Representatives on March 31, 1998, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 59, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HEALTH RECOMMEND TO THE LEGISLATURE SPECIFIC TREATMENT PROGRAMS TO ADDRESS THE INCREASING PROBLEMS OF ADOLESCENT ALCOHOL AND DRUG ABUSE THROUGHOUT THE STATE," was referred jointly to the Committee on Health and Environment and the Committee on Human Resources, then to the Committee on Ways and Means.

## STANDING COMMITTEE REPORTS

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2985) recommending that S.C.R. No. 215 be adopted.

On motion by Senator Aki, seconded by Senator Tam and carried, the report of the Committee was adopted and S.C.R. No. 215, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CHANGE THE NAME OF THE HAWAII YOUTH SPORT AND FITNESS PROGRAM TO THE HAWAII YOUTH SPORTS AND FITNESS INSTITUTE," was adopted.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 2986) recommending that S.C.R. No. 54, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 54, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF AN ACTION PLAN TO DEVELOP A CENTRAL REFERRAL SYSTEM IN HAWAII TO COORDINATE SELLING HAWAII AGRICULTURAL PRODUCTS TO JAPAN," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 2987) recommending that S.R. No. 20, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 20, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE CREATION OF AN ACTION PLAN TO DEVELOP A CENTRAL REFERRAL SYSTEM IN HAWAII TO COORDINATE SELLING HAWAII AGRICULTURAL PRODUCTS TO JAPAN," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Aki and Tam, for the Committee on Economic Development and the Committee on Education, presented a joint report (Stand Com. Rep. No. 2988) recommending that S.C.R. No. 105, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 105, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO DEVELOPMENT OF A BIOTECHNOLOGY INDUSTRY IN HAWAII," was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

##### THIRD READING

H.B. No. 611, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 611, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2851:

Senator Chumbley moved that H.B. No. 2851, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Solomon rose in support of the measure and said:

"Mr. President, I'm speaking in support of H.B. No. 2851.

"I would like especially to note and speak in support of the committee report, paragraph two, where the committee report states that the 'Committee finds that according to Hawaiian tradition, it was the grandparents who imparted the family history and genealogies, and identified special talent and skills in their grandchildren. The grandparent generation cared for, raised, and nurtured the welfare and well-being of the child in the parents' absence.'

"And just for the record, Mr. President, I don't think that this is just a Hawaiian tradition. I think that this is appropriate for all of Hawaii. I feel that all of our kupuna, no matter what race or nationality, feel that this is their responsibility and this is very much a part of our local culture.

"Thank you, Mr. President."

The Motion was put by the Chair and carried, H.B. No. 2851, entitled: "A BILL FOR AN ACT RELATING TO GRANDPARENTS' VISITATION RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2768:

On motion by Senator Tanaka, seconded by Senator Taniguchi and carried, H.B. No. 2768, entitled: "A BILL FOR AN ACT RELATING TO MILK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

#### RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill Referred to:

No. 3531, H.D. 3 Jointly to the Committee on Health and Environment and the Committee on Ways and Means

#### RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

The Chair re-referred the following Senate concurrent resolution that was offered:

Senate  
Concurrent  
Resolution Referred to:

No. 101 Jointly to the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs

#### RE-REFERRAL OF SENATE RESOLUTION

The Chair re-referred the following Senate resolution that was offered:

Senate  
Resolution Referred to:

No. 46 Jointly to the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs

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

The Senate reconvened at 12:31 o'clock p.m.

At this time, a late introduction was made to the members of the Senate:

Senator Tam introduced Dr. Herman Aizawa, Superintendent of Education; Stanley Seki, Deputy Superintendent; Donald Nugent, Assistant Superintendent, Office of Personnel Services; Francine Fernandez, Deputy District Superintendent, Leeward District; and Amy Maeda, District Superintendent, Kauai District, and commended them for their able leadership of the Department of Education and their commitment to the students of Hawaii.

At 12:49 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:53 o'clock p.m.

**ADJOURNMENT**

At 12:54 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 3, 1998.

## FORTY-THIRD DAY

Friday, April 3, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Claudia Wong, CSJ, Sisters of St. Joseph, after which the Roll was called showing all Senators present.

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

Senator M. Ige introduced the Queen of the 46th Annual Cherry Blossom Festival, Lorijoy Leiko Morita; First Princess Wendy Okamura; Princess Renee Hamasaki; Princess Dawna Abe; Princess Sharleen Iwanaka; and Miss Congeniality, Tracey Shizuno. Accompanying the young ladies were Russell Iwamura and Sherri Chun.

At this time, the Chair appointed Senators M. Ige, McCartney and Anderson to escort Queen Lorijoy Morita to the podium to address the members of the Senate.

Queen Lorijoy addressed the members of the Senate and their guests as follows:

"Good afternoon, President Mizuguchi and members of the Senate. Thank you very much for having us today and for honoring us with these certificates of recognition.

"I must say that today has been a rather unique day. This morning I was reading Green Eggs and Ham to a kindergarten class at Waikiki Elementary School, and now I am addressing the Senate. And to be honest, I'm not sure which crowd makes me more nervous.

"Being chosen as the 46th Cherry Blossom Court is a wonderful opportunity for the six of us to go out into our community and serve as young Japanese American women leaders. This year our court is determined to make a difference. These days, with the current state of Hawaii's economy, we are all faced with challenging times, and many of us foresee facing an uncertain future and we look towards leaders such as all of you to not take the easy road but to provide us with the best future.

"Our contribution as the 46th Cherry Blossom Court is to lead the community towards a more positive and optimistic attitude. We look forward to spending time at care homes, simply sharing a song or craft to let our elderly know that they are not forgotten. We also plan to visit elementary schools to participate in such events as career day, encouraging students to stay focussed with their studies. Times will get better and they are a huge part of our future.

"We hope to work with the Shriner's children and other handicapped children with rehab or therapy and just to be there for support. It's a miracle how much a little smile or hug, how much of a difference that can make in a child's life.

"And lastly, we'd like to work with organizations, such as Temari, to continue perpetuating our Japanese culture.

"Once again, on behalf of the 46th Cherry Blossom Court, I thank you for having this special recognition today. As we embark now on our journey as the 46th Cherry Blossom Queen and Court, we are filled with excitement to go to places and to touch the lives of those we meet. We proudly represent not only the Honolulu Japanese Junior Chamber of Commerce, but the people of Hawaii as well.

"Thank you."

Senator Chun Oakland introduced the following members of The Step\*taculans in recognition of their community service: Bill Doherty, Christina Dougherty, Louise Guerrero, Coral Holland, Ah Nee Leong, Barbie Paris, Bob Paris, Taps Pratt, Inge Vaas, Betty Varley and Tony Yipil.

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

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

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 95 to 104) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 95, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 2693, H.D. 1, was placed on file.

Hse. Com. No. 96, transmitting H.C.R. No. 38, H.D. 1, which was adopted by the House of Representatives on April 1, 1998, was placed on file.

By unanimous consent, H.C.R. No. 38, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PRIVATE AND PUBLIC AGENCIES SERVING CHILDREN TO ADOPT A STATE POLICY FOR IMPROVING THE WELL-BEING OF CHILDREN, YOUTH, AND FAMILIES," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

Hse. Com. No. 97, transmitting H.C.R. No. 102, H.D. 1, which was adopted by the House of Representatives on April 1, 1998, was placed on file.

By unanimous consent, H.C.R. No. 102, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO RESOLVE THE PROBLEMS WITH THE HONOLULU SYMPHONY AND WORK TOWARDS AN AMICABLE SETTLEMENT OF BOOKING DATES," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 98, transmitting H.C.R. No. 106, H.D. 1, which was adopted by the House of Representatives on April 1, 1998, was placed on file.

By unanimous consent, H.C.R. No. 106, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE 'ALOHA EVERY DAY' CONCEPT AND EFFORTS TO NURTURE THE ALOHA SPIRIT IN GOVERNMENT AND ENHANCE HAWAII'S REPUTATION AS THE ALOHA STATE," was referred to the Committee on Economic Development.

Hse. Com. No. 99, transmitting H.C.R. No. 162, H.D. 1, which was adopted by the House of Representatives on April 1, 1998, was placed on file.

By unanimous consent, H.C.R. No. 162, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE WAIKIKI YACHT CLUB'S ALOHA RACING CHALLENGE TO THE ROYAL NEW ZEALAND YACHT SQUADRON FOR AMERICA'S CUP XXX," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 100, returning the following Senate bills which passed Third Reading in the House of Representatives on April 1, 1998, in an amended form:



S.B. No. 1310, S.D. 1; and  
S.B. No. 1597, S.D. 1,

was placed on file.

By unanimous consent, action on the following Senate bills was deferred until Monday, April 6, 1998:

S.B. No. 1310, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION"; and

S.B. No. 1597, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES PENALTIES."

Hse. Com. No. 101, returning the following Senate bills which passed Third Reading in the House of Representatives on April 1, 1998, in an amended form:

S.B. No. 1065, S.D. 1;  
S.B. No. 2253, S.D. 1;  
S.B. No. 2697, S.D. 1;  
S.B. No. 2740, S.D. 1; and  
S.B. No. 2957, S.D. 2,

was placed on file.

By unanimous consent, action on the following Senate bills was deferred until Monday, April 6, 1998:

S.B. No. 1065, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION OFFENSES";

S.B. No. 2253, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION";

S.B. No. 2697, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS";

S.B. No. 2740, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRUSTS"; and

S.B. No. 2957, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING."

Hse. Com. No. 102, returning the following Senate bills which passed Third Reading in the House of Representatives on April 1, 1998, in an amended form:

S.B. No. 1638, S.D. 1;  
S.B. No. 3004, S.D. 1;  
S.B. No. 3015, S.D. 2; and  
S.B. No. 3141, S.D. 1,

was placed on file.

By unanimous consent, action on the following Senate bills was deferred until Monday, April 6, 1998:

S.B. No. 1638, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET";

S.B. No. 3004, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE";

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"; and

S.B. No. 3141, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION."

Hse. Com. No. 103, returning the following Senate bills which passed Third Reading in the House of Representatives on April 1, 1998, in an amended form:

S.B. No. 2680, S.D. 1;  
S.B. No. 2889, S.D. 1; and  
S.B. No. 2913, S.D. 1,

was placed on file.

By unanimous consent, action on the following Senate bills was deferred until Monday, April 6, 1998:

S.B. No. 2680, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERFORMANCE RATINGS OF EMPLOYEES IN THE CIVIL SERVICE";

S.B. No. 2889, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS"; and

S.B. No. 2913, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Hse. Com. No. 104, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 2858, H.D. 2, was placed on file.

**STANDING COMMITTEE REPORTS**

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 2989) recommending that H.B. No. 2670, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2670, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2990) recommending that H.B. No. 2895 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2895, entitled: "A BILL FOR AN ACT RELATING TO RIDING BICYCLES ON ROADWAYS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 6, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2991) recommending that S.C.R. No. 161, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 161, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESSIONAL ACTION ON FEDERAL HIGHWAY LEGISLATION AND FUNDING," was referred to the Committee on Ways and Means.

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**ORDER OF THE DAY**

**AGREE/DISAGREE**

**MATTER DEFERRED FROM  
TUESDAY, MARCH 31, 1998**

S.B. No. 3215, S.D. 1 (H.D. 1:)

By unanimous consent, action on S.B. No. 3215, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL IMPORTATION," was deferred until Monday, April 6, 1998.

**ADJOURNMENT**

At 12:15 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, April 6, 1998.

## FORTY-FOURTH DAY

Monday, April 6, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Candida Oroc, OSF, St. Francis Medical Center, after which the Roll was called showing all Senators present with the exception of Senator Ihara who was excused.

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

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 105 to 113) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 105, transmitting H.C.R. No. 34, H.D. 2, which was adopted by the House of Representatives on April 2, 1998, was placed on file.

By unanimous consent, H.C.R. No. 34, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL TRADE COMMISSION TO RE-EVALUATE THE AGREEMENT CONTAINING CONSENT ORDER IN THE MATTER OF SHELL OIL COMPANY AND TEXACO INC. (FILE NO. 971-0026)," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Hse. Com. No. 106, transmitting H.C.R. No. 136, which was adopted by the House of Representatives on April 2, 1998, was placed on file.

By unanimous consent, H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF KA'APUNI O'HAWAI'I TRAIL (TRAIL THAT CIRCLES THE ISLAND OF HAWAI'I)," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 107, transmitting H.C.R. No. 14, H.D. 1, which was adopted by the House of Representatives on April 3, 1998, was placed on file.

By unanimous consent, H.C.R. No. 14, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY," was referred jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 108, transmitting H.C.R. No. 43, which was adopted by the House of Representatives on April 3, 1998, was placed on file.

By unanimous consent, H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO REQUIRE THAT THE IMPORTATION OF ALL AGRICULTURAL PRODUCTS INTO HAWAII HAVE A DESIGNATION OF COUNTRY OR ORIGIN AND A CERTIFICATION OF INSPECTION BASED ON UNITED STATES DEPARTMENT OF AGRICULTURE STANDARDS," was referred to the Committee on Economic Development.

Hse. Com. No. 109, transmitting H.C.R. No. 53, H.D. 1, which was adopted by the House of Representatives on April 3, 1998, was placed on file.

By unanimous consent, H.C.R. No. 53, H.D. 1, entitled: "HOUSE 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 referred jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, then to the Committee on Ways and Means

Hse. Com. No. 110, transmitting H.C.R. No. 62, H.D. 2, which was adopted by the House of Representatives on April 3, 1998, was placed on file.

By unanimous consent, H.C.R. No. 62, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE NEED FOR A CENTER FOR AFTERSCHOOL ACTIVITIES AND EDUCATION FOR INTERMEDIATE SCHOOL STUDENTS IN THE HILO DISTRICT," was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 111, transmitting H.C.R. No. 154, which was adopted by the House of Representatives on April 3, 1998, was placed on file.

By unanimous consent, H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR, THE LEGISLATURE, AND HAWAII BUSINESS LEADERS TO DISCUSS WITH HAWAII'S CONGRESSIONAL DELEGATION THE POSSIBILITY OF EXPANDING AND ENHANCING HAWAII'S FREE TRADE ZONE PROGRAM," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 112, transmitting H.C.R. No. 188, which was adopted by the House of Representatives on April 3, 1998, was placed on file.

By unanimous consent, H.C.R. No. 188, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR AND OTHERS TO PROMOTE THE PURCHASE OF SERVICES AND PRODUCTS MADE IN HAWAII," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 113, transmitting H.C.R. No. 197, H.D. 1, which was adopted by the House of Representatives on April 3, 1998, was placed on file.

By unanimous consent, H.C.R. No. 197, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF EDUCATION TO ADDRESS THE TEACHER SHORTAGE AND TEACHER TRAINING NEEDS," was referred to the Committee on Education, then to the Committee on Ways and Means.

## STANDING COMMITTEE REPORTS

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand Com. Rep. No. 2992) recommending that S.C.R. No. 123, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 123, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE WITHDRAWAL OF LAND FROM THE OPERATION OF GOVERNOR'S EXECUTIVE ORDER NO. 1529, DATED OCTOBER 1, 1952, TO THE CITY AND COUNTY OF HONOLULU, BOARD OF WATER SUPPLY AND THE TRANSFER OF CERTAIN PUBLIC LANDS AT KALAWAHINE, HONOLULU, OAHU TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," was referred to the Committee on Ways and Means.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2993) recommending that H.B. No. 2957, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2993 and H.B. No. 2957, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING LICENSES," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2994) recommending that H.B. No. 2230, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2994 and H.B. No. 2230, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII-HILO," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2995) recommending that H.B. No. 3004, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2995 and H.B. No. 3004, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2996) recommending that H.B. No. 2793, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2996 and H.B. No. 2793, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2997) recommending that H.B. No. 3317 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2997 and H.B. No. 3317, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2998) recommending that H.B. No. 3453, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2998 and H.B. No. 3453, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2999) recommending that H.B. No. 3468, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2999 and H.B. No. 3468, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3000) recommending that H.B. No. 2496, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3000 and H.B. No. 2496, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3001) recommending that H.B. No. 2614, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3001 and H.B. No. 2614, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE OFFICERS, FIREFIGHTERS, AND BANDSMEN PENSION SYSTEM," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3002) recommending that H.B. No. 2760, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3002 and H.B. No. 2760, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SALARY PERIODS," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3003) recommending that H.B. No. 2761, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3003 and H.B. No. 2761, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARY PAYMENTS TO NEW EMPLOYEES," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3004) recommending that H.B. No. 3022, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3004 and H.B. No. 3022, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH FACILITY," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3005) recommending that H.B. No. 3027, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3005 and H.B. No. 3027, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID OVERPAYMENT RECOVERY," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3006) recommending that H.B. No. 2711, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3006 and H.B. No. 2711, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3007) recommending that H.B. No. 2714, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3007 and H.B. No. 2714, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCOLLECTIBLE ACCOUNTS IN THE JUDICIARY," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3008) recommending that H.B. No. 2776, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3008 and H.B. No. 2776, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3009) recommending that H.B. No. 2786, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3009 and H.B. No. 2786, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL AND MEDICAL EXAMINATION OF CONVICTED DEFENDANTS," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3010) recommending that H.B. No. 2846, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3010 and H.B. No. 2846, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS," was deferred until Wednesday, April 8, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3011) recommending that H.B. No. 3020, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3011 and H.B. No. 3020, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED," was deferred until Wednesday, April 8, 1998.

Senators Kawamoto and Sakamoto, for the majority of the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3012) recommending that S.C.R. No. 179, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.C.R. No. 179, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO WORK WITH THE APPROPRIATE OFFICIALS OF THE CITY AND COUNTY OF HONOLULU AND PRIVATE INDUSTRY TO DEVELOP AND IMPLEMENT AN ALTERNATIVE OR RAPID TRANSIT SYSTEM BETWEEN WAIKIKI AND OTHER AREAS OF HONOLULU, INCLUDING BUT NOT LIMITED TO THE HAWAII CONVENTION CENTER, ALA MOANA SHOPPING CENTER, WARD CENTRE, WARD WAREHOUSE, AND ALOHA TOWER MARKETPLACE," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the majority of the Committee on Transportation and Intergovernmental Affairs,

presented a report (Stand. Com. Rep. No. 3013) recommending that S.R. No. 85, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.R. No. 85, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO WORK WITH THE APPROPRIATE OFFICIALS OF THE CITY AND COUNTY OF HONOLULU AND PRIVATE INDUSTRY TO DEVELOP AND IMPLEMENT AN ALTERNATIVE OR RAPID TRANSIT SYSTEM BETWEEN WAIKIKI AND OTHER AREAS OF HONOLULU, INCLUDING BUT NOT LIMITED TO THE HAWAII CONVENTION CENTER, ALA MOANA SHOPPING CENTER, WARD CENTRE, WARD WAREHOUSE, AND ALOHA TOWER MARKETPLACE," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3014) recommending that S.C.R. No. 91, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 91, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COMMUNITY-BASED MANAGEMENT EVALUATION TASK FORCE CONVENED BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONTINUE TO OPERATE AND REPORT TO THE LEGISLATURE BEFORE THE 1999 REGULAR SESSION," was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### AGREE/DISAGREE

#### MATTERS DEFERRED FROM FRIDAY, APRIL 3, 1998

S.B. No. 1065, S.D. 1 (H.D. 1):

On motion by Senator McCartney, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1065, S.D. 1, and requested a conference on the subject matter thereof.

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

On motion by Senator McCartney, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1310, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1597, S.D. 1 (H.D. 2):

On motion by Senator McCartney, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1597, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1638, S.D. 1 (H.D. 1):

On motion by Senator McCartney, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1638, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2253, S.D. 1 (H.D. 1):

On motion by Senator McCartney, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2253, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2680, S.D. 1 (H.D. 1):

On motion by Senator McCartney, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2680, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2697, S.D. 1 (H.D. 1):

On motion by Senator McCartney, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2697, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2740, S.D. 1 (H.D. 1):

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 2740, S.D. 1, seconded by Senator Matsunaga.

Senator Chumbley explained:

"Mr. President, the House made technical, nonsubstantive changes for the purpose of clarity only, and we do not object to them."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2740, S.D. 1, and S.B. No. 2740, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRUSTS," was placed on the calendar for Final Reading on Tuesday, April 7, 1998.

S.B. No. 2889, S.D. 1 (H.D. 1):

On motion by Senator McCartney, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2889, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2913, S.D. 1 (H.D. 1):

Senator Sakamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2913, S.D. 1, seconded by Senator Kawamoto.

Senator Sakamoto noted:

"Mr. President, the House made some clarifying amendments."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2913, S.D. 1, and S.B. No. 2913, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was placed on the calendar for Final Reading on Tuesday, April 7, 1998.

S.B. No. 2957, S.D. 2 (H.D. 1):

On motion by Senator McCartney, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2957, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 3004, S.D. 1 (H.D. 1):

On motion by Senator McCartney, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3004, S.D. 1, and requested a conference on the subject matter thereof.

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

On motion by Senator McCartney, seconded by Senator Slom and carried, the Senate disagreed to the amendments

proposed by the House to S.B. No. 3015, S.D. 2, and requested a conference on the subject matter thereof.

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

On motion by Senator McCartney, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3141, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 3215, S.D. 1 (H.D. 1):

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 3215, S.D. 1, seconded by Senator Tanaka.

Senator Taniguchi noted:

"Mr. President, the House made some clarifying improvements to this bill which we are in agreement with."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3215, S.D. 1, and S.B. No. 3215, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL IMPORTATION," was placed on the calendar for Final Reading on Tuesday, April 7, 1998.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

### THIRD READING

H.B. No. 2670, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 2670, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," was deferred until Tuesday, April 7, 1998.

H.B. No. 2895:

By unanimous consent, action on H.B. No. 2895, entitled: "A BILL FOR AN ACT RELATING TO RIDING BICYCLES ON ROADWAYS," was deferred until Tuesday, April 7, 1998.

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

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

"Mr. President, I was very impressed by the setup for the ERTF rally this afternoon as I walked out on the rotunda this morning. However, there is one missing factual point that is not included on the banner that is hanging from our Senate chambers and that is that the ERTF proposal comes with an increase in the general excise tax. I hope, Mr. President, that the Senate has not weakened on its position which advocates for no increase in the general excise tax.

"I would be curious to know, Mr. President, on a point of information as to what your remarks will be this afternoon. I heard that you, as well as our Majority Leader, the Senator from Kaneohe, will be making some remarks on our behalf and I'd be very curious to know what is our position.

"I'd like to remind you as well, Mr. President, as I have some newspaper articles in which the co-chair of our Ways and Means Committee from Maui said that the increase in the general excise tax is a non-negotiable item as far as the Senate is concerned. So with that, Mr. President, I would feel very much relieved if maybe you could share with us as to what your remarks will be at the rally.

"Thank you, Mr. President."

The President then stated:

"At four o'clock I hope to be called up to the microphone and I will make some inspiring remarks. Thank you."

Senator Solomon continued:

"And just as a follow-up, Mr. President. If you do need options, the ten brave souls in this body have a plan. I do have factual sheets that we have prepared. I'd be very happy, Mr. President, to accompany you down there at four o'clock and distribute them to those who may be interested in seeing that we do have options and just to remind those sponsors of the rally that the Senate is noted for its creativity, that the Senate is noted for looking at all the options, and as a matter of fact, if you feel that is appropriate, we'll be very happy to oblige you, Mr. President.

"Thank you."

Senator Slom also rose on a point of personal privilege as follows:

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

"Just to follow up on the good Senator from Hamakua and to make sure that you know that this is bi-partisan support, I, too, will be very happy to escort you and the co-chairs of the Ways and Means Committee, who I know want to reiterate again the very strong and, as the Senator said, non-negotiable position of this body against tax increases.

"If the Senator from Hamakua thinks that she has seen some very fancy decorations now, wait till later this afternoon because I know that our big banks here have the ability to spend money for something that they really believe in. It's unfortunate that they're spending money for investment outside of our state right now, and one of them is seeking to reorganize in the State of Delaware, but I'm sure that they'll put on a good show for us this afternoon.

"In any event, I just want to share with you, Mr. President and my colleagues, I know many of us have been receiving faxes, the standard form faxes saying, 'I support the ERTF.' When a telephone number was given, Mr. President, I have called these folks to dialogue and discuss with them further the details on the ERTF. Unfortunately, most of them seemed to be confused. They're not sure which ERTF plan they're supposed to be supporting today -- is it the one that came out in October, the one that was revised in February, the one that was further re-revised in March, or the one that the HGEA took out a half-page ad about this morning, going back to the original 5.35 percent increase in the general excise tax.

"I note that those people that came down here of their own free will two weeks ago to oppose taxes, are very clear, Mr. President, very clear that they oppose taxation, very clear that taxation's further burdens will not help revitalize our economy or improve the status of living for the retirees, for those on welfare, for small businesses or any other family.

"So again, Mr. President, they look to us for our strong leadership and to make sure that in no uncertain terms we reiterate this afternoon that we are opposed to a tax increase and have several plans that will provide the economic stimulus without further burdening our over-burdened taxpayers.

"Thank you, Mr. President."

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

"Mr. President, just a point of personal privilege.

"I just wanted to take this opportunity to commend you and your long-held vision to build a sports complex in Kapolei. Today, a good event took place where there was a press conference with sports legend Wally Yonamine, who was in the governor's office today. He'll be helping the State of Hawaii attract training facilities and teams to come over to Hawaii to train at that sports complex.

"I think it's a vision that you have long held and I just wanted to acknowledge that your fruits are finally coming to bear and I think we'll be better off. That's one important piece of diversifying the economy, looking to sports, culture, and recreation.

"Thank you."

#### STANDING COMMITTEE REPORTS

On motion by Senator McCartney, seconded by Senator Slom and carried unanimously, the Senate authorized the adoption of standing committee reports recommending that Senate concurrent resolutions and Senate resolutions be referred to committees of last referral. In consequence thereof, and subsequent to its recessing at 12:00 o'clock noon, the Senate took the following actions:

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 3015) recommending that S.C.R. No. 12, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 12, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A LEGISLATIVE AUDIT OF THE PREVENTIVE MAINTENANCE PROGRAMS OF THE HIGHWAYS DIVISION OF THE DEPARTMENT OF TRANSPORTATION," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3016) recommending that S.C.R. No. 31, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 31, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A RURAL HEALTH PLAN FOR THE ISLAND OF HAWAII, INCLUDING THE DISTRICTS OF PUNA AND KA'U," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3017) recommending that S.C.R. No. 64, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 64, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION CONTAINED IN H.B. NO. 3123 (1998) OF PROFESSIONAL CERTIFIED MIDWIVES," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3018) recommending that S.C.R. No. 119 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 119, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF WAYS TO REDUCE NOISE RELATED TO AUDIBLE REVERSE WARNINGS ON MOTOR VEHICLES DURING LATE NIGHT AND EARLY MORNING HOURS," was referred to the Committee on Ways and Means.

Senators Aki and Tam, jointly with Senators Iwase and Solomon, for the Committee on Education and the Committee on Water, Land, and Hawaiian Affairs, presented a joint report (Stand Com. Rep. No. 3019) recommending that S.C.R. No. 61, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 61, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE IMPLEMENTATION OF THE AUDITOR'S RECOMMENDATIONS OF THE MANAGEMENT OF MAUNA KEA AND THE MAUNA KEA SCIENCE RESERVE," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3020) recommending that S.C.R. No. 92, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 92, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES WORK WITH THE PRIVATE SECTOR TO CREATE PLANS TO DEVELOP AND IMPROVE EXISTING SMALL BOAT HARBORS," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3021) recommending that S.R. No. 43, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 43, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES WORK WITH THE PRIVATE SECTOR TO CREATE PLANS TO DEVELOP AND IMPROVE EXISTING SMALL BOAT HARBORS," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3022) recommending that S.C.R. No. 128, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 128, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A THRILL CRAFT ADVISORY COMMITTEE TO REVIEW PRIVATELY-OWNED THRILL CRAFT SAFETY AND THE FEASIBILITY OF REGISTRATION AND CERTIFICATION OF PRIVATE THRILL CRAFT OPERATORS," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3023) recommending that S.R. No. 60, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 60, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE APPOINTMENT OF THRILL CRAFT ADVISORY COMMITTEE TO REVIEW PRIVATELY-OWNED THRILL CRAFT SAFETY AND THE FEASIBILITY OF REGISTRATION AND CERTIFICATION OF PRIVATE THRILL CRAFT OPERATORS," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, jointly with Senators Fernandes Salling and Levin, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Health and Environment, presented a joint report (Stand Com. Rep. No. 3024) recommending that S.C.R. No. 153, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 153, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON EXISTING REGULATIONS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, jointly with Senators Fernandes Salling and Levin, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Health and Environment, presented a joint report (Stand Com. Rep. No. 3025) recommending that S.R. No. 73, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.R. No. 73, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON EXISTING REGULATIONS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3026) recommending that S.C.R. No. 55 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 55, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO REVIEW THE EFFECTS OF ACT 212, SESSION LAWS OF HAWAII 1994, INCLUDING FINANCIAL, STAFFING, AND PUBLIC SERVICES AVAILABILITY," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3027) recommending that S.C.R. No. 86, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 86, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON PROVIDING PUBLIC EMPLOYEES WITH A CHOICE OF CONTRIBUTORY OR NONCONTRIBUTORY MEMBERSHIP IN THE EMPLOYEES' RETIREMENT SYSTEM," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3028) recommending that S.C.R. No. 188 be referred to the Committee on Judiciary.



On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 188, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES SENATE TO CONFIRM THE NOMINATION OF BILL LANN LEE AS ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS AT THE JUSTICE DEPARTMENT," was referred to the Committee on Judiciary.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3029) recommending that S.C.R. No. 7, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 7, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO PUBLIC SCHOOLS," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3030) recommending that S.C.R. No. 68 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 68, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE BOARD OF EDUCATION TO REVIEW AND REVISE HAWAII'S EDUCATION GOALS FOR THE YEAR 2000 AND ESTABLISH AN ACTION PLAN TO ACCOMPLISH THOSE GOALS," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators Kawamoto and Sakamoto, for the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand Com. Rep. No. 3031) recommending that S.C.R. No. 24 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 24, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3032) recommending that S.C.R. No. 83 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 83, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING INCORPORATION OF ASSISTIVE TECHNOLOGY CONSIDERATIONS IN ALL APPROPRIATE ADMINISTRATION MEASURES RELATING TO PERSONS WITH DISABILITIES," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Iwase and Solomon, for the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, presented a joint report (Stand Com. Rep. No. 3033) recommending that S.C.R. No. 103, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 103, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE DEVELOPMENT OF A SMART PARK IN THE DISTRICT

OF KAKA'AKO," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3034) recommending that S.C.R. No. 104 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 104, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO ESTABLISH AND IMPLEMENT A TOURISM MARKETING AND PROMOTION PLAN TO ATTRACT PARTICIPANTS AND SPECTATORS OF THE 2000 SUMMER OLYMPICS IN SYDNEY, AUSTRALIA TO HAWAII," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3035) recommending that S.C.R. No. 190, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 190, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE WAIKIKI YACHT CLUB'S ALOHA RACING CHALLENGE TO THE ROYAL NEW ZEALAND YACHT SQUADRON FOR AMERICA'S CUP XXX," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3036) recommending that S.C.R. No. 162, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 162, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A NEEDS ASSESSMENT OF FAMILIES WHO PROVIDE HOME CARE TO THEIR FAMILY MEMBER WITH A DEVELOPMENTAL DISABILITY AND DEVELOP A PLAN TO ADDRESS THOSE NEEDS," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3037) recommending that S.R. No. 77, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 77, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A NEEDS ASSESSMENT OF FAMILIES WHO PROVIDE HOME CARE TO THEIR FAMILY MEMBER WITH A DEVELOPMENTAL DISABILITY AND DEVELOP A PLAN TO ADDRESS THOSE NEEDS," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3038) recommending that S.C.R. No. 183, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 183, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE AND THE DEPARTMENT OF HEALTH TO MAKE A COMMITMENT TO ENSURE ADEQUATE FUNDING IN THE FUTURE FOR PROGRAMS AND SERVICES

ASSISTING SEXUAL ASSAULT VICTIMS," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3039) recommending that S.R. No. 26, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 26, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION CONTAINED IN H.B. NO. 3123 (1998) OF PROFESSIONAL CERTIFIED MIDWIVES," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3040) recommending that S.R. No. 86, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 86, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE SENATE AND THE DEPARTMENT OF HEALTH TO MAKE A COMMITMENT TO ENSURE ADEQUATE FUNDING IN THE FUTURE FOR PROGRAMS AND SERVICES ASSISTING SEXUAL ASSAULT VICTIMS," was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand Com. Rep. No. 3041) recommending that S.C.R. No. 177 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 177, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE ALOHA TOWER DEVELOPMENT CORPORATION FACILITATE THE REPAYMENT OF JUNIOR LIENS BEFORE TRANSFERRING ANY DEVELOPMENT RIGHTS," was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand Com. Rep. No. 3042) recommending that S.R. No. 84 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 84, entitled: "SENATE RESOLUTION REQUESTING THAT THE ALOHA TOWER DEVELOPMENT CORPORATION FACILITATE THE REPAYMENT OF JUNIOR LIENS BEFORE TRANSFERRING ANY DEVELOPMENT RIGHTS," was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, jointly with Senators Tanaka and Taniguchi, for the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, presented a joint report (Stand Com. Rep. No. 3043) recommending that S.C.R. No. 140, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 140, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENDORSING THE EFFORTS OF THE ALA WAI CANAL IMPROVEMENT PROJECT AND THE COMMUNITY ADVISORY COMMITTEE'S EFFORT IN DEVELOPING COMMUNITY-BASED STAKEHOLDER STEWARDSHIP FOR THE

ENHANCEMENT AND PROTECTION OF THE ALA WAI WATERSHED," was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand Com. Rep. No. 3044) recommending that S.C.R. No. 121, as amended in S.D. 1, be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 121, S.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 referred to the Committee on Judiciary.

Senators Iwase and Solomon, jointly with Senators Kawamoto and Sakamoto, for the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand Com. Rep. No. 3045) recommending that S.C.R. No. 174, as amended in S.D. 1, be referred to the Committee on Judiciary.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 174, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES PRESIDENT AND CONGRESS TO TAKE DEFINITIVE ACTIONS TO RIGHT THE WRONGS AS EXPRESSED IN PUBLIC LAW 103-150 AND TO ASSIST IN THE PROCESS OF NATIVE HAWAIIAN SELF-GOVERNANCE," was referred to the Committee on Judiciary.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand Com. Rep. No. 3046) recommending that S.R. No. 105, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 105, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO BE SENSITIVE TO THE CONCERNS OF LOCAL PERMITTEES IN THE KAWAI NUI MARSH AREA," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Chun Oakland and Kanno, for the Committee on Health and Environment and the Committee on Human Resources, presented a joint report (Stand Com. Rep. No. 3047) recommending that S.C.R. No. 125, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 125, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF MERGING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, jointly with Senators Bunda and M. Ige, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Government Operations and Housing, presented a joint report (Stand Com. Rep. No. 3048) recommending that S.C.R. No. 81, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 81, S.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 referred to the Committee on Ways and Means

Senators Kawamoto and Sakamoto, jointly with Senators Bunda and M. Ige, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Government Operations and Housing, presented a joint report (Stand Com. Rep. No. 3049) recommending that S.R. No. 39, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.R. No. 39, S.D. 1, entitled: "SENATE 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 referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3050) recommending that S.C.R. No. 80, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 80, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENGAGE IN DISCUSSIONS WITH THE WOMEN'S COALITION AND SEXUAL ASSAULT SERVICE PROVIDERS TO EXTEND ITS FAMILY VIOLENCE OPTION TO INCLUDE ALL VICTIMS OF SEXUAL ASSAULT," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3051) recommending that S.R. No. 38 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 38, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENGAGE IN DISCUSSIONS WITH THE WOMEN'S COALITION AND SEXUAL ASSAULT SERVICE PROVIDERS TO EXTEND ITS FAMILY VIOLENCE OPTION TO INCLUDE ALL VICTIMS OF SEXUAL ASSAULT," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3052) recommending that S.C.R. No. 145, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 145, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO INVESTIGATE THE POSSIBILITY OF IMPLEMENTING A FAMILY DEVELOPMENT ACCOUNT PROGRAM," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3053) recommending that S.R. No. 69, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 69, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO INVESTIGATE THE POSSIBILITY OF IMPLEMENTING A FAMILY DEVELOPMENT ACCOUNT PROGRAM," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3054) recommending that S.C.R. No. 146, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 146, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS STRATEGIES FOR ORGANIZING THE VARIOUS FORMS OF RESIDENTIAL CARE PROVIDERS," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3055) recommending that S.C.R. No. 199, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 199, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE'S KEIKI CAUCUS TO INVESTIGATE THE CREATION OF A PUBLIC-PRIVATE CHILDREN AND YOUTH DEVELOPMENT FUND TO SUPPORT PROGRAMS BENEFITTING CHILDREN AND YOUTH," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators Fernandes Salling and Levin, for the Committee on Human Resources and the Committee on Health and Environment, presented a joint report (Stand Com. Rep. No. 3056) recommending that S.C.R. No. 196, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 196, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF HEALTH TO EXAMINE WAYS TO ELIMINATE DUPLICATION OF THE ADMINISTRATION AND PROVISION OF HOME- AND COMMUNITY-BASED PROGRAMS AND SERVICES BY THE TWO DEPARTMENTS," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3057) recommending that S.C.R. No. 141, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 141, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EXTENSION OF THE COMMISSION TO ESTABLISH THE HAWAII SPORTS HALL OF FAME," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Kawamoto and Sakamoto, for the Committee on Economic

Development and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand Com. Rep. No. 3058) recommending that S.C.R. No. 191, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 191, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND CITY AND COUNTY OF HONOLULU TO COOPERATIVELY WORK 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 referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 3059) recommending that S.R. No. 76 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 76, entitled: "SENATE RESOLUTION REQUESTING CONGRESSIONAL ACTION ON FEDERAL HIGHWAY LEGISLATION AND FUNDING," was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand Com. Rep. No. 3060) recommending that S.C.R. No. 29 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 29, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COLLECTION OF DATA RELATING TO SEXUAL HARASSMENT IN STATE AGENCIES AND A PROPOSED EDUCATIONAL TRAINING PROGRAM FOR STATE AGENCY DIRECTORS AND MANAGEMENT," was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand Com. Rep. No. 3061) recommending that S.C.R. No. 94, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 94, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONSIDER PRIVATIZING THE COLLECTION OF CHILD SUPPORT PAYMENTS," was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand Com. Rep. No. 3062) recommending that S.C.R. No. 97, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 97, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF JUROR FEES AND EXEMPTIONS," was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand Com. Rep. No. 3063) recommending that S.C.R. No. 132, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 132, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY RELATING TO PENAL RESPONSIBILITY," was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand Com. Rep. No. 3064) recommending that S.C.R. No. 149 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 149, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A STATE OFFICE OF PEACE POLICY," was referred to the Committee on Ways and Means.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand Com. Rep. No. 3065) recommending that S.C.R. No. 160, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 160, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE CRIMINAL INJURIES COMPENSATION COMMISSION AND FUND," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, jointly with Senators Fernandes Salling and Levin, for the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, presented a joint report (Stand Com. Rep. No. 3066) recommending that S.C.R. No. 25 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 25, 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 referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, jointly with Senators Chun Oakland and Kanno, for the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Human Resources, presented a joint report of the majority of the Committees (Stand Com. Rep. No. 3067) recommending that S.C.R. No. 127 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and S.C.R. No. 127, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A TASK FORCE TO STUDY THE QUEST MEDICAL INSURANCE PROGRAM," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand Com. Rep. No. 3068) recommending that S.C.R. No. 184 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 184, entitled: "SENATE CONCURRENT

RESOLUTION ENCOURAGING THE PROMOTION OF COMMUNITY MEDIA THROUGHOUT THE STATE," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand Com. Rep. No. 3069) recommending that S.R. No. 87 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 87, entitled: "SENATE RESOLUTION ENCOURAGING THE PROMOTION OF COMMUNITY MEDIA THROUGHOUT THE STATE," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 3070) recommending that S.C.R. No. 17, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 17, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO CLARIFY PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII, TO FACILITATE ENFORCEMENT," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 3071) recommending that S.C.R. No. 75, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 75, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF A DESIGNATED DRIVER PROGRAM FOR ESTABLISHMENTS THAT SERVE ALCOHOLIC BEVERAGES," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 3072) recommending that S.C.R. No. 76 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 76, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW IMPAIRED DRIVING STATUTES AND MAKE RECOMMENDATIONS FOR UNIFORM STATUTORY CONSTRUCTION," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 3073) recommending that S.C.R. No. 114 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 114, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF WAYS TO REDUCE THE IMPACT OF GLARE FROM OFFICE BUILDINGS ON MOTORISTS," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 3074) recommending that S.R. No. 52 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 52, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF WAYS TO REDUCE THE IMPACT OF GLARE FROM OFFICE BUILDINGS ON MOTORISTS," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, jointly with Senators Chun Oakland and Kanno, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, presented a joint report (Stand Com. Rep. No. 3075) recommending that S.C.R. No. 186 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 186, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO DEVELOP A DEFINITION OF 'HAWAII RESIDENT' BY RULE AND TO PROPOSE THE USE OF THE DEFINITION TO THE FEDERAL GOVERNMENT TO CLARIFY AND TO FACILITATE ENFORCEMENT OF PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, jointly with Senators Chun Oakland and Kanno, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Human Resources, presented a joint report (Stand Com. Rep. No. 3076) recommending that S.R. No. 89 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.R. No. 89, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO DEVELOP A DEFINITION OF 'HAWAII RESIDENT' BY RULE AND TO PROPOSE THE USE OF THE DEFINITION TO THE FEDERAL GOVERNMENT TO CLARIFY AND TO FACILITATE ENFORCEMENT OF PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 3077) recommending that S.C.R. No. 209, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 209, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN EMERGENCY PLAN TO ALLEVIATE TRAFFIC TIE-UPS THAT RESULT FROM MAJOR TRAFFIC COLLISIONS," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 3078) recommending that S.R. No. 97, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 97, S.D. 1, entitled: "SENATE RESOLUTION

REQUESTING THE ESTABLISHMENT OF AN EMERGENCY PLAN TO ALLEVIATE TRAFFIC TIE-UPS THAT RESULT FROM MAJOR TRAFFIC COLLISIONS," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3079) recommending that S.C.R. No. 126, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 126, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A STATE POLICY FOR IMPROVING THE WELL-BEING OF CHILDREN, YOUTH, AND FAMILIES," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand Com. Rep. No. 3080) recommending that S.C.R. No. 193 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 193, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF DISTRIBUTING PROPOSED RULES TO THE PUBLIC WITHIN THE THIRTY-DAY PUBLIC NOTICE REQUIREMENT," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand Com. Rep. No. 3081) recommending that S.R. No. 92 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 92, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF DISTRIBUTING PROPOSED RULES TO THE PUBLIC WITHIN THE THIRTY-DAY PUBLIC NOTICE REQUIREMENT," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand Com. Rep. No. 3082) recommending that S.C.R. No. 117 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 117, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE EFFECTS OF THE LAW MANDATING SELLER DISCLOSURES IN RESIDENTIAL REAL ESTATE TRANSACTIONS," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand Com. Rep. No. 3083) recommending that S.R. No. 54 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 54, entitled: "SENATE RESOLUTION REQUESTING A STUDY OF THE EFFECTS OF THE LAW MANDATING SELLER DISCLOSURES IN RESIDENTIAL REAL ESTATE TRANSACTIONS," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3084) recommending that S.C.R. No. 213, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 213, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE NATIONAL TAIPEI UNIVERSITY OF TECHNOLOGY," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3085) recommending that S.R. No. 101, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 101, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE NATIONAL TAIPEI UNIVERSITY OF TECHNOLOGY," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3086) recommending that S.C.R. No. 122, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 122, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO EXPEDITIOUSLY RENOVATE THE THELMA PARKER MEMORIAL PUBLIC AND SCHOOL LIBRARY AT WAIMEA, HAWAII," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3087) recommending that S.C.R. No. 195, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 195, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO SUPPORT THE ESTABLISHMENT OF SCHOOLS-WITHIN-A-SCHOOL," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3088) recommending that S.R. No. 99, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 99, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATURE TO SUPPORT THE ESTABLISHMENT OF SCHOOLS-WITHIN-A-SCHOOL," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3089) recommending that S.C.R. No. 112, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 112, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE GOVERNOR'S

POSITION ON MULTI-CULTURAL AWARENESS," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3090) recommending that S.R. No. 50, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 50, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING THE GOVERNOR'S POSITION ON MULTI-CULTURAL AWARENESS," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3091) recommending that S.C.R. No. 57 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 57, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO DEVELOP AN INSERVICE TRAINING PROGRAM FOR SCHOOL PERSONNEL IN BUDGET PREPARATION AND BUDGET EXECUTION," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3092) recommending that S.R. No. 21 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 21, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO DEVELOP AN INSERVICE TRAINING PROGRAM FOR SCHOOL PERSONNEL IN BUDGET PREPARATION AND BUDGET EXECUTION," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3093) recommending that S.C.R. No. 3, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 3, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A PERFORMANCE AUDIT OF THE DEPARTMENT OF EDUCATION APPOINTMENT POLICIES AND PROCEDURES AND CAREER DEVELOPMENT TRAINING PROGRAMS FOR PRINCIPALS AND VICE-PRINCIPALS," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3094) recommending that S.C.R. No. 39 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 39, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO COMMISSION AN INDEPENDENT REPORT ON THE PROGRESS MADE BY THE STATE IN IMPLEMENTING THE RECOMMENDED SCHOOL CLERICAL STAFFING STANDARDS AND PRIORITY STAFFING GUIDELINES CONTAINED IN THE 1990 SCHOOL AND DISTRICT OFFICE CLERICAL STAFFING STUDY," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3095) recommending that S.R. No. 12 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 12, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO COMMISSION AN INDEPENDENT REPORT ON THE PROGRESS MADE BY THE STATE IN IMPLEMENTING THE RECOMMENDED SCHOOL CLERICAL STAFFING STANDARDS AND PRIORITY STAFFING GUIDELINES CONTAINED IN THE 1990 SCHOOL AND DISTRICT OFFICE CLERICAL STAFFING STUDY," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Chun Oakland and Kanno, and Senators D. Ige and Metcalf, for the Committee on Health and Environment, the Committee on Human Resources, and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand Com. Rep. No. 3096) recommending that S.C.R. No. 28, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 28, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Chun Oakland and Kanno, and Senators D. Ige and Metcalf, for the Committee on Health and Environment, the Committee on Human Resources, and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand Com. Rep. No. 3097) recommending that S.C.R. No. 48, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 48, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR EARLY INTERVENTION SERVICES," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators D. Ige and Metcalf, for the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand Com. Rep. No. 3098) recommending that S.C.R. No. 164, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 164, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF MANDATORY HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH AND SUBSTANCE ABUSE," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3099) recommending that S.C.R. No. 59, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 59, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Chumbley and Matsunaga, for the Committee on Health and Environment and the Committee on Judiciary, presented a joint report (Stand Com. Rep. No. 3100) recommending that S.C.R. No. 130, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 130, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE EFFECTS OF THE AVAILABILITY OF CITIZEN'S SUIT UNDER THE FEDERAL AND OTHER JURISDICTIONS' ENDANGERED SPECIES LAWS," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3101) recommending that S.C.R. No. 131, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 131, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON UNISEX TOILET FACILITIES FOR PERSONS REQUIRING ASSISTANCE," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3102) recommending that S.R. No. 62, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 62, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON UNISEX TOILET FACILITIES FOR PERSONS REQUIRING ASSISTANCE," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3103) recommending that S.C.R. No. 163, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 163, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE EFFECTS OF PROPOSITION 65 ON CALIFORNIA'S ECONOMY AND ENVIRONMENT AND THE HEALTH OF ITS RESIDENTS," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3104) recommending that S.R. No. 78, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 78, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE EFFECTS OF PROPOSITION 65 ON CALIFORNIA'S ECONOMY AND ENVIRONMENT AND THE HEALTH OF ITS

RESIDENTS," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators Tanaka and Taniguchi, for the Committee on Health and Environment and the Committee on Economic Development, presented a joint report (Stand Com. Rep. No. 3105) recommending that S.C.R. No. 197, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 197, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO RECOMMEND ALTERNATIVES FOR DEALING WITH 'NOISE' OR UNWANTED SOUND FROM NON-AGRICULTURAL SOURCES AFFECTING SMALL AGRICULTURAL PARCELS," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3106) recommending that S.C.R. No. 207, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 207, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO UNDERTAKE STUDIES OF HEPATITIS C INCIDENCE AND PREVALENCE WITHIN SELECTED POPULATIONS IN HAWAII," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators D. Ige and Metcalf, for the Committee on Economic Development and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand Com. Rep. No. 3107) recommending that S.C.R. No. 171, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 171, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT AND IMPLEMENTATION OF A JAPANESE DEPOSIT ACCOUNT MARKETING AND PROMOTION PLAN TO ATTRACT JAPANESE DEPOSITORS TO HAWAII," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, jointly with Senators Kawamoto and Sakamoto, for the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand Com. Rep. No. 3108) recommending that S.C.R. No. 176, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 176, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT FEDERAL LEGISLATION RELATING TO THE INTERNATIONAL MONETARY FUND AND STABILIZATION OF THE ASIAN FINANCIAL CRISIS," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3109) recommending that S.C.R. No. 187, as amended in S.D. 1, be referred to the Committee on Ways and Means.



On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 187, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII VISITORS AND CONVENTION BUREAU TO PROVIDE SUPPORT TO THE VISITOR ALOHA SOCIETY OF HAWAII," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators D. Ige and Metcalf, for the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand Com. Rep. No. 3110) recommending that S.C.R. No. 82, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 82, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT TIMEFRAMES AND STANDARDS BE ESTABLISHED FOR THE DENIAL OF MEDICAL SERVICE CHARGES BY MEDICAL BILLING REVIEW COMPANIES," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3111) recommending that S.C.R. No. 118, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 118, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF THE WORKERS' COMPENSATION FEE SCHEDULE," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3112) recommending that S.R. No. 55, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 55, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF THE WORKERS' COMPENSATION FEE SCHEDULE," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3113) recommending that S.C.R. No. 66 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 66, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE IMPACT THAT STUDENTS WITH SPECIAL NEEDS HAVE ON THE GENERAL EDUCATION CLASSROOM," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3114) recommending that S.R. No. 45, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 45, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE IMPACT THAT STUDENTS WITH SPECIAL NEEDS HAVE ON THE GENERAL EDUCATION CLASSROOM," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3115) recommending that S.C.R. No. 78 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 78, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO STUDY THE FEASIBILITY OF SELLING ITS SCHOOL OF MEDICINE TO A PRIVATE ENTITY," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3116) recommending that S.R. No. 36 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 36, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO STUDY THE FEASIBILITY OF SELLING ITS SCHOOL OF MEDICINE TO A PRIVATE ENTITY," was referred to the Committee on Ways and Means.

Senators Aki and Tam, jointly with Senators Chun Oakland and Kanno, for the Committee on Education and the Committee on Human Resources, presented a joint report (Stand Com. Rep. No. 3117) recommending that S.C.R. No. 175 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 175, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONDUCT A COMPREHENSIVE ASSESSMENT OF THE ISSUES AND POTENTIAL FOR JOB CREATION IN THE STATE," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, jointly with Senators Aki and Tam, for the Committee on Transportation and Intergovernmental Affairs and the Committee on Education, presented a joint report (Stand Com. Rep. No. 3118) recommending that S.C.R. No. 157, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 157, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A CITY, STATE, AND COMMUNITY TASK FORCE TO DEVELOP A MASTER PLAN FOR IMPROVEMENTS TO MANOA RECREATIONAL PARK AND MANOA ELEMENTARY SCHOOL," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand Com. Rep. No. 3119) recommending that S.C.R. No. 46, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 46, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO INVESTIGATE AND DETERMINE THE FAIRNESS OF THE ELIGIBLE CHARGE REIMBURSEMENT RATES OF HAWAII'S MUTUAL BENEFIT SOCIETIES," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology,

presented a report (Stand Com. Rep. No. 3120) recommending that S.C.R. No. 51, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 51, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF 'OLELO: THE CORPORATION FOR COMMUNITY TELEVISION," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand Com. Rep. No. 3121) recommending that S.R. No. 18, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 18, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF 'OLELO: THE CORPORATION FOR COMMUNITY TELEVISION," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand Com. Rep. No. 3122) recommending that S.C.R. No. 87, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 87, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE APPROPRIATE CRITERIA UNDER WHICH UTILITY LINES SHALL BE PLACED UNDERGROUND, AND OF THE APPROPRIATE MEANS OF FINANCING ANY COST DIFFERENTIAL BETWEEN OVERHEAD AND UNDERGROUND PLACEMENT OF UTILITY LINES," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand Com. Rep. No. 3123) recommending that S.R. No. 98, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 98, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO REVIEW AND RECONSIDER ITS PREVIOUS APPROVAL OF DOCKET NO. 7040, DECISION AND ORDER NO. 11463, WITH REGARD TO THE INSTALLATION OF A 46 KV OVERHEAD CIRCUIT ALONG KUNIA ROAD, AND THE INSTALLATION OF A 46 KV OVERHEAD CIRCUIT ON LANIKAULA AND KALAWAO STREETS IN MANOA, AND REVIEW ITS APPROVAL PROCESS," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand Com. Rep. No. 3124) recommending that S.C.R. No. 170, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 170, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON ESTABLISHING FOREIGN CAPITAL DEPOSITORIES IN HAWAII," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand Com. Rep. No. 3125) recommending that S.R. No. 81, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 81, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON ESTABLISHING FOREIGN CAPITAL DEPOSITORIES IN HAWAII," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand Com. Rep. No. 3126) recommending that S.C.R. No. 210, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 210, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO REVIEW AND RECONSIDER ITS PREVIOUS APPROVAL OF DOCKET NO. 7040, DECISION AND ORDER NO. 11463, WITH REGARD TO THE INSTALLATION OF A 46 KV OVERHEAD CIRCUIT ALONG KUNIA ROAD, AND THE INSTALLATION OF A 46 KV OVERHEAD CIRCUIT ON LANIKAULA AND KALAWAO STREETS IN MANOA, AND REVIEW ITS APPROVAL PROCESS," was referred to the Committee on Ways and Means.

Senators Aki and Tam, jointly with Senators Chun Oakland and Kanno, for the Committee on Education and the Committee on Human Resources, presented a joint report (Stand Com. Rep. No. 3127) recommending that S.C.R. No. 20, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 20, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE SCHOOL-TO-WORK OPPORTUNITIES SYSTEM," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3128) recommending that S.C.R. No. 67, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 67, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PREPARE AN ACTION PLAN TO IMPLEMENT THE RECOMMENDATIONS OF THE FAR WEST LABORATORY FOR EDUCATIONAL RESEARCH AND DEVELOPMENT AND THE AUDITOR CONCERNING THE SCHOOL/COMMUNITY-BASED MANAGEMENT SYSTEM," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3129) recommending that S.R. No. 28, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 28, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PREPARE AN ACTION PLAN TO IMPLEMENT THE RECOMMENDATIONS OF THE FAR WEST LABORATORY FOR EDUCATIONAL RESEARCH AND

DEVELOPMENT AND THE AUDITOR CONCERNING THE SCHOOL/COMMUNITY-BASED MANAGEMENT SYSTEM," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3130) recommending that S.C.R. No. 73, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 73, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE SUN YAT-SEN UNIVERSITY OF MEDICAL SCIENCES," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3131) recommending that S.R. No. 34, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 34, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE SUN YAT-SEN UNIVERSITY OF MEDICAL SCIENCES," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3132) recommending that S.C.R. No. 102, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 102, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION, PRIVATE SCHOOLS, INSTITUTIONS OF HIGHER EDUCATION, AND ADULT EDUCATION PROGRAMS TO REVIEW AND IMPROVE EXISTING ART AND MUSIC EDUCATION PROGRAMS IN HAWAII," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3133) recommending that S.R. No. 47, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 47, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF EDUCATION, PRIVATE SCHOOLS, INSTITUTIONS OF HIGHER EDUCATION, AND ADULT EDUCATION PROGRAMS TO REVIEW AND IMPROVE EXISTING ART AND MUSIC EDUCATION PROGRAMS IN HAWAII," was referred to the Committee on Ways and Means.

#### ADJOURNMENT

At 8:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 7, 1998.

## FORTY-FIFTH DAY

Tuesday, April 7, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mrs. Martha Williams, Hawaii Baha'i Community, after which the Roll was called showing all Senators present.

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

The following introductions were made to the members of the Senate:

Senator Taniguchi, in commemoration of the 25th Anniversary of the University of Hawaii William S. Richardson School of Law, introduced Kenneth P. Mortimer, President and Chancellor, University of Hawaii; Lawrence C. Foster, Dean, William S. Richardson School of Law; Chief Justice William S. Richardson (retired); Casey Jarman, Associate Professor of Law; Shanlyn Souza, Vice President, WSRSL Alumni Association; and Brandon Gonzales, President, Student Bar Association.

Senators Sakamoto and Solomon then introduced the following members of the Polynesian Voyaging Society: Wallace Froiseth; Alex Jakubendo; Ben Finney, Ph.D.; Myron "Pinky" Thompson; E. Kawika Kapahulehua; Abraham Pi'ianai'a; Clyde Aikau; Will Kyselka; and Gordon Pi'inai'a, and commended the Polynesian Voyaging Society for its critical role in the renewal of the Hawaiian culture and pride. Also honored were the late Tommy Holmes; Wright Bowman, Sr.; and Wright Bowman, Jr.

Senator Chun Oakland introduced the following 1998 YWCA Annual Leader Luncheon Honorees: Lynn Watanabe, Sharon Weiner, Gail Breakey (represented by Signe Godfrey), and Geraldine Hayes (represented by Gail Miyasaki).

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 o'clock p.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 244 to 248) were read by the Clerk and were placed on file:

Gov. Msg. No. 244, dated March 19, 1998, transmitting the Hawaii State Certified Arbitration Program (SCAP) 1997 Report, prepared by the Department of Commerce and Consumer Affairs.

Gov. Msg. No. 245, dated March 23, 1998, transmitting the 1996-1997 Annual Report prepared by the Public Utilities Commission, pursuant to Section 93-12, HRS.

Gov. Msg. No. 246, dated March 25, 1998, transmitting the 1996-1997 Annual Report for the Department of Taxation, pursuant to Chapter 231, HRS.

Gov. Msg. No. 247, dated March 30, 1998, transmitting the 1997 Annual Report prepared by the non-government members of the Marine and Coastal Zone Management Advisory Group (MACZMAG), pursuant to Section 205A-3.5, HRS.

Gov. Msg. No. 248, dated March 30, 1998, transmitting a report, "Survey Overview and Analysis of the Hawaii Ocean Resources Management Plan: Status of Resource Sector

Policies and Implementing Actions," prepared by the Office of Planning, Coastal Zone Management Program.

## STANDING COMMITTEE REPORTS

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3134) recommending that H.B. No. 2878, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2878, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 9, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3135) recommending that S.C.R. No. 159 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 159, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING ALL STATE EMPLOYEES TO USE THE WORD 'ALOHA' AS AN OFFICIAL GREETING WHEN MEETING THE PUBLIC OR ANSWERING PHONE CALLS FROM THE PUBLIC," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3136) recommending that S.C.R. No. 200, as amended in S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 200, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY AND THE DEPARTMENT OF PUBLIC SAFETY TO PROMPTLY REVIEW MATERIAL RELEVANT TO 'LAP DANCING' CASES AND EXERCISE APPROPRIATE REMEDIAL OPTIONS," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3137) recommending that S.C.R. No. 201 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 201, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIAL SELECTION COMMISSION TO CONDUCT PUBLIC HEARINGS AND CONSIDER JUDICIAL CONDUCT BASED UPON PEER REVIEW WITH RESPECT TO JUSTICES AND JUDGES WHO ARE BEING CONSIDERED FOR RETENTION," was adopted.

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

## ORDER OF THE DAY

## FINAL READING

S.B. No. 2740, S.D. 1, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2740, S.D. 1, and S.B. No.

2740, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRUSTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 3215, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 3215, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL IMPORTATION," was deferred until Wednesday, April 8, 1998.

S.B. No. 2913, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 2913, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred until Wednesday, April 8, 1998.

### THIRD READING

#### MATTERS DEFERRED FROM MONDAY, APRIL 6, 1998

H.B. No. 2670, H.D. 2, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, H.B. No. 2670, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2895:

By unanimous consent, action on H.B. No. 2895, entitled: "A BILL FOR AN ACT RELATING TO RIDING BICYCLES ON ROADWAYS," was deferred until Wednesday, April 8, 1998.

Senator Baker, for the Committee on Ways and Means, requested a waiver of the Required Hours of Notice for a Public Hearing on H.B. Nos. 867, 2800 and 2547, and the Chair granted the waiver.

Senator Chumbley, for the Committee on Judiciary, requested a waiver of the 72-hour Notice of a Public Hearing on H.B. No. 2921, and the Chair granted the waiver.

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

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

"Mr. President, I remember when I was the Senate representative on Hawaii Stars and you stated for the record at that time that when Senator Solomon took the mike, you were never disappointed. Well, Mr. President, I can say the same about you. (Laughter.) I appreciated your remarks that you gave yesterday. I know it was a tough situation and the only disappointment for me was when many of the speakers came forward and they mentioned that there were no other plans. And of course, just to remind my colleagues, yes, we do have other plans that we can possibly look at that does not include an increase in the general excise tax. And I'm hoping that we can still work towards those goals.

"I know that they had many signs that said, '37 cents a day.' Well, Mr. President, using their own numbers, 37 cents a day translates to \$135 a year. And for people in my district, in my First Senatorial district, \$135 a year is a lot of money. This could translate into a family's savings. This could translate to my son's or daughter's braces that is not covered by my dental

plan. This could translate into car repairs that I may need when my automobile breaks down unexpectedly, or maybe a new refrigerator or stove that I desperately need. So as we are looking to the days ahead, I'm hoping that the Senate will not be deceived by these kinds of articles where 37 cents a day may not seem a big deal but once they add up it means a lot, especially to those on fixed incomes. I want to remind you that I have many of my ILWU retirees on the Big Island where their pension is only \$60 a month, and if it weren't for medicaid, medicare, social security, they could not even possibly survive.

"So with that, Mr. President, I want to thank you very much for your heroic remarks at yesterday's rally, and I'm hoping that we can move forward together as the Senate has traditionally done in the past, in the present, and I know for the future, and that we'll come up with a plan that makes sense for all of Hawaii.

"Thank you very much."

Senator Iwase then rose and said:

"Mr. President, just an addendum to and concurring with the speaker from the Big Island. What the ad also does not, I think, include is, if you are a renter, there's a GET attached to that and so if you're renting at about \$10,000 a year, you'd have to add about another \$135 to that amount, which for a family of four would probably run you somewhere in the neighborhood of \$675 and would then, therefore, eat up all of the tax cuts that are being proposed for personal income.

"Thank you."

Senator Slom, rising on a point of personal privilege, then said:

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

"I want to thank my two colleagues for the economics lesson, which I think is very important. And I, too, would like to thank the Senate President for doing such a fine job yesterday. You noticed, Mr. President, I got as close to the podium as I could to make sure that you would feel right at home. I didn't want you to see all those strangers and not know that you were with friends. (Laughter.) I would have preferred if you would have repeated again our mantra of 'tax increase is non-negotiable,' but you did a fine job.

"And might I say, Mr. President, that we can all be proud in our body that when last year we bestowed the crown and the scepter to the Queen of the Senate, yesterday again she outdid herself by doing the hula up there on the stage -- our very own South Kohala Miss Universe candidate.

"All in all, I think we were all revitalized, Mr. President, and now we can go forward in the time remaining and have some real economic improvements without any tax increase. So, thank you."

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

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

"Mr. President, yesterday my staff conducted a survey of the participants who came to the ERTF rally held at the State Capitol. A total of 55 questionnaires were answered. It should be kept in mind that the survey represents the opinions of the ERTF supporters, not necessarily that of the general public. I would like to take a few minutes to present the findings of the survey that I believe will be of interest to the members of the Senate.

"The first finding is that there is a strong reluctance among ERTF supporters to any tax increase -- 44 percent felt that taxes should be raised 'if no other choice.' The 27 percent who felt

that raising taxes was 'something that should be done' or 'was okay' was offset by the 24 percent who were against raising taxes.

"Another interesting finding is that more than half (55 percent) were opposed (40 percent) or strongly opposed (15 percent) to raising taxes to avoid laying off state employees. This was confirmed by a follow-up question which shows that more than half (53 percent) supported 'keeping taxes at the same level even if it means laying off state employees and reducing government services.' Although the survey did not touch upon the matter, a number of survey participants voiced the opinion that our government could be made more efficient.

"When the survey participants were confronted with the choice of either pay more taxes/same government services or pay same taxes/less government services, a strong majority (58 percent) of the ERTF rally participants opted for paying same taxes even if it meant a reduction in government provided services.

"Another finding of the survey is that a strong majority (71 percent) either supported (40 percent) or strongly supported (31 percent) increasing the GET from 4 percent to 4.5 percent if the income tax was lowered at the same time. It could be interpreted as a support for a GET increase but it could also be interpreted as support that a tax increase in one area must be offset by a tax reduction in another area -- in other words they do not support a tax increase.

"Thank you, Mr. President."

#### ADJOURNMENT

At 12:18 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 8, 1998.

## FORTY-SIXTH DAY

Wednesday, April 8, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Woodrow Yasuhara, District Superintendent, Hawaii Assembly of God, after which the Roll was called showing all Senators present.

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

Senator D. Ige, on behalf of himself and President Mizuguchi, introduced the following young gentlemen who assisted Mrs. Sue Okoga in putting out a fire at her residence on Aiea Heights Drive: Pagopago Neemia; Chris Glover; Lafoa'i Brown; Samson Ve'e; Daniel Poyer; Manuia Keki; and Imo Va'a. Accompanying the young men was Ray Higa, Vice Principal, Aiea High School.

Senator McCartney, on behalf of President Mizuguchi, then introduced the reigning Miss Universe Brook Lee. Accompanying Miss Lee was her mother, Mrs. Toni Lee.

At this time, the President appointed Senators McCartney, D. Ige and Anderson to escort Miss Universe Brook Lee to the podium where she addressed the members of the Senate and their guests as follows:

"My knuckles are white. Can you tell? I'm like not letting this go. You'll have to pry it away from me.

"I just would like to say Aloha to everybody that's here, all of the students and everyone. I was up there once. I didn't have this, but I'm so humble and I'm so grateful. I know how hard all of you worked on both sides to help bring this 'blue folder' to reality.

"I know there were some hard times and now that it's done (I still can't believe it's done, but it's done) we're going to walk forward and we're going to show the world what it is that is a legacy for all of the students here today. And we're going to make a wonderful impression on a world that I have seen now for 13, 14 months, which I'm telling you needs us -- needs the Aloha spirit, needs the inspiration, has drawn it from me for a year and I could use some help spreading it right about now because I'm at the end of my reign. And to be able to pick up the torch here in the islands and watch the youth run on with it and watch the rest of us really showcase it is going to be an honor for me and I thank each and every one of you for all of your support, your help, your questions and everything because as my family says: when it's pono and it's right, it's right. And this feels right. So thank you very much."

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

#### MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 249, informing the Senate that on April 7, 1998, he signed the following bills into law:

House Bill No. 2859 as Act 6, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH ADULT MENTAL HEALTH DIVISION";

House Bill No. 2854 as Act 7, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE CHILD AND ADOLESCENT MENTAL HEALTH DIVISION";

House Bill No. 3032 as Act 8, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR PUBLIC SAFETY";

House Bill No. 2788 as Act 9, entitled: "MAKING AN APPROPRIATION FOR THE CLEAN HAWAII CENTER";

Senate Bill No. 2773 as Act 10, entitled: "RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE";

House Bill No. 2447 as Act 11, entitled: "RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OR REPEALING OBSOLETE OR UNNECESSARY PROVISIONS";

House Bill No. 2695 as Act 12, entitled: "RELATING TO HIGHER EDUCATION";

House Bill No. 2787 as Act 13, entitled: "RELATING TO THE DEVELOPMENT OF THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT"; and

House Bill No. 2802 as Act 14, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE UNCLAIMED PROPERTY PROGRAM,"

was read by the Clerk and was placed on file.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 114 to 123) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 114, transmitting H.C.R. No. 7, H.D. 1, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 7, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO COMPUTERS FOR PUBLIC SCHOOLS," was referred jointly to the Committee on Education and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

Hse. Com. No. 115, transmitting H.C.R. No. 46, H.D. 1, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 46, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ACTION PLAN TO PROMOTE HAWAII-GROWN AND HAWAII-MADE AGRICULTURAL PRODUCTS," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 116, transmitting H.C.R. No. 84, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL STATE EMPLOYEES TO USE THE WORD 'ALOHA' AS AN OFFICIAL GREETING WHEN MEETING THE PUBLIC OR ANSWERING PHONE CALLS FROM THE PUBLIC," was referred to the Committee on Human Resources.

Hse. Com. No. 117, transmitting H.C.R. No. 90, H.D. 1, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 90, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONTINUED SUPPORT BY HAWAII'S CONGRESSIONAL DELEGATION ON LEGISLATION AND OTHER ACTION TO PROVIDE EQUITY TO FILIPINO-AMERICAN VETERANS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES OR JOINED THE PHILIPPINE SCOUTS BEFORE OCTOBER 6, 1945," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 118, transmitting H.C.R. No. 114, H.D. 1, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 114, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ISSUE A PERMIT FOR A PILOT DEMONSTRATION OPEN OCEAN AQUACULTURE PROJECT TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 119, transmitting H.C.R. No. 149, H.D. 1, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 149, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE FEDERAL AVIATION ADMINISTRATION, THE U.S. SENATE COMMITTEE ON COMMERCE SCIENCE AND TRANSPORTATION AND THE U.S. HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO PROMOTE ACTIONS TO ENSURE HAWAII'S ROLE AS A TEST SITE IN THE FLIGHT 2000 DEMONSTRATION PROJECT," was referred to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 120, transmitting H.C.R. No. 207, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 207, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE KIHEI HIGH SCHOOL COMMUNITY COMMITTEE TO CONTINUE ITS EFFORTS TO ESTABLISH A CHARTER SCHOOL IN KIHEI, MAUI, CENTERED ON SYSTEMS TECHNOLOGY AND BASED ON PUBLIC-PRIVATE PARTNERSHIPS," was referred to the Committee on Education.

Hse. Com. No. 121, transmitting H.C.R. No. 212, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 212, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE UNIVERSITY OF HAWAII TO CONSIDER INPUT FROM THE PRIVATE SECTOR IN FORMULATING CURRICULUM," was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 122, transmitting H.C.R. No. 226, H.D. 1, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 226, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF PARKS AND RECREATION AND PRIVATE ORGANIZATIONS TO

ASSIST THE PHILIPPINE CENTENNIAL CELEBRATION COORDINATING COMMITTEE/HAWAII," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 123, transmitting H.C.R. No. 240, H.D. 1, which was adopted by the House of Representatives on April 6, 1998, was placed on file.

By unanimous consent, H.C.R. No. 240, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE ORGANIC INDUSTRY AS AN AGRICULTURAL COMMODITY GROUP," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

#### STANDING COMMITTEE REPORTS

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3138) recommending that H.B. No. 2331, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3138 and H.B. No. 2331, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was deferred until Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3139) recommending that H.B. No. 2519 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3139 and H.B. No. 2519, entitled: "A BILL FOR AN ACT RELATING TO LIST OF PERSONS EXAMINING RECORDS," was deferred until Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3140) recommending that H.B. No. 2791, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3140 and H.B. No. 2791, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER," was deferred until Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3141) recommending that H.B. No. 2844, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3141 and H.B. No. 2844, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," was deferred until Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3142) recommending that H.B. No. 2899 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3142 and H.B. No. 2899, entitled: "A BILL FOR AN ACT RELATING TO DONATIONS TO GOVERNMENT AGENCIES," was deferred until Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3143) recommending that H.B. No. 2823, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.



On motion by Senator D. Ige, seconded by Senator Metcalf and carried, the report of the Committee was adopted and H.B. No. 2823, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

### ORDER OF THE DAY

#### FINAL READING

#### MATTERS DEFERRED FROM TUESDAY, APRIL 7, 1998

S.B. No. 3215, S.D. 1, H.D. 1:

On motion by Senator Taniguchi, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3215, S.D. 1, and S.B. No. 3215, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL IMPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2913, S.D. 1, H.D. 1:

On motion by Senator Sakamoto, seconded by Senator Kawamoto and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2913, S.D. 1, and S.B. No. 2913, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

#### THIRD READING

#### MATTER DEFERRED FROM TUESDAY, APRIL 7, 1998

H.B. No. 2895:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, H.B. No. 2895, entitled: "A BILL FOR AN ACT RELATING TO RIDING BICYCLES ON ROADWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

#### THIRD READING

Stand. Com. Rep. No. 2993 (H.B. No. 2957, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2993 be adopted and H.B. No. 2957, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Anderson rose and said:

"Mr. President, could you reflect a W/R for me. The price went from 50 cents to \$5 and I have some concerns on that. Thank you."

Senator Slom requested his vote be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2993 was adopted and H.B. No. 2957, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

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

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

Stand. Com. Rep. No. 2994 (H.B. No. 2230, H.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2994 was adopted and H.B. No. 2230, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII-HILO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2995 (H.B. No. 3004, H.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2995 was adopted and H.B. No. 3004, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2996 (H.B. No. 2793, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2996 was adopted and H.B. No. 2793, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2997 (H.B. No. 3317):

Senator Baker moved that Stand. Com. Rep. No. 2997 be adopted and H.B. No. 3317, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator M. Ige rose to speak against the bill and said:

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

"Mr. President, this measure will allow the state to sell the Mabel Smyth Auditorium at public auction.

"Mr. President, in 1987 the Queen Emma Foundation exchanged the Mabel Smyth Auditorium for the state-owned, triangular parcel just up the road. The state justified this land exchange by saying it needed office space. Since then, we have invested \$600,000 in renovating that 'grand lady.' In addition to complying with the ADA (Americans with Disabilities Act), complying with their restrictions on the building, that money was also spent removing a large portion of the asbestos, as well as preparing for office space and, basically, general renovations. After all we did, the state now wants to bring the auditorium to auction. This 'lady' today, in my opinion, is ready -- ready to dance. I was there two weeks ago. That building is in great shape. And now, the Queen Emma Foundation wants her back.

"Why sell this grand lady at public auction when the renovations are done, asbestos removal has been partially taken care of, the building meets ADA requirements, the real estate market is down, but I think most importantly, this building sits in the Hawaii Capitol Special District. And what that means is that the State Historic Preservations Division regards the Mabel Smyth Auditorium as a historical site which, and I quote,

'represents and reflects the element of the state civic, aesthetic, cultural, social, economic, political and architectural heritage.'

"Why sell this grand lady at public auction when the state rents, rents approximately 250,000 sq. ft. in downtown Honolulu? Mr. President, I look at ourselves as managers of our land, caretakers, if you will -- caretakers with the responsibility of passing on our natural resources to the next generation, passing it on equal to or better than when we received it.

"Mr. President, let me close by quoting from the State Constitution, which I know you are very familiar with, Article XI, Section 3: 'All public natural resources are held in trust by the State for the benefit of the people.'

"For these reasons, I'll be voting 'no' on this measure.

"Thank you."

Senator Bunda rose in support of the measure and said:

"Mr. President, I just have some remarks in support of the measure to be inserted in the Journal."

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

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

"Mr. President, the Mabel Smyth Memorial Auditorium Building and property was acquired by land exchange between the State of Hawaii and The Queen's Medical Center on December 27, 1989. The Mabel Smyth Memorial Auditorium was appraised at \$4,266,000 and the Miller Street property which was transferred from the State of Hawaii to The Queen's Medical Center was appraised at \$3,175,000. The Queen's Medical Center waived the difference of the appraised value which exceeded the value of the state land.

"Since that time, the state has invested approximately \$600,000 to comply with American Disabilities Act requirements, remove asbestos and incorporate general renovations to the building.

"To provide for any long-term use, the building still needs further renovations and substantial costs would be incurred to complete necessary interior work, such as the removal of asbestos in the auditorium and in the flooring of the foyer.

"When the State Capitol reopened, the Mabel Smyth building has not been used extensively by the state. The average use of the auditorium is 4-5 times a month. Custodial work is done on a volunteer basis. Two office spaces on the second floor are currently being rented by the Department of Health and the University of Hawaii on short-term basis.

"The Queen Emma Foundation has expressed interest in purchasing the Mabel Smyth facility for office, classroom and auditorium space, as it would solve a number of the Medical Center's education, training and meeting needs. Each month Queen's Medical Center offers a variety of health education classes to the public.

"The building, completed in 1941, remains on the State and National Historic Registers. It has a sentimental value to the nurses as it was named after one of their own. Queen's has no development plans for the property.

"The public auction sale of the State's Mabel Smyth property, fee simple on non-ceded lands, to the Queen Emma Foundation would be at the upset price of \$5 million in an 'as is' condition.

"I would like to mention to my colleagues that it is neither the state's policy to sell land to make money, nor to be in real estate to wheel and deal for the best offer.

"This sale would be of mutual benefit to both parties and in this case, the public would be better served.

"I urge my colleagues to vote yes on H.B. No. 3317.

"Thank you, Mr. President."

Senator Slom rose and said:

"Mr. President, I'm just troubled by the remarks that were just made by the Senator from Kaneohe. I tend to agree with a number of them, but I'd like to ask either the committee co-chairs or any of the sponsors what is the public interest that would be served by the sale of this building as specified in the legislation. Can someone specifically address that point?"

At 12:14 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:17 o'clock p.m.

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

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 2997 was adopted and H.B. No. 3317, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Ige, M.). Excused, 2 (Tanaka, Taniguchi).

Stand. Com. Rep. No. 2998 (H.B. No. 3453, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2998 was adopted and H.B. No. 3453, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Tanaka, Taniguchi).

Stand. Com. Rep. No. 2999 (H.B. No. 3468, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 2999 was adopted and H.B. No. 3468, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3000 (H.B. No. 2496, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3000 was adopted and H.B. No. 2496, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3001 (H.B. No. 2614, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3001 was adopted and H.B.

No. 2614, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE OFFICERS, FIREFIGHTERS, AND BANDSMEN PENSION SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3002 (H.B. No. 2760, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3002 be adopted and H.B. No. 2760, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom then rose and said:

"Reservations, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3002 was adopted and H.B. No. 2760, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SALARY PERIODS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3003 (H.B. No. 2761, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3003 be adopted and H.B. No. 2761, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak against the measure and said:

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

"I think the problem here is, again, we're limiting this legislation only to new employees and we're not giving choice to the employees. Certainly, we should be moving into the direction of electronic payment and so forth in salaries. But I think that we should provide that choice with all existing employees and examine the system and the accountability.

"Thank you."

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

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3003 was adopted and H.B. No. 2761, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARY PAYMENTS TO NEW EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3004 (H.B. No. 3022, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3004 was adopted and H.B. No. 3022, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH FACILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3005 (H.B. No. 3027, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3005 was adopted and H.B.

No. 3027, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID OVERPAYMENT RECOVERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3006 (H.B. No. 2711, H.D. 1, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3006 be adopted and H.B. No. 2711, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose and said:

"Mr. President, I have a question here, I guess, in terms of whether or not this is constitutionally proper to insert the Judiciary under the definition of agency. My reading of the bill would erase the line separating the powers of government if we did that. I think that, more properly, what we should just say is that the judicial branch should have similar powers. I think that this does not achieve the purpose of the bill and as I said, I think there is a constitutional question. So, unless that can be cleared up, I'll be voting 'no' on the bill."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3006 was adopted and H.B. No. 2711, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3007 (H.B. No. 2714, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3007 be adopted and H.B. No. 2714, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Anderson rose in opposition and said:

"Mr. President, when I read the bill and looked at it, I still don't know in dollars and cents how many dollars are uncollectible on the accounts that are delinquent. And for that reason I'll be voting 'no.'"

Senator Fernandes Salling then said:

"With reservations, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3007 was adopted and H.B. No. 2714, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCOLLECTIBLE ACCOUNTS IN THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3008 (H.B. No. 2776, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3008 was adopted and H.B. No. 2776, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3009 (H.B. No. 2786, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3009 was adopted and H.B. No. 2786, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL AND MEDICAL EXAMINATION OF CONVICTED DEFENDANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3010 (H.B. No. 2846, H.D. 1, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3010 be adopted and H.B. No. 2846, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Anderson rose and said:

"Mr. President, I'm going to have reservations on this bill. If I read it correctly, we're still going to fine the child \$50, which in turn really means that we're fining the parents \$50 because they're minors and they're not eligible to purchase cigarettes. And I can't see fining a parent at this particular time or any time. They really, at times, don't know what their children are doing.

"I don't mind charging the person that's selling the cigarettes, but most certainly, not the parents. So I have reservations.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3010 was adopted and H.B. No. 2846, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3011 (H.B. No. 3020, H.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3011 was adopted and H.B. No. 3020, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senator Kanno, for the Committee on Human Resources, requested a waiver of the Required Hours of Notice for a Public Hearing on H.B. Nos. 2566, 2764, 3141 and 3199, and the Chair granted the waiver.

Senator M. Ige rose and said:

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

"Mr. President, first, how can you post a hearing notice if one of the chairs didn't sign? Secondly, we don't even have the bill before us. What are we going to publicly hear? What are we going to hear in public?"

The Chair responded:

"I believe that the committees are working on a particular draft for public review. This is the information which I have received."

At 12:26 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:29 o'clock p.m.

Senator Baker, for the Committee on Ways and Means, requested a waiver of the Required Hours of Notice for a Public Hearing on H.B. Nos. 1533, 1866, 2500, 2512, 2552, 2564, 2567, 2655, 2710, 2749, 2750, 2803, 2912, 3200 and 3625, and the Chair granted the waiver.

Senator D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, requested a waiver of the 72-hour Notice of a Public Hearing on H.B. Nos. 1099 and 2458, and the Chair granted the waiver.

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

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

"More good news, Mr. President. Out of Tokyo, Prime Minister Hashimoto is expected momentarily to announce major tax decreases and cuts because, unfortunately, Prime Minister Hashimoto last year increased taxes three times, Mr. President, and drove the economy into the ground. Now, this will be good news because, first of all, it shows what we all should be doing -- reducing taxes. Secondly, it will help us because, of course, our dependence on the Asian and specifically the Japanese economies. So, the Japanese stock market has already reacted to this positively, and we hope that this will increase our visitor industry, and so forth.

"And, Mr. President, I would be remiss if I did not comment on our governor's remarks yesterday. In his effort to give us Revitalization Task Force Plan No. 72-A, he made a statement that maybe we could buy the tax increase if we would trust him to put a drop-dead clause in it from three to five years. Unfortunately, Mr. President, a number of businesses will have already dropped dead in that period of time and we can't trust the government because there has been no tax, in my memory or in my research, that the State of Hawaii has ever imposed that it has reduced or eliminated. Further, I think putting faith in the drop-dead clause is misplaced and maybe some of the politicians that have been trying to do this to us, particularly increasing taxes and harming our economy, maybe there should be the emphasis on the drop-dead.

"So, we have good news out of Tokyo, Mr. President. And again, reiterating the Senate's non-negotiable position against tax increases, we have good news here and I know that young Master or Miss Kanno will be able to be born into a society with lower taxes and an improved business climate. So, we congratulate them all.

"Thank you, Mr. President."

Senator Anderson also rose on a point of personal privilege and stated:

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

"I did not know, truthfully, that the Minority Floor Leader was going to make those statements, but I, too, was a little upset when I heard the governor's report because I happen to be a little older than some and I remember when we did the parking meters, temporarily, to pay for our first road in Honolulu. We needed the money so we said, temporarily we're going to have parking meters. I can't even remember when we started that. It was so long ago that temporary is all over the state. That's one of the problems.

"Also, I saw the governor on television, and yesterday because everybody got up, I decided I wasn't going to say anything. But I do get a little upset now and then. He's made a few boners that I'm not happy with. One of them is that he said, more or less, that the 3,000 people that were here the other

day was a wash, maybe, but really in essence there was at least ten times the amount that was here for the tea party. Well, I happened to get here about 6:05 for the tea party. It went from 6:00 to 9:00. It had women and children that came down. The women were housewives. They came down when they could. The rest were business people.

"The difference is, when we had the rally the other day, they were told to come down and it was orchestrated. And when I stood up on the second floor and looked down at 3,000 people, I said, 'I can't believe it. All of these people are asking us to raise their taxes.' And the person next to me said, 'Not,' and he was down here with his button. What really bothered me is we paid for that. And the guy said, 'That wasn't tax money.' But I buy stocks and bonds. I have money in the banks. I have mortgages. I think that it's terrible that those people use our funds to tell the employees to come down here, that it's all right for us to raise their taxes. And that bothered me.

"It also bothered me, Mr. President, because last year the governor made a point of saying that if we had passed any kind of a gambling bill, he would go ahead and veto that bill. And then weeks later he said, or I got it from one of the department heads, that the governor had more or less changed his mind. I said, it's too damn late; we had less than a week to go. Every chairman, every chairman, Mr. President, held back the bill. That meant that there was no way in the world that we were going to have a chance to do anything with a gambling bill.

"This year, I'm in a committee where we're fighting like mad to try to help our commercial people, trying to help our farmers, trying to help our residents, and I won't even say what committee, but the chairman tells me that we can't pass this bill because the governor said he's going to veto it. Well, Hitler didn't die and put anybody in charge! And that bothers me, that he can come down and say this is what I'm going to do. It takes away your right as a chairman. I've been used to that -- I'm a minority and I've been here for a few years and I can take that, but when he tells a majority chairman and the majority party, no matter what you do, I'm going to go ahead and veto your bill, and you can take it -- that bothers me. If you're going to give up your vote, then I really feel sorry for the majority party in this state because as a minority I'll speak out, and that's your responsibility. If the governor of this state tells you what you can or cannot do, then you should be as upset as I am.

"Thank you very much for letting me express myself, Mr. President."

Senator M. Ige rose again and said:

"Mr. President, I rise on personal privilege. Just glad that the Senator didn't mention any names of the chairmen who did that.

"But, Mr. President, on personal privilege I just need to express my thoughts about the public hearing notice being posted without my signature or over my objections. I think it is, for this institution, a very bad precedent. I don't think it's ever been done where we post a public hearing notice without giving the public an idea of what exactly will be heard in terms of the details, the words. I think it's irresponsible, and I think we owe it to the general public that when we do post these hearing notices, everything is up front and on the table, not just for the individuals who are in the 'in' group who can get to discuss the details, but for the entire public. These are the things that add confidence to who we are and what we believe in.

"I believe today is a very sad day for us. However, with your assurance that everything will be all right, I'll bite my tongue and just really hope for the best, Mr. President. But again, I feel very sad today on the precedence that we're setting for this great institution.

"Thank you."

## ADJOURNMENT

At 12:40 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 9, 1998.

## FORTY-SEVENTH DAY

Thursday, April 9, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Dr. Alfred Bloom, Honpa Hongwanji Mission, after which the Roll was called showing all Senators present.

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

Senator Chun Oakland introduced the following individuals representing the KCAA (Kindergarten and Children Aid Association) Preschools of Hawaii: Jackie Dudock, Bonnie Ames, Kathy Tom, Bev Coito, Allyn Okawa, Kerina Salazar, Beth Rice, Alma Valdez, May Uetake, Carol Nakashima, Gail Kronkright, Diane Nishida, Susan Burns, Dale Faulkner and Lori Zuniger, and congratulated them on their national recognition for program excellence.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 250, informing the Senate that on April 8, 1998, he signed into law House Bill No. 2997 as Act 15, entitled: "MAKING AN APPROPRIATION FOR TOURISM MARKETING," was read by the Clerk and was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 124 to 141) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 124, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 2670, H.D. 2, was placed on file.

Hse. Com. No. 125, returning S.B. No. 2388, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1998, was placed on file.

Hse. Com. No. 126, returning S.B. No. 2739, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1998, was placed on file.

Hse. Com. No. 127, returning S.B. No. 2941, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1998, was placed on file.

Hse. Com. No. 128, returning S.B. No. 2056, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2056, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," was deferred until Thursday, April 16, 1998.

Hse. Com. No. 129, returning S.B. No. 2099, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2099, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," was deferred until Thursday, April 16, 1998.

Hse. Com. No. 130, returning S.B. No. 2581, which passed Third Reading in the House of Representatives on April 8, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2581, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERY AND FUNERAL TRUSTS," was deferred until Thursday, April 16, 1998.

Hse. Com. No. 131, returning S.B. No. 2633, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2633, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS," was deferred until Thursday, April 16, 1998.

Hse. Com. No. 132, returning S.B. No. 2866, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2866, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONNEL FOR MENTAL HEALTH," was deferred until Thursday, April 16, 1998.

Hse. Com. No. 133, returning S.B. No. 2884, S.D. 1, which passed Third Reading in the House of Representatives on April 8, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2884, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," was deferred until Thursday, April 16, 1998.

Hse. Com. No. 134, returning S.B. No. 2885, which passed Third Reading in the House of Representatives on April 8, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 2885, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," was deferred until Thursday, April 16, 1998.

Hse. Com. No. 135, returning S.B. No. 3002, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 3002, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE," was deferred until Thursday, April 16, 1998.

Hse. Com. No. 136, returning S.B. No. 3213, S.D. 2, which passed Third Reading in the House of Representatives on April 8, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 3213, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Thursday, April 16, 1998.

Hse. Com. No. 137, transmitting H.C.R. No. 55, H.D. 1, which was adopted by the House of Representatives on April 8, 1998, was placed on file.

By unanimous consent, H.C.R. No. 55, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REPORTS OF THE STATUS OF EFFORTS TO PROMOTE FAIRNESS AND EQUITY FOR FILIPINO-AMERICANS," was referred to the Committee on Education, then to the Committee on Judiciary.

Hse. Com. No. 138, transmitting H.C.R. No. 74, which was adopted by the House of Representatives on April 8, 1998, was placed on file.

By unanimous consent, H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING STATE CONTROL OVER INSURANCE LEGISLATION," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Hse. Com. No. 139, transmitting H.C.R. No. 83, H.D. 1, which was adopted by the House of Representatives on April 8, 1998, was placed on file.

By unanimous consent, H.C.R. No. 83, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN COORDINATION WITH THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE, THE UNITED STATES CUSTOMS SERVICE, AND THE HAWAII AIRLINES ASSOCIATION, TO SEEK OUT AND ASSESS TECHNOLOGIES THAT WILL EXPEDITE THE CUSTOMS AND IMMIGRATION CLEARANCE PROCESS AT THE HONOLULU INTERNATIONAL AIRPORT," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 140, transmitting H.C.R. No. 208, which was adopted by the House of Representatives on April 8, 1998, was placed on file.

By unanimous consent, H.C.R. No. 208, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO NAME THE MAUI HIGH SCHOOL GYMNASIUM IN HONOR OF FORMER SENATOR MAMORU YAMASAKI," was referred to the Committee on Education.

Hse. Com. No. 141, transmitting H.C.R. No. 232, H.D. 1, which was adopted by the House of Representatives on April 8, 1998, was placed on file.

By unanimous consent, H.C.R. No. 232, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ADVISORY COMMITTEE ON PESTICIDES TO DETERMINE THE FEASIBILITY OF REQUIRING STATE AGENCIES TO IMPLEMENT INTEGRATED PEST MANAGEMENT PROGRAMS," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

#### STANDING COMMITTEE REPORTS

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3144) recommending that H.B. No. 2672, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2672, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3145) recommending that H.B. No. 2675, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and

H.B. No. 2675, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3146) recommending that H.B. No. 2701, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2701, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3147) recommending that H.B. No. 2814 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2814, entitled: "A BILL FOR AN ACT RELATING TO SENIOR PSYCHOLOGISTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3148) recommending that H.B. No. 2855, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3148 and H.B. No. 2855, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSE MIDWIVES," was deferred until Tuesday, April 14, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3149) recommending that S.C.R. No. 95, as amended in S.D. 1, be adopted.

On motion by Senator McCartney seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 95, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF AGRICULTURE TO WORK WITH INTERESTED GROUPS TO PREVENT THE ABUSIVE AND EXPLOITIVE TREATMENT OF LIVE EXOTIC ANIMALS IN TRAVELING EXHIBITS," was adopted.

Senators Kawamoto and Sakamoto for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3150) recommending that S.C.R. No. 71, as amended in S.D. 1, be adopted.

On motion by Senator McCartney seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 71, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPORT AN AIRCRAFT CARRIER AT PEARL HARBOR, HAWAII," was adopted.

Senators Kawamoto and Sakamoto for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3151) recommending that S.R. No. 32, as amended in S.D. 1, be adopted.

On motion by Senator McCartney seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 32, S.D. 1, entitled: "SENATE RESOLUTION URGING

THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPORT AN AIRCRAFT CARRIER AT PEARL HARBOR, HAWAII," was adopted.

Senators Kawamoto and Sakamoto for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3152) recommending that S.C.R. No. 72, as amended in S.D. 1, be adopted.

On motion by Senator McCartney seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 72, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE DEPARTMENT OF TRANSPORTATION TO ALLOW VANPOOL VEHICLES, COMMERCIAL VEHICLES, AND VEHICLES CARRYING TWO OR MORE OCCUPANTS, TO USE THE 'ZIPPER LANE,'" was adopted.

Senators Kawamoto and Sakamoto for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3153) recommending that S.R. No. 33, as amended in S.D. 1, be adopted.

On motion by Senator McCartney seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 33, S.D. 1, entitled: "SENATE RESOLUTION STRONGLY URGING THE DEPARTMENT OF TRANSPORTATION TO ALLOW VANPOOL VEHICLES, COMMERCIAL VEHICLES, AND VEHICLES CARRYING TWO OR MORE OCCUPANTS, TO USE THE 'ZIPPER LANE,'" was adopted.

Senators Kawamoto and Sakamoto for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3154) recommending that S.C.R. No. 74 be adopted.

On motion by Senator McCartney seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 74, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S DELEGATION TO THE UNITED STATES CONGRESS TO SUPPORT THE IMPLEMENTATION OF THE CONCEPT OF FREE FLIGHT AS DESCRIBED IN THE AIR TRAFFIC MANAGEMENT PLAN KNOWN AS FLIGHT 2000," was adopted.

Senators Kawamoto and Sakamoto for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3155) recommending that S.R. No. 35 be adopted.

On motion by Senator McCartney seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 35, entitled: "SENATE RESOLUTION REQUESTING HAWAII'S DELEGATION TO THE UNITED STATES CONGRESS TO SUPPORT THE IMPLEMENTATION OF THE CONCEPT OF FREE FLIGHT AS DESCRIBED IN THE AIR TRAFFIC MANAGEMENT PLAN KNOWN AS FLIGHT 2000," was adopted.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3156) recommending that H.B. No. 92, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 92, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

At 11:59 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

## ORDER OF THE DAY

### THIRD READING

H.B. No. 2878, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2878, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," was deferred until Tuesday, April 14, 1998.

Senator Anderson rose on a point of personal privilege and stated:

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

"Mr. President, I rise today, actually to say what was not in the press. The press was at our hearing last night when we had the Waihole Ditch and I think the Waihole Ditch is a very, very important part to our public. There wasn't one mention about us considering purchasing it rather than leasing it. We brought out some facts that I thought were pertinent. The people that brought forth this measure, my understanding is they're not really sure if all of the lands that are attached to it are really part of what we're going to be purchasing. We're not sure if part of it is state lands. We're not sure if, in fact, the equipment that we're going to buy that's antiquated has even been appraised to find out all of the dollars we are going to be spending. And yes, in fact, we are committed to diversified ag and I would like to help the farmers. I've always put forth help to help the Ag Department.

"But let me tell you, if we go ahead and purchase something and find out later that we shouldn't have, that we should have leased it first to make sure that everything we have is documented, then I don't think we're doing our job.

"In one of the hearings this morning, Mr. President, everybody in the public seems to be very, very concerned about dollars and cents, yet we're squandering money like you wouldn't believe. And my understanding is that ERTF has now gone ahead to bring in some of the heavy guns to help them on the economic revitalization. Well, let me tell you, we just did a press release the other day and I don't care if the press puts down Whitney Anderson, but it was certainly alternatives to going ahead and raising taxes.

"I said we have no leadership in the public sector because there are many things that the public and the private can do together. The private sector also has no real leaders because they too can move without the public sector. But like everything else, they have relied on us so much that they keep on telling us that we have to do them a favor by moving certain things so they can go ahead and build their businesses. And that's baloney. They can move without us. There's many, many things that they can do.

"But there's no leadership. Government is not moving forward and streamlining like we said. Just the other night I talked to a person that doesn't even like a sign that I have on a building, maybe because they don't like that I make speeches so the county people that's involved, and the state people, go out and start measuring signs. That's the kind of things that both businesses, and that's what the press should be writing -- about how can we stimulate, how are we helping or how are we hurting.

"And I get tired of standing here every day trying to make sure that people know that there are other means of helping our economy, rather than crying about what the Legislators are not doing. But I get tired of telling you also that when we're buying a \$15 million building that has been appraised at \$4 million, we're not helping because to pencil out the lands that we're going to be clearing, and then either leasing or retailing



or whatever we're going to do, that has to be penciled out so that money is going to be divided equally. We're not helping the small business person because they cannot afford the lands that we are going ahead and clearing, to say we're helping businesses.

"So, everyday I'm going to stand to try to remind people, regardless if it gets printed or not printed, or if you laugh or if the public gets upset, because that's what we're here for.

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

Senator Anderson rose again and said:

"A point of information, Mr. President.

"For the chairman of Judiciary, since we're going back to Con Con and we've been hearing things, it seems to me, if I remember correctly, the governor said that if we have a constitutional convention, it's \$2 million, the cost, then it went to \$3 million, and now it's \$15 million. Do we have figures for the people when we go back, Mr. Chairman, as to the actual cost of what a constitutional convention is going to be?"

At 12:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:14 o'clock p.m.

#### STANDING COMMITTEE REPORTS

On motion by Senator McCartney, seconded by Senator Slom and carried unanimously, the Senate authorized the adoption of standing committee reports recommending that House bills pass Second Reading and be placed on the calendar for Third Reading. The Clerk was further authorized to receive standing committee reports recommending that House bills be placed on the calendar for Third Reading. In consequence thereof, and subsequent to its recessing at 12:15 o'clock p.m., the Senate took the following actions:

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3157) recommending that H.B. No. 3138, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3157 and H.B. No. 3138, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," was deferred until Tuesday, April 14, 1998.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3158) recommending that H.B. No. 3167, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3167, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3159) recommending that H.B. No. 2883, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3159 and H.B. No. 2883, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAWAINUI MARSH," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3160) recommending that H.B. No. 2992, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3160 and H.B. No. 2992, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3161) recommending that H.B. No. 2857 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3161 and H.B. No. 2857, entitled: "A BILL FOR AN ACT RELATING TO THE CHRONIC RENAL DISEASE PROGRAM," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3162) recommending that H.B. No. 2762, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3162 and H.B. No. 2762, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POOLED INSURANCE," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3163) recommending that H.B. No. 3005, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3163 and H.B. No. 3005, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3164) recommending that H.B. No. 2985, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3164 and H.B. No. 2985, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION AND WATER UTILIZATION PROJECTS," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3165) recommending that H.B. No. 2361, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3165 and H.B. No. 2361, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING FEES," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3166) recommending that H.B. No. 3489, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3166 and H.B. No. 3489, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," was deferred until Tuesday, April 14, 1998.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3167) recommending that H.B. No. 3281, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3281, H.D. 1, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO CONDOMINIUMS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3168) recommending that H.B. No. 2486, H.D. 3, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3168 and H.B. No. 2486, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3169) recommending that H.B. No. 2660, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3169 and H.B. No. 2660, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3170) recommending that H.B. No. 2702, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3170 and H.B. No. 2702, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES COMMISSION," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3171) recommending that H.B. No. 2547, H.D. 2, pass Third Reading.

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 Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3172) recommending that H.B. No. 3443, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3172 and H.B. No. 3443, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LOANS," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3173) recommending that H.B. No. 3527, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3173 and H.B. No. 3527, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PROJECTS ON THE ISLAND OF HAWAII," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3174) recommending that H.B. No. 3367, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3174 and H.B. No. 3367, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH TOURISM," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3175)

recommending that H.B. No. 2852, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3175 and H.B. No. 2852, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TELEHEALTH," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3176) recommending that H.B. No. 2862, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3176 and H.B. No. 2862, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR DEVELOPMENTAL DISABILITIES," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3177) recommending that H.B. No. 2758, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3177 and H.B. No. 2758, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3178) recommending that H.B. No. 2801, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3178 and H.B. No. 2801, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3179) recommending that H.B. No. 2958, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3179 and H.B. No. 2958, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3180) recommending that H.B. No. 2842, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3180 and H.B. No. 2842, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3181) recommending that H.B. No. 3024, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3181 and H.B. No. 3024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3182) recommending that H.B. No. 3028, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3182 and H.B. No. 3028, H.D. 1, S.D. 2, entitled: "A BILL FOR AN

ACT RELATING TO LONG-TERM CARE," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3183) recommending that H.B. No. 3361, H.D. 3, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3183 and H.B. No. 3361, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3184) recommending that H.B. No. 2888, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3184 and H.B. No. 2888, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3185) recommending that H.B. No. 2892, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3185 and H.B. No. 2892, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3186) recommending that H.B. No. 3248, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3186 and H.B. No. 3248, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAPSED WARRANTS," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3187) recommending that H.B. No. 2558, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3187 and H.B. No. 2558, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3188) recommending that H.B. No. 2778, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2778, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3189) recommending that H.B. No. 2528, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3189 and H.B. No. 2528, H.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO EMPLOYMENT SECURITY," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3190) recommending that H.B. No. 2845, H.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3190 and H.B. No. 2845, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3191) recommending that H.B. No. 2441, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3191 and H.B. No. 2441, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3192) recommending that H.B. No. 3031 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3192 and H.B. No. 3031, entitled: "A BILL FOR AN ACT RELATING TO THE CAMPAIGN SPENDING COMMISSION," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3193) recommending that H.B. No. 3466, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3466, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETENTION OF CASHED WARRANTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3194) recommending that H.B. No. 2816 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2816, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE EXAMINATIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3195) recommending that H.B. No. 2490, H.D. 3, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2490, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3196) recommending that H.B. No. 2671, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3196 and H.B. No. 2671, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL

PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3197) recommending that H.B. No. 3437, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3197 and H.B. No. 3437, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FUNDING THE HAWAII HURRICANE FUND," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3198) recommending that H.B. No. 3613, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3198 and H.B. No. 3613, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3199) recommending that H.B. No. 2909, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3199 and H.B. No. 2909, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3200) recommending that H.B. No. 2563, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3200 and H.B. No. 2563, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED BUDGETING," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3201) recommending that H.B. No. 2567, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3201 and H.B. No. 2567, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DUPLICATION OF GOVERNMENTAL SERVICES," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3202) recommending that H.B. No. 2765, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3202 and H.B. No. 2765, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3203) recommending that H.B. No. 2648, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3203 and H.B. No. 2648, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3204) recommending that H.B. No. 2870, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3204 and H.B. No. 2870, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3205) recommending that H.B. No. 2366, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3205 and H.B. No. 2366, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3206) recommending that H.B. No. 3247, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3206 and H.B. No. 3247, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONIES," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3207) recommending that H.B. No. 2498, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3207 and H.B. No. 2498, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3208) recommending that H.B. No. 2598, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3208 and H.B. No. 2598, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3209) recommending that H.B. No. 2847, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3209 and H.B. No. 2847, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3210) recommending that H.B. No. 2423, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3210 and H.B. No. 2423, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3211) recommending that H.B. No. 2774, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3211 and H.B. No. 2774, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3212) recommending that H.B. No. 3568, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3212 and H.B. No. 3568, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT USE OF CREDIT CARD," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3213) recommending that H.B. No. 2780, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3213 and H.B. No. 2780, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3214) recommending that H.B. No. 3257, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3214 and H.B. No. 3257, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3215) recommending that H.B. No. 2357, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3215 and H.B. No. 2357, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3216) recommending that H.B. No. 3082, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3216 and H.B. No. 3082, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3217) recommending that H.B. No. 3185, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3217 and H.B. No. 3185, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3218) recommending that H.B. No. 3252, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3218 and H.B. No. 3252, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY

RESPONSIBILITY," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3219) recommending that H.B. No. 3581, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3219 and H.B. No. 3581, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3220) recommending that H.B. No. 2443, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2443, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY ENCROACHMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3221) recommending that H.B. No. 2524, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2524, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS FOR CAUSE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3222) recommending that H.B. No. 2667, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2667, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3223) recommending that H.B. No. 2779, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2779, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3224) recommending that H.B. No. 2932, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2932, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," passed Second

Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3225) recommending that H.B. No. 2935, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2935, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3226) recommending that H.B. No. 2941, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2941, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3227) recommending that H.B. No. 2522, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2522, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARTIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3228) recommending that H.B. No. 2708 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2708, entitled: "A BILL FOR AN ACT RELATING TO COURTS AND JUDICIAL PROCEEDINGS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3229) recommending that H.B. No. 2850, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2850, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL ESTATES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3230) recommending that H.B. No. 2942 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2942, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3231) recommending that H.B. No. 2709, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2709, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3232) recommending that H.B. No. 2358, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3232 and H.B. No. 2358, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3233) recommending that H.B. No. 2537, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3233 and H.B. No. 2537, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3234) recommending that H.B. No. 3289, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3234 and H.B. No. 3289, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3235) recommending that H.B. No. 2355, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2355, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3236) recommending that H.B. No. 2381, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2381, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3237) recommending that H.B. No. 3059, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3237 and H.B. No. 3059, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO THE STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICE," was deferred until Tuesday, April 14, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3238) recommending that H.B. No. 2866, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2866, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3239) recommending that H.B. No. 2867 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2867, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3240) recommending that H.B. No. 2869, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2869, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMUSEMENT RIDES, INCLUDING BUNGEE JUMPING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3241) recommending that H.B. No. 2871, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2871, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3242) recommending that H.B. No. 2887 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2887, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3243) recommending that H.B. No. 3053 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3053, entitled: "A BILL FOR AN ACT RELATING

TO CIVIL SERVICE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3244) recommending that H.B. No. 3054, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3054, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERFORMANCE RATINGS OF EMPLOYEES IN THE CIVIL SERVICE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3245) recommending that H.B. No. 3055 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3055, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3246) recommending that H.B. No. 3132, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3132, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGE AND HOUR LAW," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3247) recommending that H.B. No. 2810, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2810, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3248) recommending that H.B. No. 3302, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3248 and H.B. No. 3302, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3249) recommending that H.B. No. 2332, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3249 and H.B. No. 2332, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3250)

recommending that H.B. No. 2533, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3250 and H.B. No. 2533, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3251) recommending that H.B. No. 3403, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3251 and H.B. No. 3403, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3252) recommending that H.B. No. 2666, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2666, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3253) recommending that H.B. No. 2437, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2437, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3254) recommending that H.B. No. 2889, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2889, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3255) recommending that H.B. No. 2921, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2921, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3256) recommending that H.B. No. 3553, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3553, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3257) recommending that H.B. No. 2843, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3257 and H.B. No. 2843, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, jointly with Senators Baker and Fukunaga, for the Committee on Judiciary and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 3258) recommending that H.B. No. 2362, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2362, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3259) recommending that H.B. No. 1966, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3259 and H.B. No. 1966, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," was deferred until Tuesday, April 14, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3260) recommending that H.B. No. 2649, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3260 and H.B. No. 2649, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3261) recommending that H.B. No. 3010, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3261 and H.B. No. 3010, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," was deferred until Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3262) recommending that H.B. No. 1099, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1099, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology,



presented a report (Stand. Com. Rep. No. 3263) recommending that H.B. No. 2626, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2626, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3264) recommending that H.B. No. 1866, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3264 and H.B. No. 1866, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3265) recommending that H.B. No. 2560, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3265 and H.B. No. 2560, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3266) recommending that H.B. No. 2680, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3266 and H.B. No. 2680, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3267) recommending that H.B. No. 2998, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3267 and H.B. No. 2998, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MARITIME AUTHORITY," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3268) recommending that H.B. No. 3033, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3268 and H.B. No. 3033, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3269) recommending that H.B. No. 3457, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3269 and H.B. No. 3457, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3270) recommending that H.B. No. 1824, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3270 and H.B. No. 1824, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3271) recommending that H.B. No. 2803, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3271 and H.B. No. 2803, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3272) recommending that H.B. No. 3065, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3272 and H.B. No. 3065, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3273) recommending that H.B. No. 3446, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3273 and H.B. No. 3446, S.D. 2, 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 Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3274) recommending that H.B. No. 1533, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1533, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3275) recommending that H.B. No. 2750, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2750, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators D. Ige and Metcalf, jointly with Senators Chumbley and Matsunaga, for the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 3276) recommending that H.B. No. 2506, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2506, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," passed

Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3277) recommending that H.B. No. 2837, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3277 and H.B. No. 2837, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3278) recommending that H.B. No. 2800, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2800, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANAGEMENT OF STATE FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chun Oakland and Kanno, jointly with Senators Bunda and M. Ige and Senators Baker and Fukunaga, for the Committee on Human Resources, the Committee on Government Operations and Housing, and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 3279) recommending that H.B. No. 3199, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 3199, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATIZATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3280) recommending that H.B. No. 503, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3280 and H.B. No. 503, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3281) recommending that H.B. No. 1160, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1160, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3282) recommending that H.B. No. 3528, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3282 and H.B. No. 3528, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was deferred until Tuesday, April 14, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3283) recommending that H.B. No. 3130, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 3130, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3284) recommending that H.B. No. 3192, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3284 and H.B. No. 3192, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUPPORT ENFORCEMENT," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3285) recommending that H.B. No. 2564, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3285 and H.B. No. 2564, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3286) recommending that H.B. No. 1332, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3286 and H.B. No. 1332, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3287) recommending that H.B. No. 2655, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3287 and H.B. No. 2655, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3288) recommending that H.B. No. 2990, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3288 and H.B. No. 2990, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3289) recommending that H.B. No. 3625, H.D. 3, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3289 and H.B. No. 3625, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT REORGANIZATION," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3290)

recommending that H.B. No. 3200, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3290 and H.B. No. 3200, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3291) recommending that H.B. No. 2426, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3291 and H.B. No. 2426, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3292) recommending that H.B. No. 867, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3292 and H.B. No. 867, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3293) recommending that H.B. No. 2552, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3293 and H.B. No. 2552, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was deferred until Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3294) recommending that H.B. No. 2512, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2512, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3295) recommending that H.B. No. 2912, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2912, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3296) recommending that H.B. No. 2749, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2749, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3297) recommending that H.B. No. 2710, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2710, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3298) recommending that H.B. No. 2500, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2500, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 14, 1998.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 10:00 o'clock a.m., Tuesday, April 14, 1998.

## FORTY-EIGHTH DAY

Tuesday, April 14, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 10:16 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Nathan Kohashi, Pearl City Community Church, after which the Roll was called showing all Senators present.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 251 to 274) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 251, advising the Senate that the terms of the nominees to the Hawai'i Teacher Standards Board, under Gov. Msg. No. 204, dated March 18, 1998, have been amended to expire as follows: CATHERINE H. PAYNE, term to expire June 30, 1998; and GERVACIO BUENCONSEJO, EDWIN T. GINOZA, PETER C. MORTON, SHARON T. NAKAGAWA, CATHERINE H. PAYNE, CHERYL M. SHINTANI and TWYLLA-DAWN STEER, terms to expire June 30, 2001, was referred to the Committee on Education.

Gov. Msg. No. 252, submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, County of Maui, the nomination of STEPHEN E. SMITH, term to expire June 30, 2002, was referred to the Committee on Economic Development.

Gov. Msg. No. 253, submitting for consideration and confirmation to the Criminal Injuries Compensation Commission, the nomination of PAULA CHUN, term to expire June 30, 2002, was referred to the Committee on Judiciary.

Gov. Msg. No. 254, submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, the nominations of: KENNETH L. TANO, term to expire June 30, 2000; and VERONICA B. YAMANOHA, term to expire June 30, 2001, was referred to the Committee on Health and Environment.

Gov. Msg. No. 255, submitting for consideration and confirmation to the General Assistance Advisory Council, the nominations of: FRED C. HOLSCHUH, M.D., RUTH ELLEN LINDENBERG, MILDRED R. TANABE, Dr. P.H., and GINGER STRAWN, terms to expire June 30, 1999; M. VICTOR GEMINIANI, KATHLEEN E. HASEGAWA, DEBRA K. SHIMIZU and CLAIRE WOODS, terms to expire June 30, 2000; and SANDRA K. MEEHAN, MARION F. POIRIER and ESETA A. ULU, terms to expire June 30, 2001, was referred to the Committee on Human Resources.

Gov. Msg. No. 256, submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, the nominations of ROY K. ALAMEIDA, JOYCE N. CHINEN, Ph.D., ROBERT J. HOMMON, Ph.D., RICHARD K. PAGLINAWAN and NANCY LYMAN PEACOCK, terms to expire June 30, 2002, was referred to the Committee on Education.

Gov. Msg. No. 257, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nomination of GERI MARULLO, term to expire June 30, 2001, was referred to the Committee on Health and Environment.

Gov. Msg. No. 258, submitting for consideration and confirmation to the Honolulu Subarea Health Planning Council,

the nominations of: DANIEL A. BARRETTO, term to expire June 30, 1999; ROBERT Y. HEE, term to expire June 30, 2001; and MARIAN G. MARSH, LANE K. UCHIMURA and STELLA M. Q. WONG, terms to expire June 30, 2002, was referred to the Committee on Health and Environment.

Gov. Msg. No. 259, submitting for consideration and confirmation to the West Oahu Subarea Health Planning Council, the nominations of: ALAN ARAKAWA, term to expire June 30, 2000; and LAURIE A. B. OISHI and JOHN V. SCHLEIF, terms to expire June 30, 2002, was referred to the Committee on Health and Environment.

Gov. Msg. No. 260, submitting for consideration and confirmation to the Windward Oahu Subarea Health Planning Council, the nominations of: JOHN E. AOKI, M.D., term to expire June 30, 2000; and CLIFTON C. CASSITY, GREGG OISHI and MELODY S. FANNING, terms to expire June 30, 2002, was referred to the Committee on Health and Environment.

Gov. Msg. No. 261, submitting for consideration and confirmation to the Hawai'i County Subarea Health Planning Council, the nomination of JOHN MCNEIL, term to expire June 30, 2000, was referred to the Committee on Health and Environment.

Gov. Msg. No. 262, submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nominations of: KENNETH VILLABRILLE, term to expire June 30, 2000; ABEL MEDEIROS, term to expire June 30, 2001; and JOSEPHINE C. DUVAUCHELLE and KALEINANI M. LARSEN, terms to expire June 30, 2002, was referred to the Committee on Health and Environment.

Gov. Msg. No. 263, submitting for consideration and confirmation to the Maui County Subarea Health Planning Council, the nominations of: JOHN ORNELLAS, term to expire June 30, 1999; and CATHERINE NOBRIGA KIM, THOMAS ALBETE, GLENN S. IZAWA, KATHLEEN L. STREET, GUY M. SUGINO, M.D., SARAJEAN A. TOKUNAGA, ANN K. TAKAKURA and CHERYL C. GARCIA, terms to expire June 30, 2002, was referred to the Committee on Health and Environment.

Gov. Msg. No. 264, submitting for consideration and confirmation to the State Highway Safety Council, the nominations of JAMES S. CORREA, RICHARD M. IGA, TRINETTE P. KAUI and DAVID M. JORGENSEN, terms to expire June 30, 2002, was referred to the Committee on Transportation and Intergovernmental Affairs.

Gov. Msg. No. 265, submitting for consideration and confirmation to the Board of Directors, Housing and Community Development Corporation of Hawai'i, the nominations of: DON FUJIMOTO and NADINE K. NAKAMURA, terms to expire June 30, 2000; KURT H. MITCHELL, term to expire June 30, 2001; and DONALD K. W. LAU and WESLEY R. SEGAWA, terms to expire June 30, 2002, was referred to the Committee on Government Operations and Housing.

Gov. Msg. No. 266, submitting for consideration and confirmation to the Real Estate Commission, the nominations of CHARLES H. AKI, MICHAEL G. CHING, ALFREDO G. EVANGELISTA and IRIS R. OKAWA, terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 267, submitting for consideration and confirmation to the Rental Housing Trust Fund Advisory Commission, the nominations of: LESLIE Y. KURISAKI, term to expire June 30, 2000; CRAIG K. HIRAI and RICHARD C.

LIM, terms to expire June 30, 2001; and BETTY LOU LARSON and STEPHEN K. KAWAHARA, terms to expire June 30, 2002, was referred to the Committee on Government Operations and Housing.

Gov. Msg. No. 268, submitting for consideration and confirmation to the Board of Taxation Review, First Taxation District (Oahu), the nomination of DIANNE L. Y. MERRITT, term to expire June 30, 2002, was referred to the Committee on Ways and Means.

Gov. Msg. No. 269, submitting for consideration and confirmation to the Board of Taxation Review, Second Taxation District (Maui County), the nomination of EUGENE F. SIMON, term to expire June 30, 2002, was referred to the Committee on Ways and Means.

Gov. Msg. No. 270, submitting for consideration and confirmation to the Board of Taxation Review, Third Taxation District (Hawai'i), the nomination of BERT M. WAGATSUMA, term to expire June 30, 2002, was referred to the Committee on Ways and Means.

Gov. Msg. No. 271, submitting for consideration and confirmation to the Board of Taxation Review, Fourth Taxation District (Kauai), the nominations of JOSE R. S. DIOGO, term to expire June 30, 1999; and SANDRA L. HOWATT, term to expire June 30, 2002, was referred to the Committee on Ways and Means.

Gov. Msg. No. 272, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, the nominations of KENNETH T. ISHIZAKI and LEWIS CURTIS TINDALL, terms to expire June 30, 2002, was referred to the Committee on Health and Environment.

Gov. Msg. No. 273, submitting for consideration and confirmation to the Hawai'i Workforce Development Council, the nominations of: CHARLENE T. GOO, GLENN K. MURANAKA, EILEEN WACHI and JAMES G. WESTLAKE, terms to expire June 30, 2000; RICHARD T. HASHIMOTO, SUSAN AU DOYLE, ALAN GARSON, Ed.D., and CHARLES KAWAKAMI, terms to expire June 30, 2001; and EDWARD M. BOUGHTON, WAYNE H. KISHIDA, JOHN J. K. LEE and M. WINONA CABRAL WHITMAN, terms to expire June 30, 2002, was referred to the Committee on Human Resources.

Gov. Msg. No. 274, advising the Senate of the withdrawal of the nomination of JANE RENFRO SMITH from the Procurement Policy Board, under Gov. Msg. No. 210, dated March 18, 1998, was placed on file.

In compliance with Gov. Msg. No. 274, the nomination listed under Gov. Msg. No. 210 was returned.

### HOUSE COMMUNICATION

Hse. Com. No. 142, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 2496, H.D. 2 (S.D. 1);  
 H.B. No. 2614 (S.D. 1);  
 H.B. No. 2711, H.D. 1 (S.D. 1);  
 H.B. No. 2714, H.D. 2 (S.D. 1);  
 H.B. No. 2760, H.D. 1 (S.D. 2);  
 H.B. No. 2761 (S.D. 1);  
 H.B. No. 2776, H.D. 1 (S.D. 2);  
 H.B. No. 2786, H.D. 2 (S.D. 2);  
 H.B. No. 2793 (S.D. 1);  
 H.B. No. 2846, H.D. 1 (S.D. 1);  
 H.B. No. 2957, H.D. 2 (S.D. 1);  
 H.B. No. 3022, H.D. 2 (S.D. 1);  
 H.B. No. 3027, H.D. 2 (S.D. 1);

H.B. No. 3453, H.D. 2 (S.D. 1); and  
 H.B. No. 3468, H.D. 2 (S.D. 2),

was read by the Clerk and was placed on file.

### STANDING COMMITTEE REPORTS

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3299) recommending that the Senate advise and consent to the nomination of RAYMOND H. SATO as Comptroller, in accordance with Gov. Msg. No. 189.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3299 and Gov. Msg. No. 189 was deferred until Thursday, April 16, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3300) recommending that the Senate advise and consent to the nominations of DIRK K. WASANO, MILLICENT L. K. ROGERS, JOHN H. ROBERTS, MATTHEW CHARLES BASSETT, ANGELA I. ZANGERLE, GLORIA S. KISHI, Ph.D., JAMES RICHARD SKOUGE, Ed.D., DAVID A. WOLL and J. CURTIS TYLER, III, to the State Planning Council on Developmental Disabilities, in accordance with Gov. Msg. No. 199.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3300 and Gov. Msg. No. 199 was deferred until Thursday, April 16, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3301) recommending that the Senate advise and consent to the nominations of TERRY YOUNG, Ph.D., ANTHONY S. AKAMINE, DEAN M. GEORGIEV and DONALD A. MEDEIROS to the Commission on Persons with Disabilities, in accordance with Gov. Msg. No. 200.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3301 and Gov. Msg. No. 200 was deferred until Thursday, April 16, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3302) recommending that the Senate advise and consent to the nominations of STEPHEN T. DYE, Ph.D., WILLIAM S. PETTI and PURNIMA PATIL MCCUTCHEON to the Environmental Council, in accordance with Gov. Msg. No. 202.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3302 and Gov. Msg. No. 202 was deferred until Thursday, April 16, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3303) recommending that the Senate advise and consent to the nomination of WILLIAM C. LENNOX, JR., to the State Council on Mental Health, in accordance with Gov. Msg. No. 207.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3303 and Gov. Msg. No. 207 was deferred until Thursday, April 16, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3304) recommending that the Senate advise and consent to the nominations of SETSU FURUNO, Ph.D., and HELEN MAY SMALLEY-BOWER to the Reproductive Rights Protection Committee, in accordance with Gov. Msg. No. 213.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3304 and Gov. Msg. No. 213 was deferred until Thursday, April 16, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3305) recommending that the Senate advise and consent to the nomination of IAN KAGIMOTO to the Board of Certification of Operating Personnel in Water Treatment Plants, in accordance with Gov. Msg. No. 214.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3305 and Gov. Msg. No. 214 was deferred until Thursday, April 16, 1998.

Senators Aki and Tam, jointly with Senators Fernandes Salling and Levin, for the Committee on Education and the Committee on Health and Environment, presented a joint report (Stand. Com. Rep. No. 3306) recommending that S.C.R. No. 47 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committee was adopted and S.C.R. No. 47, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII SCHOOL OF PUBLIC HEALTH TO STUDY THE FEASIBILITY OF UTILIZING COMPLEMENTARY AND ALTERNATIVE MEDICAL CARE IN THE HEALTH CARE SYSTEM IN HAWAII," was adopted.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3307) recommending that S.C.R. No. 137, 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.C.R. No. 137, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONSIDER THE PROPOSAL 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," was adopted.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3308) recommending that S.R. No. 65, 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. 65, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONSIDER THE PROPOSAL 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," was adopted.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3309) recommending that S.C.R. No. 180 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 180, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO NAME THE MAUI HIGH SCHOOL GYMNASIUM IN HONOR OF FORMER SENATOR MAMORU YAMASAKI," was adopted.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3310) recommending that S.C.R. No. 192 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 192, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE KIHEI HIGH SCHOOL

COMMUNITY COMMITTEE TO CONTINUE ITS EFFORTS TO ESTABLISH A CHARTER SCHOOL IN KIHEI, MAUI, CENTERED ON SYSTEMS TECHNOLOGY AND BASED ON PUBLIC-PRIVATE PARTNERSHIPS," was adopted.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3311) recommending that S.R. No. 91 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 91, entitled: "SENATE RESOLUTION ENCOURAGING THE KIHEI HIGH SCHOOL COMMUNITY COMMITTEE TO CONTINUE ITS EFFORTS TO ESTABLISH A CHARTER SCHOOL IN KIHEI, MAUI, CENTERED ON SYSTEMS TECHNOLOGY AND BASED ON PUBLIC-PRIVATE PARTNERSHIPS," was adopted.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3312) recommending that S.R. No. 102, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 102, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE GOVERNOR TO USE FEDERAL IMPACT AID REIMBURSEMENTS FOR EDUCATION EXCLUSIVELY FOR EDUCATIONAL PURPOSES," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3313) recommending that S.R. No. 103, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 103, entitled: "SENATE RESOLUTION AUTHORIZING THE SENATE COMMITTEE OF EDUCATION TO EVALUATE THE STRUCTURE AND APPROPRIATENESS OF SCHOOL /COMMUNITY-BASED MANAGEMENT, STUDENT-CENTERED SCHOOLS, CHARTER SCHOOLS, AND SCHOOLS-WITHIN-A-SCHOOL IN RELATION TO A COMMUNITY-BASED APPROACH TO ESTABLISHING SCHOOL PRIORITIES AND ACCOUNTABILITY," was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### THIRD READING

Stand. Com. Rep. No. 3138 (H.B. No. 2331, H.D. 1, S.D. 1):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 3138 was adopted and H.B. No. 2331, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3139 (H.B. No. 2519):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 3139 was adopted and H.B. No. 2519, entitled: "A BILL FOR AN ACT RELATING TO LIST OF PERSONS EXAMINING RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3140 (H.B. No. 2791, H.D. 1):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 3140 was adopted and H.B. No. 2791, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUSINESS ACTION CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3141 (H.B. No. 2844, H.D. 1, S.D. 1):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 3141 was adopted and H.B. No. 2844, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT INSURANCE BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2672, H.D. 1, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, H.B. No. 2672, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2701, H.D. 2, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, H.B. No. 2701, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2814:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, H.B. No. 2814, entitled: "A BILL FOR AN ACT RELATING TO SENIOR PSYCHOLOGISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3148 (H.B. No. 2855, H.D. 1, S.D. 1):

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, Stand. Com. Rep. No. 3148 was adopted and H.B. No. 2855, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSE MIDWIVES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 92, H.D. 2, S.D. 1:

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3157 (H.B. No. 3138, H.D. 1, S.D. 1):

On motion by Senator Iwase, seconded by Senator Solomon and carried, Stand. Com. Rep. No. 3157 was adopted and H.B. No. 3138, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3167, H.D. 1, S.D. 1:

On motion by Senator Aki, seconded by Senator Tam and carried, H.B. No. 3167, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3159 (H.B. No. 2883, H.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3159 was adopted and H.B. No. 2883, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAWAINUI MARSH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3160 (H.B. No. 2992, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3160 was adopted and H.B. No. 2992, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3161 (H.B. No. 2857):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3161 was adopted and H.B. No. 2857, entitled: "A BILL FOR AN ACT RELATING TO THE CHRONIC RENAL DISEASE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3162 (H.B. No. 2762, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3162 was adopted and H.B. No. 2762, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POOLED INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3163 (H.B. No. 3005, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3163 was adopted and H.B. No. 3005, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3164 (H.B. No. 2985, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3164 was adopted and H.B. No. 2985, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION AND WATER UTILIZATION PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3166 (H.B. No. 3489, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3166 was adopted and H.B. No. 3489, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3281, H.D. 1, S.D. 1:

On motion by Senator Bunda, seconded by Senator M. Ige and carried, H.B. No. 3281, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3169 (H.B. No. 2660, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3169 was adopted and H.B. No. 2660, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3172 (H.B. No. 3443, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3172 was adopted and H.B. No. 3443, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3173 (H.B. No. 3527, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3173 was adopted and H.B. No. 3527, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PROJECTS ON THE ISLAND OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3174 (H.B. No. 3367, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3174 was adopted and H.B. No. 3367, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH TOURISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3175 (H.B. No. 2852, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3175 was adopted and H.B. No. 2852, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TELEHEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3176 (H.B. No. 2862, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3176 was adopted and H.B. No. 2862, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR DEVELOPMENTAL DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3177 (H.B. No. 2758, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3177 was adopted and H.B. No. 2758, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3178 (H.B. No. 2801, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3178 was adopted and H.B. No. 2801, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3180 (H.B. No. 2842, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3180 was adopted and H.B. No. 2842, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3182 (H.B. No. 3028, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3182 was adopted and H.B. No. 3028, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3183 (H.B. No. 3361, H.D. 3, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3183 was adopted and H.B. No. 3361, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:



Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3185 (H.B. No. 2892, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3185 was adopted and H.B. No. 2892, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3186 (H.B. No. 3248, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3186 was adopted and H.B. No. 3248, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAPSED WARRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3187 (H.B. No. 2558, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3187 was adopted and H.B. No. 2558, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2778, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, H.B. No. 2778, S.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 Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3189 (H.B. No. 2528, H.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3189 was adopted and H.B. No. 2528, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3190 (H.B. No. 2845, H.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3190 was adopted and H.B. No. 2845, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY INTERVENTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3466, H.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, H.B. No. 3466, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETENTION OF CASHED WARRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2816:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, H.B. No. 2816, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE EXAMINATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2490, H.D. 3, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, H.B. No. 2490, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3196 (H.B. No. 2671, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3196 was adopted and H.B. No. 2671, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3199 (H.B. No. 2909, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3199 was adopted and H.B. No. 2909, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3200 (H.B. No. 2563, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3200 was adopted and H.B. No. 2563, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED BUDGETING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3206 (H.B. No. 3247, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3206 was adopted and H.B. No. 3247, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3207 (H.B. No. 2498, H.D. 2, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3207 was adopted and H.B. No. 2498, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3208 (H.B. No. 2598, H.D. 2, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3208 was adopted and H.B. No. 2598, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3209 (H.B. No. 2847, H.D. 2, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3209 was adopted and H.B. No. 2847, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3210 (H.B. No. 2423, H.D. 1, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3210 was adopted and H.B. No. 2423, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3211 (H.B. No. 2774, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3211 was adopted and H.B. No. 2774, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3212 (H.B. No. 3568, H.D. 1, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3212 was adopted and H.B. No. 3568, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUDULENT USE OF CREDIT CARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3213 (H.B. No. 2780, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3213 was adopted and H.B. No. 2780, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3215 (H.B. No. 2357, H.D. 2, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3215 was

adopted and H.B. No. 2357, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3216 (H.B. No. 3082, H.D. 1, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3216 was adopted and H.B. No. 3082, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3217 (H.B. No. 3185, H.D. 1, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3217 was adopted and H.B. No. 3185, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3218 (H.B. No. 3252, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3218 was adopted and H.B. No. 3252, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3219 (H.B. No. 3581, H.D. 1, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3219 was adopted and H.B. No. 3581, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2443, H.D. 2, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2443, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY ENCROACHMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2524, H.D. 1, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2524, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS FOR CAUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2779, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2779, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2932, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2932, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2935, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2935, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2941, H.D. 1, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2941, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2522, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2522, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2708:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2708, entitled: "A BILL FOR AN ACT RELATING TO COURTS AND JUDICIAL PROCEEDINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2850, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2850, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL ESTATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2942:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2942, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2709, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2709, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONCONSENSUAL COMMON LAW LIENS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3232 (H.B. No. 2358, H.D. 2, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3232 was adopted and H.B. No. 2358, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3233 (H.B. No. 2537, H.D. 1, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3233 was adopted and H.B. No. 2537, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3234 (H.B. No. 3289, H.D. 1, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3234 was adopted and H.B. No. 3289, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2355, H.D. 1, S.D. 1:

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

Ayes, 25. Noes, none.

H.B. No. 2381, H.D. 1, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2381, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3237 (H.B. No. 3059, S.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, Stand. Com. Rep. No. 3237 was adopted and H.B. No. 3059, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICE," having been

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

Ayes, 25. Noes, none.

H.B. No. 2866, S.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, H.B. No. 2866, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2867:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, H.B. No. 2867, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2871, S.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, H.B. No. 2871, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2887:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, H.B. No. 2887, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3053:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, H.B. No. 3053, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3054, H.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, H.B. No. 3054, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERFORMANCE RATINGS OF EMPLOYEES IN THE CIVIL SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3055:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, H.B. No. 3055, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2810, H.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, H.B. No. 2810, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3249 (H.B. No. 2332, H.D. 2, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3249 was adopted and H.B. No. 2332, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3250 (H.B. No. 2533, H.D. 1, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3250 was adopted and H.B. No. 2533, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3251 (H.B. No. 3403, H.D. 2, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3251 was adopted and H.B. No. 3403, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2437, H.D. 1, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 2437, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3553, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, H.B. No. 3553, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2362, H.D. 1, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Baker and carried, H.B. No. 2362, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3259 (H.B. No. 1966, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3259 was adopted and H.B. No. 1966, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3260 (H.B. No. 2649, H.D. 2, S.D. 2):

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, Stand. Com. Rep. No. 3260 was adopted and H.B. No. 2649, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1099, H.D. 2, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, H.B. No. 1099, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2626, H.D. 1:

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, H.B. No. 2626, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3265 (H.B. No. 2560, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3265 was adopted and H.B. No. 2560, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3266 (H.B. No. 2680, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3266 was adopted and H.B. No. 2680, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3273 (H.B. No. 3446, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3273 was adopted and H.B. No. 3446, S.D. 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2750, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, H.B. No. 2750, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2506, H.D. 1, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Chumbley and carried, H.B. No. 2506, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3277 (H.B. No. 2837, H.D. 1, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3277 was adopted and H.B. No. 2837, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3280 (H.B. No. 503, H.D. 2, S.D. 2):

On motion by Senator Chumbley seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3280 was adopted and H.B. No. 503, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3284 (H.B. No. 3192, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3284 was adopted and H.B. No. 3192, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUPPORT ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3286 (H.B. No. 1332, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3286 was adopted and H.B. No. 1332, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3289 (H.B. No. 3625, H.D. 3, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 3289 and H.B. No. 3625, H.D. 3, S.D. 2, was deferred until later on the calendar.

Stand. Com. Rep. No. 3291 (H.B. No. 2426, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3291 was adopted and H.B. No. 2426, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout,

passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2912, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, H.B. No. 2912, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2710, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, H.B. No. 2710, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 10:23 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:25 o'clock a.m.

### THIRD READING

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 Tuesday, May 5, 1998.

Stand. Com. Rep. No. 3293 (H.B. No. 2552, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3293 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Baker moved that H.B. No. 2552, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Baker then offered the following amendment (Floor Amendment No. 5) to H.B. No. 2552, H.D. 1, S.D. 2:

SECTION 1. Senate Bill No. 2552, H.D. 1, S.D. 2, is amended by:

1. Deleting Part VI in its entirety and inserting a new Part VI to read as follows:

#### "PART VI.

SECTION 63. The purpose of this Part is to lower the expenditure ceiling of the public utilities commission special fund from \$1 million to \$500,000.

SECTION 64. Section 269-33, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) All moneys in excess of [\$1,000,000] \$500,000 remaining on balance in the public utilities commission special fund on June 30 of each year shall lapse to the credit of the state general fund."

2. Renumbering Sections 67, 68, 69, 70, 71, 72, and 73 as Sections 65, 66, 67, 68, 69, 70, and 71, respectively; and

3. Amending and renumbering Section 74 to read as follows:

"SECTION [74.] 72. This Act shall take effect upon its approval; provided that [sections] section 62 [to 65] shall take effect on July 1, 1998."

Senator Baker moved that the amendment be adopted, seconded by Senator Fukunaga.

Senator Baker rose in support of the floor amendment as follows:

"Mr. President, the proposed amendment would delete Part VI which proposes to repeal the Employment and Training Fund and transfer any unexpended money in the fund to the Unemployment Compensation Fund. However, the repeal of the ETF is inconsistent with your committee's intent in this area and inconsistent with action your committee proposed in H.B. No. 1533, previously.

"As proposed in H.B. No. 1533, your committee intends to extend the moratorium on assessments into the fund with the balance flowing into the Unemployment Compensation Fund to forestall higher assessments to Hawaii businesses. Therefore, the current Part VI in H.B. No. 2552 needs to be deleted.

"Additionally, your committee further proposes to amend the bill by inserting a new Part VI to decrease the ceiling of the Public Utilities Commission Special Fund from \$1 million to \$500,000. The amendment will increase the spill over from the special fund to the general fund which is currently in the statutes. The resulting additional monies to the general fund from the PUC's special fund are included in the Ways and Means Committees' financial plan and budget worksheets but were inadvertently omitted from inclusion in this vehicle bill. Therefore, this item needs to be adopted to effectuate the budget items."

At 10:28 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:29 o'clock a.m.

Senators M. Ige, Sakamoto, Solomon, Iwase, Slom, Aki Anderson and Tanaka then requested their votes be cast 'Aye, with reservations,' and the Chair so ordered.

The motion to adopt the amendment was put by the Chair and carried.

By unanimous consent, H.B. No. 2552, H.D. 1, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was placed on the calendar for Third Reading on Thursday, April 16, 1998.

### MATTER DEFERRED FROM THURSDAY, APRIL 9, 1998

#### THIRD READING

H.B. No. 2878, H.D. 1, S.D. 1:

Senator Tanaka moved that H.B. No. 2878, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Anderson rose to speak on the measure as follows:

"Mr. President, I'm going to have reservations on this particular bill. We did meet with different people. I still believe that it's going to be over-regulated as far as the recreational people. But over and above that, the purpose of this bill is to give the Department of Land and Natural Resources the authority to adopt permanent rules. And as you well know, any time that the department does have permanent rules in place, they have the force of law. They're not flexible enough, and it is almost an impossibility for us to work with because everybody listens to what the department says. So

whenever we want to do a bill, they will say that they have a rule in place. They've had public hearings, and we're all in trouble.

"Thank you very much, Mr. President."

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

The motion was then put by the Chair and carried, H.B. No. 2878, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### THIRD READING

Stand. Com. Rep. No. 3142 (H.B. No. 2899):

Senator D. Ige moved that Stand. Com. Rep. No. 3142 be adopted and H.B. No. 2899, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

Senator Slom rose in opposition to the measure and said:

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

"As I have said previously, I think that the public is very discouraged with the number and kinds of closed-door meetings we have. And even for such a worthy cause as providing donations to the University or to other eleemosynary organizations, I don't think there should be anything that should be hidden or concealed from the public because, unfortunately, months or years later we find out, without knowing what the quid pro quo was, that some of the decisions were bad. So I will vote against this bill and urge my colleagues to do so.

"I think if we're really going to talk about open government and sunshine, then it should be in every case. And if our University wants autonomy, this would be a good place to start.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3142 was adopted and H.B. No. 2899, entitled: "A BILL FOR AN ACT RELATING TO DONATIONS TO GOVERNMENT AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2823, H.D. 1, S.D. 1:

Senator D. Ige moved that H.B. No. 2823, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

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

The motion was then put by the Chair and carried, H.B. No. 2823, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2675, H.D. 2, S.D. 1:

Senator D. Ige moved that H.B. No. 2675, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

Senator Sakamoto rose to speak against the measure and stated:

"Mr. President, I wish to speak in opposition to this bill.

"The measure calls for elimination of state constructed examinations, instead requiring that candidates pass regional examinations. Mr. President, I believe we have state constructed examinations in the first place because Hawaii is different from the mainland -- different needs and different circumstances from the mainland.

"I do recognize that some professions, maybe, have no substantial difference; for example, dentistry. I'm sure that teeth in Hawaii are not different from teeth on the mainland. But I'm sure we agree that landscaping in Hawaii, Mr. President, is different from landscaping on the mainland.

"Also, Mr. President, it calls for elimination of the professional and vocational licensing boards and commissions in the name of streamlining government. However, the fact is people serving on these boards are hard-working volunteers who serve their community at no cost.

"Mr. President, this is not streamlining. This is 'shibai,' Mr. President. Laying off volunteers will not result in cost-savings for our state budget. Laying off volunteers will not reduce the size of government. Laying off volunteers will deprive the state of valuable expertise and experience of the professional community. The consumer will lose out.

"Furthermore, Mr. President, it should be noted that this bill received overwhelming negative testimony. It seems the only testimony in support came from the DCCA. So we should be heeding the voice of the people, not the bureaucracy. So, for those reasons, I will be voting 'no,' Mr. President."

The motion was then put by the Chair and carried, H.B. No. 2675, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Aki, Anderson, Bunda, Fernandes Salling, Ige, M., Iwase, Sakamoto, Slom, Solomon, Tanaka).

Stand. Com. Rep. No. 3165 (H.B. No. 2361, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3165 was adopted and H.B. No. 2361, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kanno).

Stand. Com. Rep. No. 3168 (H.B. No. 2486, H.D. 3, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3168 be adopted and H.B. No. 2486, H.D. 3, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

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

"I'd like to express my reservations, Mr. President. I spoke earlier on this measure, but particularly, I just want to make it clear that it's not the legislative intent of this measure to regulate lay people, pastors, and people who are just helping other people with their personal problems, Mr. President."

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

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3168 was adopted and H.B. No. 2486, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3170 (H.B. No. 2702, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3170 was adopted and H.B. No. 2702, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3179 (H.B. No. 2958, H.D. 1, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3179 be adopted and H.B. No. 2958, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Sakamoto rose in opposition as follows:

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

"General contractors and subcontractors have enough options to settle disputes over payments without implementing stiff penalties, such as the state comptroller getting involved in settling these disputes. We should be trying to limit government's involvement in private matters, and this seems to be another function that they want to stick our noses in.

"This bill does not address who will be responsible to determine what is a bona fide dispute. If the comptroller is to adopt rules, is he the single individual empowered to make this decision? This would be putting too much power in the hands of one individual.

"The current law has sufficient safeguards to ensure that subcontractors get paid in a timely manner. Any disputes between the general contractor and the subcontractor should be resolved through existing legal procedures -- mediation, arbitration, or the courts.

"Thank you, Mr. President."

Senators Taniguchi, Kawamoto, Chumbley, Solomon, Fernandes Salling and Iwase requested their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3179 was adopted and H.B. No. 2958, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3181 (H.B. No. 3024, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3181 be adopted and H.B. No. 3024, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose in opposition as follows:

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

"The bill involves food stamps and the expansion thereof, and while I realize that part of the bill is to be in conformity with the federal government, we also have a problem in this state and other states and that is, in the State of Hawaii more than \$29 million in fraudulent use of food stamps have been reported by the state. In a time when we are trying to conserve money, in a time when we're trying to preserve the safety net for those people that really need it, I think that we have to do more to tighten up our food stamp eligibility, not to expand it.

"I also understand that in this bill, Mr. President, it allows for the state to provide for food stamps for illegal -- illegal -- immigrants. So for these and other reasons, I'm voting 'no,' Mr. President."

Senator Anderson rose to speak against the measure and stated:

"Mr. President, I'd just like to state that after reading the bill, it did say ineligible for food stamps. That was my main reason for also going 'no,' Mr. President.

"Thank you."

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

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

"Mr. President, before I begin, I'd like to recognize one of the co-chairs that worked on this measure. I think it's courageous in trying to pull together all the different ideas.

"Mr. President, I, too, would like to express the concerns that the previous two speakers expressed regarding the food stamp program. It was my understanding that if there is extra money in the Department of Social Services, that these monies would go into the program. It's not that the program established would have general fund monies at this time, but if there were excess funds. My problem is, Mr. President, I think that when we're flush with cash, excess funds should be used all up. We should use it for the elderly. We should use it for the abused. We should use it for our youth. We should have accounts in every department.

"But unfortunately, Mr. President, we are in times when we do not have money. The coffers are not flush. And those monies, if there is any extra, should come back right here for us to decide what our priorities are. For that particular reason, Mr. President, I urge my colleagues to vote 'no' on this measure.

"Thank you."

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

"Mr. President, I would like to speak in support of H.B. No. 3024, S.D. 1.

"With regard to some of the previous speakers' concerns, I believe the Human Resources Committee shares the concern about fraudulent use of food stamps and other public assistance monies. And for that reason, this Legislature and past Legislatures have actually enacted electronic benefit transfer legislation similar to smart card idea, which will be used as a tool to reduce fraud.

"But with respect to this particular measure, besides conforming to the federal government so that we can continue to get federal monies for public assistance, there is a provision that would send a policy statement out to the public, embodied in our statutes, that should there be funding in the future, we should consider establishing a food stamp program for legal



immigrants. And that is what is covered in this particular measure -- not illegal immigrants.

"With regards to legal immigrants, I'm not too sure if we really put two and two together, but legal immigrants also provide taxes to this state as well as other states in the nation. And because of federal action these past few years, legal immigrants now do not have assistance offered to them in regards to food stamp programs. And I know our state, along with many other states, is in a lawsuit right now to see if in fact what congress did and what our federal government did, in general, is really constitutional, knowing that legal immigrants do provide tax money to our government, yet are denied such provisions as food stamps.

"So I would urge my colleagues to support this measure. I think this is a very sound policy that we would be supporting.

"Thank you."

Senator Kanno also rose in support of the measure and said:

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

"Mr. President, all of us in this room are aware that our state and our country were founded by legal immigrants. And the role of immigrants in both our state and our country is critical to our community.

"One of the previous speakers mentioned that when we are flushed with cash the department would be able to implement this program. I'd like to comment on that. What the bill provides is that the department would then have to come back to the Legislature for authorization of such spending, and the Legislature reserves the right to appropriate such dollars. So the bill does not actually appropriate those monies and it doesn't give the department any such flexibility.

"I'd like to also mention that when congress took action on the welfare reform act, at the same time, they eliminated legal immigrants from receiving food stamps. And many across the country have viewed that as a mistake. These are legal immigrants and, as the former speaker indicated, these are tax-paying members of our community. As the country, including congress, looks at changing back that law, I think this is a worthy measure for our body to consider.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3181 was adopted and H.B. No. 3024, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3184 (H.B. No. 2888, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3184 be adopted and H.B. No. 2888, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak on the measure as follows:

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

"This is an important fund and an important bill, and certainly we're all for compensating those that are injured. I think, though, that ultimately those that are injured are our taxpayers and the general public. I have concerns about the open-ended nature of the bill and the lack of detailing in terms of where the money is actually going. And it's my understanding that in some cases some of these funds are

actually padded in terms of pain and suffering, rather than actual expenditures, which is what the purpose of the law is.

"So, I will vote with reservations, but I think that we need to look further upon this bill and upon anything else that utilizes public monies.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3184 was adopted and H.B. No. 2888, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3191 (H.B. No. 2441, H.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3191 be adopted and H.B. No. 2441, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Anderson, rising to speak with reservations, then said:

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

"On item two of the committee report it says, 'Provides that any expenditure made to a candidate for Governor or Lieutenant Governor supporting a co-candidate in the general election shall not be considered a campaign contribution.' It is a new provision. It's never been in there before and when I read it I thought, why not the primary election also? Why are we just looking at a general election? In fact, why are we even having it in there?

"So, with these reservations I'd like to at least be considered for the committee to see if we could amend that and take it off, or at least amend it to put back the primary election also.

"Thank you very much, Mr. President."

Senator Slom then rose and said:

"Reservations, please, Mr. President."

The Chair so ordered.

Senator Anderson rose again and said:

"Just a brief comment. I just want to make sure that if I sit on a committee, I always like input. I don't want to just be there. That's my only thing. Thank you very much."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3191 was adopted and H.B. No. 2441, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3192 (H.B. No. 3031):

Senator Baker moved that Stand. Com. Rep. No. 3192 be adopted and H.B. No. 3031, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

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

"Mr. President, I'd like to make remarks with reservations for this bill.

"I think, generally, the public supports the idea of funding candidates voluntarily through the voluntary check-off system on their income taxes, which will be due for Hawaii next Monday. But what this bill proposes to do is to take some of those funds and use them for administrative expenses for the Campaign Spending Commission. Up until this point, the expenditures of the commission have been from the general fund, and what we're saying now is we're going to allow people to check off money which they assume is going to candidates and it will go to administration.

"I'm not sure by reading the bill that there are checks and balances or accountability or responsibility for how much and what kind those administrative expenditures should be. So I think that we always run the danger if we're leading the public on to believe that they're donating to candidates and it's going to be used for administration. So I will extend my reservations.

"Thank you, Mr. President."

Senator Solomon rose and said:

"A W/R, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3192 was adopted and H.B. No. 3031, entitled: "A BILL FOR AN ACT RELATING TO THE CAMPAIGN SPENDING COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3197 (H.B. No. 3437, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3197 be adopted and H.B. No. 3437, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

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

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3197 was adopted and H.B. No. 3437, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FUNDING THE HAWAII HURRICANE FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3198 (H.B. No. 3613, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3198 be adopted and H.B. No. 3613, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Tam requested a conflict ruling as follows:

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

The Chair ruled that Senator Tam was not in conflict.

Senator Sakamoto rose to speak with reservations and said:

"Mr. President, I'll be voting with reservations. I have several concerns.

"First, the bill seems to contradict the policy we've set in numerous other bills where we are requiring changes in accounting and management procedures to create accountability, result oriented planning and budgeting, and streamlining for efficiency.

"Here, we're setting up a revolving fund of \$350,000 to be paid by businesses and ultimately by consumers without designating desired outcomes or goals. We're also giving the insurance commissioner the right to hire unspecified or unenumerated staff, while we're requiring departments throughout the state to reduce staff. If there is a critical need that justifies increasing this staff while demanding cuts elsewhere, we should be stating so in the measure. This is not the time to ask more from our consumers or struggling businesses.

"Thank you, Mr. President."

Senator Slom rose in opposition to the bill and said:

"Mr. President, I was going to vote with reservations on this bill, but the silver-tongued orator from Moanalua enthralled me with his remarks and I'm so convinced that now I'm going to have to vote 'no' against that bill.

"Thank you, Mr. President."

Senators Solomon, Tanaka and Iwase then requested their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3198 was adopted and H.B. No. 3613, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3201 (H.B. No. 2567, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3201 be adopted and H.B. No. 2567, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

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

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

"Mr. President, it is said that a journey of a thousand miles begins with the first step and this bill really is that first step that I know will take us on this long journey that I know everyone will be quite satisfied with.

"I think for the first time we're looking at requiring the governor and the mayors to get together to make a recommendation to the public, come November of 1998, looking at duplication of services, for streets, for parks. And I just believe that if we can hold this position, it's the most responsible thing to do. Not only that, but it will give the people the confidence that we are having their interest in mind as we deliberate over the types of services that are duplicated, and in a way reducing our government size.

"So, Mr. President, I urge the members to support this much anticipated measure. Thank you."

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

"Mr. President, I have some reservations. I wasn't going to stand on this particular bill, but because the last paragraph of the bill says that the bill will be for November 30, 1998, I

wasn't sure if we'd have the same governor. And if we don't, I don't know if there'd be enough time for them to work together. I'm hoping that we will have a change. So, for that reason I have some reservations.

"Also, if we have the same governor, for 40 years we've been waiting for duplications to be changed. Also, we are hoping some day that government will make up their minds with the counties on who owns certain lands such as roadways in Waimanalo. We moved there in 1946. They're still fighting over who owns it. You don't get any repairs done and we have lots of problems, Mr. President.

"So, for that reason, I have some reservations."

Senator Slom rose and said:

"Reservations, please, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3201 was adopted and H.B. No. 2567, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DUPLICATION OF GOVERNMENTAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3202 (H.B. No. 2765, H.D. 1, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3202 be adopted and H.B. No. 2765, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak against the measure and said:

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

"Mr. President, it was a bad bill before, it's a bad bill now. It will always be a bad bill. This bill does not provide or protect local jobs. It doesn't do anything to help our local construction industry. It has been argued that this is not a union bill, but in fact this is a union bill because that's the whole premise of this measure and this legislation -- to force non-union people to take away their choices, to force them to sign a union project labor agreement.

"If, Mr. President, we saw that there was some way that this was going to benefit the local construction industry and is going to give us lower prices and better construction, then I would be for this measure. But we have not seen that. In fact, we saw a great deal of testimony in opposition to this bill from those individuals, some of whom have been former union members, that all they asked for was a choice and their choice was that they did not want to have to belong to a union to be involved in a project.

"Further, Mr. President, as I pointed out on the Senate floor just a couple of weeks ago, we were in a hearing with the state Department of Labor and our own state Department of Labor is unable, with their vast brain power and vast resources, to come up with any way of defining 'local' or 'resident' in order to protect local jobs. So again, this is something that we are being told is going to help local businesses, local contractors, but in fact is not. And the local contractors and the neighbor island contractors associations have been adamantly opposed to it, so I am opposed also.

"Thank you, Mr. President."

Senator Kawamoto rose to support the measure and said:

"Mr. President, I beg your indulgence.

"As far as the previous speaker is concerned, this is not a labor bill. Read the bill -- it is not a labor bill. This is a bill to get off the dime and not have status quo like we've been doing for the past four years. The previous speaker is always speaking about getting off the dime and not being status quo. This bill would provide that.

"Ladies and gentlemen, members of the Senate, two weeks ago -- two weeks ago -- we had a \$20.4 million project in Wahiawa at Schofield Barracks that was given to a mainland contractor, E.E. Hunt, and Senator Bunda and myself wrote a letter to General Steele. This \$20.4 million was on top of the \$44 million this company received the previous year. This is 100 percent of all the defense projects here in the State of Hawaii that are going to mainland contractors.

"Ladies and gentlemen, the good Senator Inouye in congress provided us \$3.8 million in the last four years -- 90 percent of those projects have gone to the mainland. That's why we are in this situation we have today. Ladies and gentlemen, and members of the Senate, I apologize for you having to vote again, but the people in the House did not see the light, therefore, we are again taking this to conference and providing the light for those people. We need jobs for our local residents. That's our way to bring back our economy.

"We have sent the letter to General Steele, Senator Bunda and I, and we're telling him that these are the things that we are doing here in the Legislature. We are providing the avenues and the tools needed to provide this opportunity. It may not do anything, but it provides the tools for the governor, if provided the opportunity, and that's what we're asking for -- to do something and for an opportunity for our local residents and contractors to share in the defense projects. So, I urge my colleagues to vote 'aye' on this bill.

"Thank you very much."

Senator Sakamoto spoke against the measure as follows:

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

"Proponents of this bill say that the intent is to assure jobs for local contractors and construction workers. Unfortunately, this bill does not accomplish that.

"Additionally, it raises grave concerns about pension and benefit credits for workers of non-signatory companies, and puts non-union companies at a competitive disadvantage because they will not be allowed to use their current employees or subs.

"However, I do commend my colleague from Waipahu for working to keep jobs in Hawaii. While I will not be able to support this measure, Mr. President, I believe he has addressed the same intent in H.B. No. 2501, which I will support.

"So if you want to assure jobs for local contractors and construction workers, support H.B. No. 2501 -- not this measure. This bill doesn't achieve the stated intent, so for that reason, Mr. President, I'll be voting in opposition."

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

"Mr. President, I'll be voting 'no' for the first time. I voted 'with reservations' originally. That was on S.B. No. 2496. Unfortunately, H.B. No. 2765 is exactly the same.

"My reasoning, originally, was I wanted to help local contractors, and I said I had reservations but we had some amendments that I thought would meet every constitutional problem that we were going to have by stating for locals. When checking when this was going to be in Ways and Means to see if we could get an amendment, I was unable to get an

amendment. I still had reservations, but I knew that there would be a chance since the bill went over to the House. I took the amendments over to the House, but the House killed the bill. This morning we have this one, and still the amendments are not in it -- my amendments.

"This bill, right now, the way we get it, says project labor agreement, which is strictly a union agreement, but nothing in here states that it's for local workers, or local contractors, who are licensed and who hire locals, but non-union. They are excluded from this bill. And I was assured by the union people that they didn't care one way or the other.

"But, Mr. President, when you refuse to put an amendment that would take care of our local people and it's not going to go ahead and bother the constitutional requirements that we have, then I have a problem, and I have to vote 'no,' and that really bothers me because I was hoping that we could get more construction workers, local construction workers hired for the jobs that are available. But we're not doing it and we're not going to do it with this bill.

"Thank you very much, Mr. President."

Senator Chumbley rose in opposition and stated:

"Mr. President, I'll be voting 'no' and would like to have my written comments inserted into the Journal."

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

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

"Mr. President, I admire the efforts of the good Senator from Waipahu and his concern about jobs for our state residents who are unemployed and sitting on the bench. My opposition against this measure is not against the opposition of providing jobs for those people who are on the bench. My opposition is much, much simpler than that, Mr. President. My opposition is simply because the measure as proposed to us is unnecessary.

"In June of 1996, the U.S. President handed down a memorandum which directed the federal government to enter into project/labor agreements in situations where they felt it was appropriate and where the states would cooperate. So in essence, members, we've had PLA since June of 1996. For the last 21 months this state could have done a PLA agreement.

"Members of the Maui Contractors Association, the members of the Contractors Association of Kauai, the Hawaii Island Contractors, and even the Oahu Contractors Association and all of those companies that this measure purports to support are in opposition to this measure. My concern is the message that we send to all of those companies, the fact that the business in this state is struggling and what are we attempting to do through this measure. They're very, very concerned about it.

"So, I urge all of my colleagues to vote 'no' on this unnecessary change to our existing procurement code.

"Thank you."

Senator Metcalf rose in support and said:

"Mr. President, I will be voting 'yes,' but I do have written remarks that I'd like to have inserted into the Journal."

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

"Mr. President, I rise in support of H.B. No. 2765, H.D. 1, S.D. 1, relating to procurement.

"Although the measure has been amended to no longer require the procurement officer to condition award of a contract

on the adoption of a project labor agreement and other amendments have been made to the bill, I have concerns regarding whether or not passage of this bill will in fact have any positive impact on the creation of new construction jobs here in Hawaii.

"On this basis I am reserving my final judgment on the matter should it emerge from conference."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3202 was adopted and H.B. No. 2765, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Aki, Anderson, Chumbley, Fernandes Salling, Matsunaga, Sakamoto, Slom).

Stand. Com. Rep. No. 3203 (H.B. No. 2648, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3203 be adopted and H.B. No. 2648, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Iwase rose in opposition to the measure and said:

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

"Mr. President, I voted 'no' on the Senate bill and I'll be voting 'no' today for the same reason. While I understand the strategy, which is to gut the House bill and put in the Senate version, the bill remains narrowly drawn to address only the facts of the Mitchell case and not the holding of the Mitchell case. And because the bill is so narrowly drawn and includes the phrase 'just cause,' we do not help employers; we do not help employees; we do not help the work environment for employers and employees; and it jeopardizes the gains we have made to lower workers' compensation premiums.

"I believe if you talk to people from the insurance industry and you ask them for what affects the Mitchell case if left unaddressed -- and this bill does not address the Mitchell case in total -- what effect there would be on premiums, I think you will get the answer that the premiums will increase by several percent and we are not helping them at a time when we should be, so I'll be voting 'no.'

"Thank you."

Senator Sakamoto also rose in opposition to the measure as follows:

"I speak in opposition, just a short comment, Mr. President.

"I agree with the previous speaker and the court ruled that we should fix it. So I believe we should just fix it -- no games, just fix it correctly, Mr. President."

Senator Kanno rose in support of the measure and said:

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

"Mr. President, notwithstanding the comments of one of the previous speakers that the bill does not address the Mitchell case, I'd like to read from the Supreme Court's ruling, quoting: 'This appeal presents a single question whether an employee's stress-related injury resulting from disciplinary action taken by an employer in response to an employee's misconduct is a compensable injury under HRS 386-3.' Further, the Supreme Court writes: 'If the Legislature should deem it advisable in the future, it can amend HRS Chapter 386-3 to exclude from coverage those injuries resulting from disciplinary action.' And it cites statutes from a number of states including Colorado, quoting: 'mental impairment shall not be considered to arise out of and in the course of employment if it results from a

disciplinary action.' Quoting from New York: 'The terms "injury" and "personal injury" shall not include an injury which is solely mental and is based on work-related stress if such mental injury is a direct consequence of a lawful personnel decision involving a disciplinary action.' And quoting the statute which is the same language in three states -- Alaska, Maine and Montana -- 'A mental injury is not considered to arise out of and in the course of employment if it results from any disciplinary action.'

"Mr. President, your committee is committed to taking this measure to conference and continuing to address the issues brought forward.

"Thank you."

Senator Iwase then stated:

"Mr. President, I'm glad the previous speaker has a copy of the Mitchell case and I, therefore, would ask that he read the entire Maine statute."

Senator Chumbley then rose and said:

"Mr. President, please note my reservations on this measure."

The Chair so ordered.

Senator Iwase rose again and said:

"Mr. President, going back to the Maine statute, it's not limited to disciplinary action. It has other areas that are involved that would be excluded from workers' compensation.

"I, again, repeat myself -- this is a bill that addresses the facts of the Mitchell case.

"Again, I am pleased that the previous speaker has the Mitchell case before him. If you've read the Mitchell case, you will understand why the court came to the conclusion that it did, based on the facts before it. But if you read the basis for the court's decision, you would have to conclude that in jeopardy, for employers, making them liable for workers' compensation would be other personnel action taken by the employer against the employee, justifiable, good faith action taken by the employer -- job demotion, job transfer, lack of pay raise, and on and on and on.

"And it is the law of the Mitchell case and how the court read our workers' compensation law that is at issue and which must be addressed. It was addressed in the Maine statute, which is cited by the Supreme Court of the State of Hawaii in the Mitchell case. And we should pass the Maine statute, and not this one.

"Thank you."

Senator Kanno then rose and said:

"Mr. President, notwithstanding the disagreements from the previous speaker, I think what the Senator is referring to is that the entire statute is not printed in the ruling from the Supreme Court. But I would like to indicate that what the Supreme Court specifically said was, quote: 'Injuries resulting from disciplinary action,' and in their direction to the Legislature they did not discuss other personnel actions and making it broader in that recommendation.

"Thank you."

Senator Metcalf then added:

"Mr. President, notwithstanding the fact that the co-chair of the Human Resources Committee may be practicing law without a license, I do think that his legal analysis is the accurate one.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3203 was adopted and H.B. No. 2648, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 10 (Aki, Anderson, Bunda, Fernandes Salling, Ige, M., Iwase, Sakamoto, Slom, Solomon, Tanaka).

Stand. Com. Rep. No. 3204 (H.B. No. 2870, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3204 be adopted and H.B. No. 2870, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Sakamoto rose to support the bill with reservations and said:

"I rise to speak in support, with reservations, Mr. President.

"I understand the committee's attempt to create fairness in the workers' compensation laws for people who have part-time jobs, but this measure creates some inequities for businesses, the businesses that we say we're trying to help in these tough times.

"Under this measure, a person who is working 5 hours on one part-time job and 10 hours on another part-time job could collect 35 hours of workers' comp benefits from an injury on the part-time 5-hour job, and he could still go to work at his 10-hour job. So, conceivably, Mr. President, a person could be off work on his 5-hour job, collecting 35 hours of benefits because of that and still going to work on his 10-hour job.

"We need to make things right, Mr. President -- fairness -- but this is not the way. I don't think that was the intent of this measure. It's unfair, and that should be corrected, Mr. President."

Senator Kanno rose in support and said:

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

"Notwithstanding the concerns from the previous speaker, the real purpose of the bill is to fairly apportion workers' comp payments to the affected employer. In the Senator's example, the employer that was affected with the injury at his work site would only be responsible for that share of that person's work hours. That's the original intent of the bill.

"I think one of the unintended consequences of changing the statute was that we are changing the benefit levels. In discussion yesterday with the Labor Department, Mr. Gary Hamada confirmed that the current practice is exactly what the concern that Senator Sakamoto is raising. So the changes that were made in the Senate bill really is keeping in practice, the practice that is in place today. And the impact of the bill is specifically to fairly apportion the payments to the employer so the affected employer's payments would be limited to just that share of the work hours, with the other portion being paid by the special compensation fund.

"Thank you very much."

Senator Anderson then noted:

"Mr. President, would you mark me down with a W/R, please."

The Chair so ordered.

Senator Slom rose in opposition and said:

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

"For the remarks that the good Senator from Moanalua made, I would like to add, particularly hearing the last speaker, the idea here is not to fairly apportion. The idea is to subsidize. And I think we're all concerned about unintended consequences, about bad legislation, and this legislation does not correct the problems. Actually, what we're doing is we are passing money from one hand to the other.

"And when the good Senator says you don't have to worry about it because it comes from a special workers' compensation fund, I would remind the good Senator and my colleagues that it is businesses that pay into that special workers' compensation fund. So, if we're going to have a subsidy bill, that's one thing, but if we're going to talk about fairness, this bill is not fair. In addition to that, we have wage and hour laws, and the idea is that everybody is supposed to be compensated for hours actually worked. If they're going to be compensated for hours actually worked, then any benefit should be based on hours actually worked, not to boost them up to 35 or 40 hours. So I'm voting 'no,' Mr. President.

"Thank you."

Senator Levin rose to speak with reservations on the measure as follows:

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

"I share the concerns expressed by the Senator from Moanalua and I'm hoping that the bill can be dealt with better in conference.

"Thank you."

Senators Solomon, Tanaka, Fernandes Salling, Iwase and M. Ige, then requested their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3204 was adopted and H.B. No. 2870, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 3205 (H.B. No. 2366, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3205 be adopted and H.B. No. 2366, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Kanno stated:

"Mr. President, I'd like to request that the record correctly reflect my support on the bill. Inadvertently, the record of the vote was filed with a vote indicating 'no' on my behalf, and that is incorrect.

"Thank you."

The Chair so ordered.

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

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3205 was adopted and H.B. No. 2366, H.D. 2,

S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3214 (H.B. No. 3257, H.D. 2, S.D. 1):

Senator Chumbley moved that Stand. Com. Rep. No. 3214 be adopted and H.B. No. 3257, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom, speaking with reservations, then said:

"Mr. President, I rise to speak with reservations.

"My reservations, I think it's a good bill, basically, for the counties, except that it excludes any employees prior to June 1, 1998. Now, either we're taking in blind faith that we don't have any problems whatsoever, or we're overlooking the possibility that if we're going to have criminal checks that it should be for all employees. So, that's the extent of my reservations.

"Thank you, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3214 was adopted and H.B. No. 3257, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2667, H.D. 1, S.D. 1:

Senator Chumbley moved that H.B. No. 2667, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose and stated:

"Mr. President, I rise to speak with reservations.

"I'm speaking on behalf of my cats, Smoky Mountain Slom and Bagheera Slom. They were very concerned about this bill. They certainly do not want cruelty to animals and they don't support cruelty in any way, particularly to Republican elephants, but they have instructed me that this bill in its language is extremely broad, and allows for abuses from family members or neighbors or others that may accuse pet owners of being abusive because their water wasn't changed on time or because maybe we're using high fat diet food instead of low fat diet food. So, just with these cautions, I will support the bill with reservations and pass the word along to my pets.

"Thank you, Mr. President."

Senator Metcalf then said:

"Mr. President, just an observation. I thought it was only Dr. Doolittle who talked to the animals, but it's quite interesting to know that we have a member here that does the same.

"Thank you." (Laughter.)

Senator Slom responded:

"Yes, Mr. President, I do talk to the animals because sometimes I get better responses from them than I do from my colleagues.

"Thank you, Mr. President."

Senators Solomon, Iwase, Sakamoto, Bunda and Tanaka then requested their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, H.B. No. 2667, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2869, H.D. 1, S.D. 1:

Senator Chun Oakland moved that H.B. No. 2869, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kanno.

Senator Sakamoto rose to speak with reservations and said:

"Mr. President, I'm not on a bungee cord going up and down, but I do rise to speak with reservations on this matter.

"Bungee jumping is a new amusement sport in Hawaii that is in use by some jumping enthusiasts and by some amusement operators. The purpose of this bill is an attempt to be 'Big Brother' to regulate bungee jumping at amusement facilities. Mr. President, we're trying very hard to streamline government, and we're not doing a good job of it this way. So why should government get involved in regulating this industry when the industry can do a better job of regulating themselves because they bear the risk of failure.

"The Department of Industrial Relations admitted that they don't have the personnel nor the expertise in bungee jumping. The operators are saying they do not have the thousands of dollars to send government employees to the mainland for proper training to become bungee inspectors.

"Mr. President, as an advocate of business, I am suggesting that government should be in the business of stimulating new businesses, assisting growth in existing businesses, and facilitating the economic well-being of businesses. By imposing more regulations, government is, in essence, hindering business.

"For these reasons, Mr. President, I will be voting with reservations."

Senator Kanno rose to support the measure and said:

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

"Where the interest of the public is served is dealing with public health and safety. Notwithstanding the remarks of the previous speaker, amusement rides are currently inspected by the Department of Labor with the express purpose of making sure that they are safe, given that there have been a number of accidents on the mainland as well as here in Hawaii. Because the main part of the bungee jumping apparatus is not mechanical, it currently escapes our inspections. Where public health and safety is of concern, government has a limited appropriate role in assuring that safety.

"Thank you."

Senator Chumbley rose in opposition and said:

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

"Mr. President, my opposition is not about protecting the public, because I think the co-chairs of the Human Resources Committee have done a very good job in looking out for the public interest. My opposition, Mr. President, is in regards to the mandate that the inspector must be from the State of Hawaii. I think having a qualified inspector from the mainland

inspect amusement rides and bungee jumping operations is a real benefit to the public safety, as well as a way to reduce high costs of government.

"One of the primary reasons to hire an independent safety inspector from the mainland to inspect our amusement rides each year is that this inspector is exposed to amusement rides at carnivals throughout the country and may inspect up to 20 to 30 of the same rides every year. I think that type of experience gained through the working full-time inspector is a benefit to our public.

"The Department of Labor in its testimony states, and I quote, 'The Department believes that the activity can be effectively regulated by requiring evidence of safe design and manufacturer, and safe certification on proper erection, operator training, and the use of the amusement rides including bungee jumping devices. Proof of insurance coverage would also be required to include these insurers as additional partners in safeguarding the public safety.'

"I do believe there is a benefit, in this case, in bringing someone from the mainland to inspect these. So, for those reasons, I'll be voting 'no.'"

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

The Senate reconvened at 11:29 o'clock a.m.

Senator Anderson rose to speak on the measure and said:

"Mr. President, I'll be 'with reservations' on this. I wanted to go 'no.' I originally went straight up, but I did talk to the chairman.

"And my reservations are, after reading this and talking to some people, that the individual with the amusement ride, they do have their own inspectors. These inspectors naturally are not able to license other people or do other things, but they do have their own inspectors. And this bill tells us that we have to have our own department with another inspector or we're going to have to fund them to go to the mainland to be trained. I would hope that anybody who has a business, such as Mr. Fernandes for many years in the carnival business, and having his own operators is definitely aware that he has to provide the public with a secure type inspection to make sure that all of these rides are safe.

"And those are my reservations. I don't think that we need to have another inspector. I don't mind the Department of Labor checking to make sure that they're doing their job, but I don't believe that we should be funding this for another inspector from the department.

"Thank you very much, Mr. President."

Senators Solomon, Fernandes Salling and Sakamoto then requested their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, H.B. No. 2869, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMUSEMENT RIDES, INCLUDING BUNGEE JUMPING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Chumbley, Matsunaga, Slom).

H.B. No. 3132, H.D. 1, S.D. 1:

Senator Chun Oakland moved that H.B. No. 3132, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kanno.

Senator Sakamoto rose to speak with reservations as follows:

"Mr. President, I rise to speak with reservations.

"Mr. President, the airlines industry is a very dynamic and highly competitive business enterprise that requires innovative and ingenious operational planning and scheduling of manpower. Otherwise, Mr. President, an individual airline will certainly go under. Airline scheduling and the accompanying workload are not synonymous with an even and balanced workload. Therefore, the assignment of personnel to operate within these constrained conditions are difficult, at best.

"The airlines industry and many of their employees have testified in support of a measure that would allow employees to voluntarily, voluntarily exchange schedules to avoid conflicts, to avoid overtime, voluntarily exchange their own work hours. Such flexibility would allow employees to take advantage of the peaks and valleys of airline schedules and help with their own personal schedules, whether it's school needs, sporting events, church activities, second jobs, travel during off-peak periods, family responsibilities, and voluntary community work.

"Mr. President, I think you will agree with me that the use of voluntary trading of shifts can curtail the use of unauthorized absences, abuse of sick leave because of personal needs, and really these are the facts of life.

"Therefore, Mr. President, I believe this bill is too restrictive. It allows the exchange of work with another employee only for the sole purpose of family and medical leaves. Other states and municipalities allow the use of full flexible scheduling, so why should we be different, Mr. President?

"Thank you."

Senator Iwase rose and said:

"Mr. President, for the reason expressed by the Senator from Moanalua for expanded flexibility, I will be voting with reservations.

"Thank you."

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

The motion was then put by the Chair and carried, H.B. No. 3132, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAGE AND HOUR LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3248 (H.B. No. 3302, H.D. 2, S.D. 2):

Senator D. Ige moved that Stand. Com. Rep. No. 3248 be adopted and H.B. No. 3302, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Metcalf.

Senator Levin rose in support of the measure and said:

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

"This is a bill that would ban diploma mills, and certainly no one is supportive of diploma mills. But the way the bill is written, it would put out of business, as I understand it, at least two institutions on the Big Island -- one in East Hawaii and one in West Hawaii -- which are very well respected members of the Big Island community. I would hope that as this bill moves into conference, that a better formulation can be found, so that we don't throw out the baby with the bath water and we don't

pass a bill that will put out of business responsible unaccredited institutions that are granting diplomas.

"Thank you."

Senator Metcalf rose and said:

"Mr. President, I will support the measure, but in all other respects I would ask that Senator Levin's remarks be included in the Journal as my own."

The Chair so ordered.

Senator Slom rose with reservations and said:

"Mr. President, I, too, will be supporting the measure, with reservations, and those reservations include the fact that we're putting too much emphasis on the accreditation process which in many cases is a very political process. There are many fine institutions that meet all the other criteria of education and also with new innovations in education, but in fact have not been accredited by the standard accrediting institutions. So, reservations, please.

"Thank you."

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

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3248 was adopted and H.B. No. 3302, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2666, H.D. 1, S.D. 1:

Senator Chumbley moved that H.B. No. 2666, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak on the measure with reservations as follows:

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

"House Bill No. 2666 removes what were already vague and loose constitutional protections and replaces them with references to HRS, Section 709-906, and this Section pertains to offenses against the family and incompetence. It does contain necessary references and requirements to police officers involving reasonable suspicion, but says nothing about firearms or plain view which have been taken out of the law. The result is that the bill allows for, if not encourages, unconstitutional applications in violation of search and seizure, so I would caution our supporters on this bill.

"Thank you, Mr. President."

Senator Matsunaga rose in support of the measure and said:

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

"Mr. President, when it strikes, nothing is more dangerous a threat to the safety of our families than domestic violence because it is a threat from within. Mr. President, the Senate has taken a very strong position and we believe firmly that it is not the victims to blame, that domestic violence is a crime to be punished and not a threat to be concealed. So we hope this sends a strong message to the House.

"Thank you."



Senator Fernandes Salling then said:

"With reservations, Mr. President."

The Chair so ordered.

The motion was then put by the Chair and carried, H.B. No. 2666, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2889, H.D. 1, S.D. 1:

Senator Chumbley moved that H.B. No. 2889, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Anderson noted:

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

The Chair so ordered.

The motion was then put by the Chair and carried, H.B. No. 2889, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2921, H.D. 1, S.D. 1:

Senator Chumbley moved that H.B. No. 2921, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

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

The motion was then put by the Chair and carried, H.B. No. 2921, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3257 (H.B. No. 2843, H.D. 1, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 3257 was adopted and H.B. No. 2843, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3261 (H.B. No. 3010, S.D. 2):

Senator Chumbley moved that Stand. Com. Rep. No. 3261 be adopted and H.B. No. 3010, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

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

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3261 was adopted and H.B. No. 3010, S.D. 2,

entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3264 (H.B. No. 1866, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3264 be adopted and H.B. No. 1866, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Tam requested a conflict ruling and said:

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

The Chair ruled that Senator Tam was not in conflict.

Senator Bunda rose in opposition to the measure and said:

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

"Mr. President, insurance premiums have been around since the early 1900's and it presently accounts for about 4 percent of the total state revenues. To some it's a modest amount, but to others it's a big price to do business in the State of Hawaii.

"Mr. President, the tax credit issue was heavily debated in these hallways in 1992, and many of you remember the heavy discussions and negotiations we were having between in-state and out-of-state insurance carriers. In 1992 we passed legislation for the 1 percent credit which has been deemed constitutional and it has never been ruled unconstitutional by any court. In fact, it is not discriminatory because certain out-of-state carriers have qualified for this credit by establishing their own customer based service center and maintaining their records in the State of Hawaii.

"In 1992 some of the out-of-state insurance companies filed a lawsuit to challenge the constitutionality of the current law. It was settled in 1997 with the out-of-state companies receiving about \$3.5 million and the state receiving \$28 million. The state, at that time, did not say the law was unconstitutional.

"The question now is, Why do we really want to repeal this law when, in fact, the present law works? I guess the answer is that we really need the \$6 million to \$7 million to actually balance the budget.

"But the bigger policy question, Mr. President, we need to ask ourselves today is whether we really need to take in those dollars from the credit or do we save those sorely needed private sector jobs. We could potentially lose more tax revenues than we would gain in the long run.

"Mr. President, elimination of the tax credits like this is also a tax increase and such increases can very much create some problems of their own. I know of one local company which will have a big impact on themselves and will lose about \$1 million and you know this will result in the lay-off of workers. Mr. President, already this company has recently laid off workers.

"Is this our intention to bankrupt more of our local companies by passing a law like this. This repeal, I believe, will do more harm than good to our local insurance carriers than we can imagine. The elimination of the tax credit will result in tax losses which will more than offset the revenue gain. It could also potentially result in the loss of 1,500 jobs. Mr. President, I ask, Is this economic revitalization?

"I urge my colleagues to really consider voting 'no' on this measure."

Senator Baker rose to support the measure and said:

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

"Mr. President, while it's true that for now the lawsuit between the foreign carriers and the state has been settled, the issue has not been litigated to a final resolution. When we heard this measure before the Ways and Means Committee, the deputy attorney general for taxation testified that the settlement agreed upon between the attorney general, on behalf of the state, and the 49 foreign insurance carriers that filed the original lawsuit, simply barred future litigation only until the year 2000. This issue is far from resolved. And after that time period the state will be right back where we were almost ten years ago. It's time to resolve the issue once and for all by repealing this credit. It's a matter of fairness and equity among all insurers and creating greater competition and a leveling of the playing field in the marketplace.

"It's curious that when the industry came forward to testify on this measure before your Ways and Means Committee, they said well, perhaps there might be some job loss. But actually the folks that fought this credit last year have already moved out of the state and the credit is still there. It is not a certainty that preserving the credit will entice industry officials with headquarters elsewhere to qualify as a domestic insurer here.

"It seems to me that we're going to bite the bullet this year or we'll bite it in the year 2000. And as a matter of course, the revenues gained from this measure are needed in the state at this particular time. Therefore, I urge my colleagues to move this measure forward.

"Thank you."

Senator Iwase rose to speak against the measure and said:

"Mr. President, I rise in opposition to this measure.

"Mr. President, the Senator from Wahiawa has well explained the reasons why this bill should not pass. This bill does run counter to all the rhetoric that we have heard around this building about helping Hawaii based businesses.

"And with the indulgence of my colleagues in Ways and Means, I just would like to summarize a report from an associate dean, professor of business economics at the University of Hawaii: The potential effects of repealing this tax credit -- 1500 job loss; potential loss to the economy -- income loss of \$52.8 million, direct and indirect tax loss of \$12.9 million; that all this will bring to the state coffers if we repeal it is \$6.5 million, in fact, in short, a net loss for the State of Hawaii.

"If we want to repeal this credit for a mere \$6.5 million at a loss of \$6.4 million, potentially, but if we need the money to balance our financial plan, and that was the reason I heard why we need this tax cut -- we've got to balance our financial plan; it was an administration's financial plan and so we need it. But Mr. President, so was the GET. That was an administration's financial plan. And somehow we took out hundreds of millions of dollars from the financial plan, and now we're worried about \$6.5 million.

"Well, if we need \$6.5 million, Mr. President, a few weeks ago or a couple of weeks ago, we, the bi-partisan coalition, transmitted to you a tax plan and in it was a call to repeal the food tax credit, which is \$25 million, to be replaced to help low-income people and senior citizens with a modified adjusted gross income. That would cost the state \$18 million. That saves the state \$7 million. And we don't need this tax credit repeal if we're looking for a mere \$6.5 million because we can make it up by repealing the food tax credit and enacting the modified adjusted gross income tax credit.

"In response to the comments from the chair of the Ways and Means Committee, she is correct. The deputy attorney general did say that there is in the settlement a cap on litigation to the year 2000. What is also important to note, however, is that litigation that resulted in the settlement was based upon a law which we changed in 1992, and that law is, as the Senator from Wahiawa points out, constitutional. It does not discriminate against foreign insurance companies. Foreign insurers, and there are two who qualify for this Hawaii-based tax credit -- GEICO and TIG, are eligible for this 1 percent tax credit if they come to Hawaii, establish a customer service center, accounting, and other agents and other employees. This was an incentive measure to bring businesses to Hawaii. It is here. It is a measure we have now to help Hawaii-based businesses.

"There was a comment that we want to resolve this issue once and for all, and therefore the answer is to repeal the tax credit. Well, if we are going to fear lawsuits that may result in bills that we enact being ruled unconstitutional, then we might as well shut down today and not pass any law that has a smidgen of constitutionality questions. We don't do that.

"Finally, on the issue of fairness that was raised by the co-chair, Mr. President, as we move through the agenda, we are going to find measures that provide exemptions from our tax system -- \$16 million to \$40 million is one estimate, perhaps more -- 16 to 40 million. Every incentive we pass, every tax break we pass, is unfair if we want to define fairness in the context of this bill, because every tax incentive and every tax exemption that we pass benefits a class of people to the exclusion of all others. The issue of fairness is really not relevant here, at least for this measure.

"I saw on television last night a statement made by the governor about the Senate plan, and I appreciate the response of the Senate co-chairs that he must look at our entire package, that we have job incentives. There was a point made about the job incentives provisions that we have, to bring new businesses into Hawaii and to provide help to our businesses in Hawaii. This bill takes away what is presently existing to help Hawaii based businesses. It is constitutional. If repealed, it would cost the state millions of dollars in loss, not to talk about the loss of people's jobs. And I have spoken to at least two companies that presently qualify for the Hawaii based credit, and they told me that as of the time they spoke to me, their mainland companies have asked them to come back because they don't really need their shops in Hawaii, but for the tax credit. They're going to shut down. And we can sit here and say they won't, but they are. These people who are working for them now are going to lose their jobs. We're taking away their jobs. We're taking away an incentive and we've talked about incentives. We ought to live by our words, and I'm going to be voting 'no' on this bill.

"Thank you."

Senator Sakamoto also rose to speak against the measure and said:

"Mr. President, I also rise in opposition.

"I agree, Mr. President, with the co-chair about fairness and consumers having a good price of product to buy. Consumers can have a product, but if they have no job they cannot purchase. If there are no businesses here to provide jobs, then consumers cannot purchase.

"I agree with the Senators from Wahiawa and Mililani in their arguments. The bottom line is we need to, as the Senator from God's country in front of me said, help our people keep their jobs. And if we can wait till the year 2000, re-look at this measure, let that be. But let's not put more people in jeopardy now.

"The policy of this body seems to be, bring in companies from somewhere else, bring them here, entice them. You

know, we're saying let's do captive insurance companies. Let's entice people to come. Let's do technology. Let's entice people to come. Once they get here, what? We've got to look at a policy of taking care of companies we have, jobs we have. And yes, there's dollars involved, certainly there's dollars involved. But let's take care of the businesses here, Mr. President, and the jobs. Therefore people can afford to live here if we can take care of those things."

Senator Kawamoto spoke with reservations on the measure as follows:

"Mr. President, as the previous speaker, my co-chair from transportation, indicated, I am indeed concerned about the jobs and I will be voting 'W/R' primarily because of the concern that we cannot allow the loss of jobs. We must focus on trying to save jobs to help our economy. We are doing the reverse with this bill.

"Thank you very much."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3264 was adopted and H.B. No. 1866, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE PREMIUM TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 9 (Aki, Anderson, Bunda, Ige, M., Iwase, Sakamoto, Slom, Solomon, Tanaka). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 3267 (H.B. No. 2998, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3267 be adopted and H.B. No. 2998, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator M. Ige rose in opposition and stated:

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

"Mr. President, I'm just very concerned the way this measure was developed. I believe that the commercial harbors in our state hold a tremendous future. I believe that as we approach the next millennium, the harbors will play a major role in our economy. If we can assure our people that goods travelling over water is brought to us efficiently with tremendous amount of quality in its service, we can guarantee to our people that we will have products at a stable price.

"Mr. President, I believe by mixing maritime and non-maritime entities in a commission to make the recommendation to us is ill-advised. We should have the courage to look toward the future, separate commercial harbors because of its potential to be our cash cow, and make the necessary decisions that will benefit our entire community. That is our responsibility. This is where the buck stops. However controversial, it's our job to make that decision. I do not believe the commission will be able to do that.

"Thank you."

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

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

"Mr. President, many of us spent our interim working on this project. We went to all the islands, the co-chair and myself. We went to all the islands, the airports and harbors. We met with many Senators from the areas, those who could come to some of our meetings. We met with all the users of commercial and small boat harbors, and we finally had a conference here. We all talked the same language for the first time in a long time. I know I've been here only four years, but I understand

from the former transportation chair that they've been trying to get people together to talk in the same language.

"For the first time, we had an opportunity to do this, and we asked for this temporary commission. We had different bills, but we thought the commission method would provide the opportunity to look at the maritime authority, to look at the membership, to look at the possibilities as far as where they wanted to go with this effort. We felt this temporary commission, with time, could look into the matter and come back to us and tell us or give us who the members should be and what they can do. So, I ask my colleagues to vote 'aye' on this measure.

"Thank you."

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

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3267 was adopted and H.B. No. 2998, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MARITIME AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Ige, M., Kanno). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 3268 (H.B. No. 3033, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3268 was adopted and H.B. No. 3033, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At this time, Senator Levin, on behalf of the members of the Senate, extended happy birthday wishes to Senator Kawamoto.

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

The Senate reconvened at 2:06 o'clock p.m.

### RECONSIDERATION OF ACTION TAKEN

H.B. No. 2887:

Senator Chun Oakland moved that the Senate reconsider its action taken earlier on the calendar on H.B. No. 2887, seconded by Senator Kanno.

Senator Chun Oakland noted:

"This bill is identical to S.B. No. 2903, which crossed first and which the House has passed on Third Reading. This bill allows the commission to more easily achieve quorum, specifying that the seven appointed members of the commission shall serve as voting members of the commission, and that the quorum shall consist of a majority of the seven appointed voting members."

The motion was put by the Chair and carried.

By unanimous consent, H.B. No. 2887, entitled: "A BILL FOR AN ACT RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN," was recommitted to the Committee on Human Resources.

### THIRD READING

Stand. Com. Rep. No. 3269 (H.B. No. 3457, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3269 be adopted and H.B. No. 3457, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Anderson then requested his vote be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3269 was adopted and H.B. No. 3457, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3270 (H.B. No. 1824, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3270 be adopted and H.B. No. 1824, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

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

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

"Mr. President, the information that we got was that there are over 40,000 accounts written off by this corporation, amounting to approximately \$22 million. And the information that we have is that this is only the tip of the iceberg, and that there is a whole lot more accounts out there that could be chased after or gotten to replenish the general fund. And what bothers me is that this corporation is now asking for more autonomy and to exempt themselves from open meetings.

"Mr. President, I would like to acknowledge the efforts of the co-chairs of Ways and Means in their effort to try to resolve this problem and I humbly ask the Health chairs, when it comes to conference, to seriously look into this situation because I do not believe we are solving the situation by addressing it in the budget. I believe we can solve the situation by addressing it in this measure, and these questions need to be asked. As a result, I will be voting 'no.'

"Thank you."

Senator Fukunaga rose to support the measure as follows:

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

"Referring to the comments made by the prior speaker, I believe the bill before us, H.B. No. 1824, does address the specific concerns he raises. The committee report on page 2 specifies that the Hawaii Health Systems Corporation shall refer, to the collections unit of the Department of the Attorney General, collection and enforcement of all outstanding accounts receivable that have been generated prior to January 1, 1997, that have been deemed uncollectable, written off or returned from a private collection agency. It allows the corporation to take responsibility for collection of accounts that have arisen after January 1, 1997. It is the co-chair's and the committee's intention that all outstanding accounts receivable will be acted upon.

"We believe that for these reasons, the bill does address the specific problem and we would urge all members to vote in support of the measure.

"Thank you."

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

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3270 was adopted and H.B. No. 1824, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3271 (H.B. No. 2803, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3271 was adopted and H.B. No. 2803, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3272 (H.B. No. 3065, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3272 be adopted and H.B. No. 3065, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Iwase rose to speak on the measure as follows:

"Mr. President, with reservations on this bill because I think we have a problem with Article III, Section 14, of the State Constitution with the one subject requirement.

"Thank you."

Senators Fernandes Salling, Tanaka, Anderson, M. Ige and Solomon then requested their votes be cast "Aye, with reservations," and the Chair so ordered.

Senator Slom then rose and said:

"Mr. President, I just would like to add a couple of remarks about that bill, about the cigarette tax.

"First of all . . ."

The Chair interjected:

"Are you voting for or against the bill?"

Senator Slom responded and continued:

"With reservations. First of all, I think we're trying to solve a problem that has not been documented that exists here in terms of contraband cigarettes.

"Secondly, we're giving the police department additional work and I think that instead of chasing cigarette marauders they should be doing their job in terms of regular criminals and those that are doing violence upon others.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3272 was adopted and H.B. No. 3065, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1533, H.D. 2, S.D. 1:

Senator Baker moved that H.B. No. 1533, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Kanno rose to speak on the measure with reservations as follows:

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

"I'm addressing the removal of monies from the dwelling unit revolving fund and the homes revolving fund.

"Although much time and money have been invested in the Kapolei community, the Villages of Kapolei is less than one-half finished. Some of the promised improvements include a neighborhood park, elderly housing, a commercial center and affordable rental housing.

"Removal of these funds may affect state plans to expedite work related to the University of Hawaii -- West Oahu, the state's new ballpark complex in Kapolei, the North-South Road/H-1 Interchange. The North-South Road improvements are critical to the transportation demands in the Ewa Plain.

"In 1986, the State of Hawaii, under the leadership of Governor John Waihee, embarked on an effort to address the housing problem in our state. With the creation of HFDC and the Villages of Kapolei, the state assumed the role of master developer.

"Just as much as we hold developers like Gentry and Castle & Cooke to their commitments to the community, we now need to hold the state responsible for the commitments and promises made to the homeowners in the Villages of Kapolei.

"I ask that the body review and consider carefully the specific commitments that must be followed through on before \$48.9 million is removed.

"Other factors need to be considered. Home sales have slowed in Kapolei just as they have in the rest of the state. Kapolei developers have had to request extensions from their commitments to HFDC and the State of Hawaii. This may also affect the balances of HRF and DURF.

"I'll be voting with reservations. Thank you"

Senator Slom then rose and said:

"Reservations, please, Mr. President."

The Chair so ordered.

Senator M. Ige rose in opposition and said:

"Mr. President, just a few words in opposition, please.

"Mr. President, as one of the co-chairs of Government Operations, we hear testimony on the importance of housing and shelter for our people and HRF and DURF was established for that purpose. To remove the monies now, I believe, is short sighted and irresponsible.

"Thank you."

Senator Bunda rose and said:

"Mr. President, reservations for me, please."

The Chair so ordered.

The motion was then put by the Chair and carried, H.B. No. 1533, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read

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

Ayes, 24. Noes, 1 (Ige, M.).

H.B. No. 2800, S.D. 1:

Senator Baker moved that H.B. No. 2800, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak against the measure and said:

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

"I'm a little confused by the bill and I know that the original purpose was to allow the state greater latitude in terms of investment with commercial paper and bankers' acceptances and I certainly support that. But I'm a little stymied with the definition and the usage of 'linked investment' here. It seems to me that this bill is heavily skewed in favor not of managing state funds, but for certain financial institutions, one of which is on the verge of trying to reorganize and reincorporate in the State of Delaware. I think that testimony has brought out that the state will actually lose money in this transaction, and that while it does give greater latitude to certain financial institutions, it may not be in the best interest or in the financial safety of the state to allow this to happen.

"So, for these and other reasons, Mr. President, I'm voting 'no.'"

Senators Solomon and Fernandes Salling then requested their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, H.B. No. 2800, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANAGEMENT OF STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

H.B. No. 3199, H.D. 2, S.D. 1:

Senator Chun Oakland moved that H.B. No. 3199, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Bunda.

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

The motion was then put by the Chair and carried, H.B. No. 3199, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATIZATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1160, H.D. 1, S.D. 1:

Senator Chumbley moved that H.B. No. 1160, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

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

"Mr. President, I'll be voting with reservations on this particular measure primarily because it says that you're going to have to come out with additional reports. I stated some of my reservations in the committee that all of our people that work on our campaigns are volunteers. This puts an added amount of work on them. Some people have said that it doesn't

really do that. Others said that it really doesn't matter. But whenever we pass anything that gives more work to a volunteer, I think that it's our responsibility to look at the time that's going to be put in and make sure that we know what we're voting for.

"For that reason, I do have reservations on this particular measure."

Senator Slom also rose to speak with reservations as follows:

"Mr. President, I, too, will be supporting the bill with reservations.

"I want to thank the Judiciary co-chairs for changing the effective date of the bill so that it was not retroactive and it was not in the middle of the campaign. However, the reporting requirements, I think, are onerous for non-incumbents and for volunteers, so I support the remarks made by the Minority Leader.

"Thank you."

The motion was then put by the Chair and carried, H.B. No. 1160, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3282 (H.B. No. 3528, H.D. 1, S.D. 2):

Senator Chumbley moved that Stand. Com. Rep. No. 3282 be adopted and H.B. No. 3528, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Sakamoto rose to speak on the measure as follows:

"Mr. President, I rise in support with reservations.

"Mr. President, job reference liability is a common sense measure. Employers need the ability to select qualified employees based on factual references. Anything less, hinders the ability of a company to compete in an already difficult economy.

"Additionally, Mr. President, our laws often hold an employer liable for the actions of his or her employees. It is only sensible and fair that we, therefore, allow the employers access to all pertinent information available during the hiring process.

"So, while I am not 100 percent supportive of the language in this bill, I believe we need to move this measure to conference. More importantly, last year this wasn't resolved. This year we can't let that happen again, Mr. President."

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

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3282 was adopted and H.B. No. 3528, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3130, H.D. 1, S.D. 1:

Senator Chumbley moved that H.B. No. 3130, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Taniguchi then said:

"Mr. President, please note my reservations."

The Chair so ordered.

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

The motion was then put by the Chair and carried, H.B. No. 3130, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3285 (H.B. No. 2564, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3285 be adopted and H.B. No. 2564, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator M. Ige rose to speak against the measure and stated:

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

"Mr. President, the percent of students scoring average or better in reading, grade 3, is 66 percent. The percent of students that score average or better in reading, grade 8, is the same, 66 percent. The percent of students scoring average or better in math, grade 6, is 82 percent. The percent of students scoring average and above in math, grade 10, is 78 percent, and it seems to be dropping.

"Mr. President, we don't need a commission to tell us the scores are low, nor do we need another layer of bureaucracy to inform us about what's wrong. I believe accountability rests in each of us here. This is where the buck stops. We do not need a bill like this. We should confront the challenges right here on this floor.

"Thank you."

Senator Baker rose to support the measure as follows:

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

"Mr. President and fellow colleagues, this measure will help us improve the performance in our schools. The successful program developed in Chicago is the model for this bill. A team of individuals will visit a school, observing the school's operations, very much like our school inspection team for facilities, but this inspection focuses on performance. This bill sets up a mechanism to help schools that are not performing. When schools ask for assistance, that help will come as intensive support for the faculty, marshalling other resources in the school, and working with the community. This bill is one way to demonstrate that we take the performance of our schools seriously and that we're going to insist on accountability, matching our rhetoric with action.

"This important measure gives us the means to determine a school's performance but it also instills student accountability as well. It allows the Board of Education to establish policies to assess a deposit fee for all school books and instructional materials.

"I think this bill is a great step forward to assist our schools with their performance, giving confidence back to the public that the schools are, in fact, providing young people with the

tools and knowledge to be successful in the workplace and in life.

"I urge all my colleagues to support this measure. Thank you, Mr. President."

Senator Tam also rose to support the measure as follows:

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

"In addition to the words that were mentioned by the previous speaker, this bill is a positive bill bringing forth the parties involved in the schools to work together. And if I may add, this is a temporary commission, not a permanent one.

"Thank you."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3285 was adopted and H.B. No. 2564, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ige, M.).

Stand. Com. Rep. No. 3287 (H.B. No. 2655, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3287 be adopted and H.B. No. 2655, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose in opposition and said:

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

"In it's amended form, the bill, I think, offers many good things for economic development, has blended in a number of different provisions from different bills, but unfortunately the crux of the bill still remains an increase in the transient accommodations tax to 11.5 percent and a newly offered transient occupancy tax on time shares.

"As I stated before, I believe that it is not constitutional to tax the time shares because they are sales of property that have already taken place. And as far as the transient accommodations tax increase, I know that many of my colleagues say, 'Yeah, but the hotel industry came and this is what they said. They asked us to do it.' And I must say that I think few people in that industry are extremely short sighted and have very short memories. They don't remember how they've been taken once, twice, three times by the Legislature in the past.

"First, they agreed to an increase from 6 percent to 7 percent, then they agreed to an increase from 7 percent to 11 percent. But the Senate, to make sure that we do things better than the House, added yet another half percent to 11.5 percent, and the quid pro quo was that we were going to exempt the hotel rooms from the general excise tax.

"We heard testimony from Budget and Finance, from the budget director, saying that that was not policy that the state wanted to adopt -- to exempt hotel rooms from general excise -- because if the hotel rooms got the exemption, then other industries would be tempted to ask for that exemption too.

"So at this point, Mr. President, the hotel industry faces a possibility of an 11.5 percent transient accommodations tax, plus a 4 to 5.35 percent general excise tax in an industry which is already suffering because of low arrivals, high cost, and declining occupancy. And so, if we're talking about economic revitalization and we're saying that the tourist industry is our primary industry, then I think it's extremely short-sighted to talk about raising this tax. I think and I predict it will be extremely detrimental if we pass it.

"Thank you, Mr. President."

Senator Iwase rose to speak on the measure with reservations as follows:

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

"Mr. President, my reservation is based upon . . . I voted previously about the one subject rule, Article III, Section 14, which was expounded upon in the Hawaii Supreme Court case Schwab v. Ariyoshi, where the court found that the constitutional requirement mandates that all parts of the bill embrace but one subject, and that the parts are, I'm quoting from the case, 'so connected and related to each other, either logically or in popular understanding, as to be parts of or germane to that general subject.' The purpose of the constitutional requirement, as the court in Schwab said, was to prevent hodge-podge or logrolling legislation, to prevent surprise or fraud upon the Legislature by means of provisions in bills of which titles give little intimation, and also to apprise the people of the proposed matters of legislation. In short, the broad title, and in this case 'Relating to Economic Development,' does not permit logrolling legislation.

"I think also, Mr. President, since we always talk about notice to the public and openness to the public and having public participation, if we truly desire to have that kind of participation and truly desire to notify the public, we must be especially careful to limit the subject in a bill where the title is very broad. And in this case, we failed under the title of Relating to Economic Development. It kind of reminds me of Ross Perot's giant sucking sound from Mexico he said. This bill, like a tornado, has swept into it, sucked into it, such disparate subjects as tax credit for technology training or job creation; a hope and lifetime learning credit; tax credit for Asian-Pacific language courses from DOE or private language schools; establishing the Hawaii Internet Exchange; and then the entire matter relating to the tourist accommodations tax, TAT and the TOT, which affects not just the tourist industry, but the state and county governments regarding the distribution of the TAT.

"These subjects and others included in the bill are not so connected or related to each other. The TAT and the TOT, for example, have absolutely zero relationship to the hope and lifetime learning, zero relationship to establishing the Hawaii Internet Exchange. I believe we've challenged to the extreme the one subject requirement mandated by our Constitution and I'll be voting with reservations.

"Thank you."

Senator Metcalf then inquired:

"Will the previous speaker yield to a question?"

Senator Iwase having answered in the affirmative, Senator Metcalf continued:

"The case cited, Schwab v. Ariyoshi, what was the court's ruling on that case?"

Senator Iwase replied:

"Thank you for the question. The court ruled that the action of the Legislature was constitutional. Do you want me to elaborate on it? I'll be glad to."

Senator Metcalf replied: "No. Actually . . ."

Senator Iwase interjected:

"Please ask me. (Laughter) Please."

Senator Metcalf continued:

"Actually, I have another question. You indicated that the court ruled that the action was constitutional. (Senator Iwase: "Yes.") Can you briefly describe the facts in that case."

Senator Iwase responded:

"Thank you very much for that question. Yes. In that case, the title of the bill, Act 58, the title of the bill was 'An Act Making Appropriations for Salary and Other Adjustments Including Cost Items of Collective Bargaining Agreements Covering Public Employees and Officers.' Part I of the bill mainly appropriated certain sums for the fiscal biennium for all collective bargaining cost items of the contract; Part II -- adjust the maximum salary limits for certain officers and staff members of the executive branch; Part III -- affect adjustments in salary for officers in the judicial branch, the district family court judges, etc.; and Part IV -- salaries for certain legislative officers."

Senator Metcalf further inquired:

"And the court in that case found that the title of that bill fairly could be construed as embracing all those subjects, including the judicial salary increases that were rolled into that measure?"

Senator Iwase replied:

"Under the title of the bill -- Making Appropriations for Salary and Other Adjustments Including Cost Items of Collective Bargaining Agreements Covering Public Employees and Officers -- yes."

Senator Metcalf then stated:

"Mr. President, based on that analysis, I fail to see how the Senator from Mililani can argue that this title is too narrow to encompass the subjects contained in this measure."

"Thank you."

Senator Iwase responded:

"Mr. President, in response, if you read the Schwab case, I repeat the quote from the case, 'that the parts are so connected and related to each other, either logically or in popular understanding, as to be parts of or germane to that general subject.' And also to keep in mind the purposes of Article III, Section 14, if you believe that tax credits for technology training and job creation is logically related to the tourist accommodations tax, then that is your opinion -- I disagree."

"Thank you."

Senator Baker rose to support the measure and said:

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

"Mr. President, this session much of our efforts have focused on our economy: shoring up our state's number one economic driver -- tourism -- and looking for ways to enhance the economic engine of the future -- high technology. An important element of the pursuit for the high tech arena is workforce development."

"The measure before us contains these two elements because they are quite related. They are the two key elements that we have looked to, to revitalize our economy. We seek to strengthen the current number one economic driver in our state which is our visitor industry, and we're looking to further develop, entice and enhance our fledgling high technology industry. Both of these are key aspects of economic development. I believe the nexus is there. We need to move this measure forward."

"Thank you."

Senator Anderson rose in opposition and said:

"Mr. President, I, too, will be going 'no,' but not because of the two learned gentlemen. As attorneys, I like their arguments, but I'm going along with the Minority Floor Leader's words, and could they please be reflected in the Journal as though they were my own."

Senator Fukunaga rose in support of the measure and said:

"Mr. President, I rise to speak in support of this bill and I would like to note for the Senator from Mililani that the subject matter referencing the TAT and TOT discussion was contained in a prior Senate measure which did receive a full hearing and discussion in the Senate Ways and Means Committee."

"This measure, as discussed by the Ways and Means co-chair, does certainly fall within the parameters of what we consider our most important high technology and tourism industry promotion initiatives; and we certainly believe that these fully embrace the subject of the bill."

"Thank you."

Senator Fernandes Salling rose in support of the measure and said:

"Mr. President, I rise to speak in favor of the bill. However, I do note the good arguments that were expressed here today by the Senator from Mililani which I think is on point and makes it clear that we face a danger of perhaps losing portions of the bill if the title does not adequately embrace all of the different proposals that you have in it, and they are quite different. We're talking high tech versus TAT. And as I recall, the Attorney General last year asked us to specify that our titles be 'Regarding Economic Development for High Tech Measures in the Area, blah, blah, blah, blah.' That was what the AG was requiring. I'm not sure if they are going to again require us to do that, but I'm just asking the chairs to consider that I don't think you want to lose some of these provisions of the bill that I believe are good and that we need."

"So you might keep in mind that perhaps it's safer to, in the course of moving forward, look for another title, just in case there's a chance that this could happen."

"Thank you."

Senator Metcalf rose again in support and said:

"Just a couple of more points, Mr. President, in support of the measure."

"I think if this body were to rely on every pronouncement by the Attorney General's office, we would not likely make much progress. And I think this body is the judge of its own rules and we also interpret the Constitution as we proceed with legislation. To my knowledge, there has been no successful challenge to any measure passed by the Legislature based on the scope of its title, and I think, as the previous speakers from Maui and from Makiki have indicated, the nexus is quite clear that these are economic development programs, Mr. President."

"Thank you."

Senators Solomon, Tanaka and M. Ige then requested their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3287 was adopted and H.B. No. 2655, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," having been read throughout,



passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3288 (H.B. No. 2990, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3288 be adopted and H.B. No. 2990, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak against the measure and said:

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

"We certainly all know the importance of water in our state. We know the importance of water for farmers, particularly small farmers, and we all know the problems that the state has had with its stewardship of the four ditches that it now controls. Two of them have severe problems, operationally and in terms of maintenance. One of them on the Big Island, Hamakua, is in very desperate need. So now we consider a bill that really is the 'son of a ditch' -- Waiahole.

"And I can remember asking in the first economic committee hearing for a description of what it was that the state was buying for \$10.5 million. And everybody thought that was a joke because everybody said, 'It's the ditch. It's the ditch, stupid. Everybody knows it's the ditch.' But I want to know exactly what we got and what we were getting for our money and I'm glad to see that on March 30 there was a memo that came to the Ways and Means Committee and it lists everything in there, including aluminum ladders, a couple of Nikon cameras and a lot of old trucks and equipment that we're getting.

"But I'm concerned about a number of different things. First of all, I think we have possibly a potential constitutional problem. The legislative declaration in Section 15, I believe, is an unconstitutional violation of the separation of powers in at least three ways. First, the Legislature is impermissibly restraining the Water Commission's ability to change or alter its decision through the rule or decision-making capacity as a separate independent administrative agency. Secondly, the Legislature is restraining the courts from hearing litigation involving this matter. This violates the separation between the Legislature and the Judiciary. Thirdly, this last violation also forces the courts to violate the separation between the Executive and the Judiciary in addition to the above Section 15, violates the procedural in substantive due process, open courts and basic liberty and property rights under our State Constitution. This is because there is current ongoing litigation over this ditch.

"There are also other interested parties who could bring suits. There could also be a problem with forcing the decision to be in effect for 20 years over the life of the bonds, if the bonds are retired in advance. To reduce the risk of losing additional money on this purchase, the sale contract should require the seller to purchase title insurance for a number of years, but that's not included in the bill. Only after a complete title search by the insurance carrier and prepayment of the premium by the seller will insurance be issued. This process will identify the true owner of the property and address any issues regarding easements.

"Finally, Mr. President, I think members of the Ways and Means Committee and other committees were aware that this has been a private ditch for all these years. The Senate Minority Leader had suggested on several occasions that first of all, through its gratitude and through all of the economic benefits that the company has garnered because of the use of this ditch, that it should donate the ditch to the people of Hawaii. Failing that, the state should lease out this property for a period of time. And failing that, since it is a private ditch, it

should be sold to private customers; thus relieving the taxpayers of any liability.

"And you might say, Who would buy this ditch? Well, Mr. President, as my colleagues know, there has been at least one firm offer for purchase. As a matter of fact, I have here a copy of the check that was proffered to the committee in the amount of \$100,000, deposit on Waiahole Ditch purchase upon receipt of title report, from one Mr. Steven Sawyer. Nothing was done about that, Mr. President, and I find that odd that we, in this time of very difficult financial circumstances, we don't look for innovative ways, particularly when we have somebody who has both the ways and the means to purchase this ditch and to take upon himself the responsibility of operation, maintenance and repair.

"So, for all of these reasons and these cautions, Mr. President, I am compelled to vote against the Waiahole Ditch purchase by the state.

"Thank you."

Senator Fukunaga rose to support the measure and said:

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

"I want to thank the good speaker from Hawaii Kai for some of the issues that he has brought up in his discussion. And I do want to assure the members that a number of issues have been raised throughout the course of deliberations on this measure, and the discussions have not been concluded. As you will note in the bill, there is a defect which places the implementation date in the year 2020. It is your committee's intention to continue to work with all stakeholders in this process to ensure that the final work product is one that all can be satisfied with.

"For those reasons, I would urge my colleagues to vote in support of the measure. Thank you."

Senator Kawamoto rose to support the bill as follows:

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

"Mr. President, this so-called ditch or 'son of a ditch' as called by the Senator from Hawaii Kai, this ditch was built by unsophisticated means from 1913 to 1916. This ditch has been going on for quite some time and has been helping the sugar industry. This ditch, right now, would provide water in a sharing manner to the other folks on the windward side, to provide water for almost 893-1,000 farmers. This number is twice the amount of workers Oahu Sugar Plantation had three years ago.

"Also, the recharge, or the water that's not used, that goes into the ground helps out the Pearl Harbor aquifer. And for your information, fellow Senators, this Pearl Harbor aquifer does not only have water for the Pearl City and Waipahu area, it goes from Waianae to Hawaii Kai, many of your districts. That's who uses the water. So we should all be in favor of this Waiahole Ditch because it provides water for about two-thirds of the people on Oahu.

"Thank you very much."

Senator Anderson rose in opposition and said:

"Mr. President, I will be voting 'no' on this particular measure and I wasn't going to speak on it, however, just to clarify a few things that haven't been said.

"We've been going through a drought recently and here we're saying we're going to have water for 20 years that's going to be allocated and it's going to tell you how much water. Well, there's a problem if in 20 years we don't have the amount of water and we're saying we're going to put it in there for 20 years what we're going to do.

"Over and above that, Mr. President, I brought it out the other night that the Agribusiness Development Corporation, the governor said that he wanted to get rid of this particular program. The House Finance Committee did a line item removal of this particular item, and here we're turning over everything to the Agribusiness Development Corporation. I have a problem with that. I don't have a problem helping farmers. I don't have a problem saying we're going to lease the ditch. I would rather American Factors give us that ditch for a dollar and love and they owe us a lot of love, let me tell you. So, a dollar and love is not over and above what we should expect from this.

"I also said we could go into condemnation. There are many things that we can do rather than spend 10-point-something million dollars. So I have a real problem. I again say I didn't plan on speaking on this particular bill but I would look at what the good Senator from Hawaii Kai said. It's a constitutional problem. We cannot subject someone for 20 years on this particular measure, and I will be voting 'no.'

"Thank you very much, Mr. President."

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3288 was adopted and H.B. No. 2990, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 2:45 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:51 o'clock p.m.

Stand. Com. Rep. No. 3290 (H.B. No. 3200, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3290 be adopted and H.B. No. 3200, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Iwase supported the measure as follows:

"Mr. President, I'm rising to speak in support with reservations.

"Mr. President, first of all, the Public Employees Health Fund, as we learned throughout this session, is one which is going to be a source of great concern. It's a concern now and it's going to be a concern in coming years because of the money that's in it. At the hearing of the Ways and Means Committee on Thursday night when we were given the digest, one provision in the digest regarding the committee's recommendation is to require the Public Employees Health Fund to return all monies to the state and counties general funds that were in excess of 8.7 million necessary for the fund to stabilize health insurance rates for 1998-1999 fiscal year. And in raising the question as to the amount that would be returned to the state, I believe the response was \$40 million.

"My concerns and reservations about the bill, Mr. President, are as follows: First, as I understand it, the amount of reserves in the Health Fund as of June 30, 1997 is 38.5 million, and of that amount, 225.11 million, not 40 million, is eligible for return to the state because there is a 60-40 split in the employer/employee contribution. Of that 38 million, 13.4 million in contributions from the active employees should not be refunded to the state. And if the money amount, the 40 million, is used and the Senate financial plan is 40 million, then we are short.

"Secondly, Mr. President, when the bill left the Human Resources Committee, authority was given to the Health Fund

to refund the monies to the employees upon the effective date of the act, I believe. We have now modified the bill to allow refunds beginning in fiscal years 2000 and 2001. In short, the WAM version delays the refund of this \$13 million to the state employees. There's really no explanation in the WAM committee report for keeping the money from our workers until the year 2000, yet, in the bill, effective now, there will be a refund of monies to the state. This is unfair and this is unequal treatment for our employees.

"Also, Mr. President, the 8.7 million rate stabilization amount is not yet a final figure. The Health Fund board will vote this Friday to determine whether or not that is the amount needed to stabilize the fund. The amount could be higher, in which case the Senate financial plan would again be short.

"We are withholding monies from our workers without explanation, monies which should be refunded to them now in these tough economic times. It would help generate consumer spending which our economy sorely needs. We do not know what dollar amount in this bill is part of the Senate financial plan, but if it is 40 million and 8.7 million, then we may be off by several million and our financial plan would be short. So, I'm voting with reservations

"Thank you."

Senator Fukunaga rose in support of the measure and stated:

"Mr. President, I rise to speak in support of this measure. I would like to respond to the prior speaker's comments.

"In Section 9 of the bill (contrary to the prior speaker's comments), the bill specifies that on the effective date of the act, the Public Employees Health Fund will return all amounts representing the employer's share of insurance carrier refunds, rate credits, and interest, in excess of the 8.7 million necessary to stabilize health insurance rates for the 1998-1999 fiscal year, and those funds shall be transferred from the Public Employees Health Fund to the state general fund and to the appropriate county general funds. This transfer is in conjunction with Act 183, SLH 1995, as amended by Act 269, SLH 1996, and Act 276, SLH 1997, which require the health fund to return the employer's share of excess funds to the state or county for deposit into the appropriate general fund. As of the effective date of this act, no employer contributions have yet been returned to the general fund.

"Further, that law permits the health fund to use insurance carrier rate credits, reimbursements, earnings and interest to stabilize health benefit plans or long-term care benefit plans or other expenses with legislative approval. The determination as to the timing and the return of employee contributions is a matter to be determined by the Legislature. And that is the measure that we have before us.

"For the foregoing reasons, we urge all members to vote in support of the bill."

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

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3290 was adopted and H.B. No. 3200, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3292 (H.B. No. 867, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3292 be adopted and H.B. No. 867, H.D. 1, S.D. 2, having been read

throughout, pass Third Reading, seconded by Senator Fukunaga.

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

"I rise to speak in support with reservations, Mr. President.

"Encouraging early retirement because of the lack of space for people in our government is a good thing. However, these incentives cost the state money, so I'm concerned about the cost. The last time we had early retirement, there was an unanticipated cost to the state. And the last time, as well, which may occur this time again, last time we had to rehire people who retired early, and that again costs and maybe it will become a wash.

"Mr. President, as I read the committee report, in the original bill it called for the Employees' Retirement System to conduct a study to determine the fiscal ramifications of converting all present ERS members to contributory membership and report to the Legislature. In an earlier bill we heard, Mr. President, we jiggle a little bit here and we save 30 million, possibly jiggle some place else and you lose 60 million; jiggle there, 90 million. We've been working with this retirement fund for years as sort of a bank and in this case, maybe as a candy store -- jiggle this, jiggle that, 30, 60, 90 -- well, who knows.

"I think, Mr. President, our public employees have a problem every time we touch the retirement fund. And they don't deserve to be juggled with here and there. And I think we need to address, perhaps, what the original bill said and look at what many part private employees do. Your IRA account is your account. The social security account is your account, it's your account. In the public/private sector, unions, as well, agree that you get your retirement based on your longevity, how well you work, how long you work, how much you make. I think we need to look at that, Mr. President.

"So, reservations on the bill that stands, but also ask people to consider looking at how we can address our retirement system so people actually will get benefited by how much they make and how long they work and how well they work."

Senator Slom rose to speak against the bill and said:

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

"Again, I think the bill is sending mixed signals. We say we want to down-size government and we want to reduce the public employee workload, but we're not doing it right. We're not doing it in any business-like fashion. And instead we're throwing fear into public employees because they don't know what the Legislature is about to do next. As the good Senator from Moanalua said, we're jiggling with not only their health benefits but other legal and vested rights, as well.

"The problem I have, though, here is, and the Senator reminded us all what happened with the last early retirement, we had a rush for people to get out of government. They wanted to get out and, unfortunately for us, it was the best that got out because they'd lost confidence in management -- the management. And that's where the problem is. And so instead of just offering early retirement, what we really should be doing is insisting that in these various departments, the managers take full responsibility and accountability for their employees. And those employees that are doing a good job should have no fear of losing their jobs, in fact, should be given incentives. And those people that in fact are not doing a good job should not be there because they take away from their fellow employees that are very proud to try to make contributions for the public sector.

"But most troubling of all, Mr. President, is in this bill we're talking about down-sizing. There's a provision to allow the governor to appoint or hire 50 new positions, and the judiciary

to hire 10 new positions. So we're not consistent. But we are setting up a precedent here for the possible violation of legally vested rights for a certain group of employees. I think there's a much better way to do it. I think we should be doing it better, and again, I think the bottom line here is on management. And that's what we should require, so I will be voting 'no.'

"Thank you."

Senator Baker rose in support of the measure and said:

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

"Mr. President, H.B. No. 867, S.D. 2, puts in place a severance plan and an early retirement option for employees facing a reduction in force. It is a humane approach to downsizing because it seeks to provide our public employees with options and mitigative measures in the face of inevitable layoffs throughout government.

"Our tough economic times require us to right-size government and, unfortunately, right-sizing government means proportionately laying off part of our workforce. In anticipation of a reduction in force, your Committee on Ways and Means sought to offer some incentives and extended benefits to help affected employees transition from public service to retirement or to the private sector. Simply laying off employees and subjecting them to our tight job market, we believe, would be irresponsible and uncompassionate. Neither the private sector nor government safety nets can be expected to support the 400-plus employees that may be affected.

"Specifically, this bill would offer employees facing a layoff with severance or early retirement, depending on which category best suits them. And for those persons who may be just a few months short of vesting, we've included a provision that would allow them to vest, as well.

"This measure is far different, Mr. President, than the previous early retirement program that this Legislature enacted a number of years ago. That program was open to all employees. That previous proposal was costly and caused great disruption, as it was considered an employee benefit. This proposal is different. It is a targeted approach. It is a management tool to transition affected employees from government service to retirement or other occupations.

"House Bill 867, H.D. 1, S.D. 2, draws from previous experience. The proposal has been drafted to follow the best practices in the private sector. This is a compassionate approach and we believe it is the right thing to do and it is only for those employees who are faced with layoffs or a reduction in force.

"Additionally, this bill provides that all vacant positions shall be eliminated. Your Ways and Means Committee took every vacant position as of March 1, 1998, that was not deemed an essential position. In excess of 1,100 vacant positions have been eliminated. That is the reason we felt it necessary to provide a small pool of full-time equivalent positions for both the governor, the chief justice, and in another bill, for the university president. Such a pool of vacant positions would allow critical services to be maintained, and flexibility to meet new requirements. Government would be downsized but critical services and functions would not be impaired.

"Mr. President, your co-chairs believe that establishing a severance benefit and early retirement option for eligible state employees who would otherwise be laid off will ease the initial financial burden of a layoff and to help those employees reestablish themselves either in another vocation or in retirement.

"We believe this bill is an appropriate and compassionate response to the necessary and inevitable downsizing of our

government. I urge all of my colleagues to support this measure.

"Thank you."

Senator Anderson rose in opposition and said:

"Mr. President, I'll be voting 'no.'"

"Again, I was not really prepared to speak on this particular issue, but it was brought out that we have to be compassionate, number one, and what happens in private enterprise is that they have learned to down-zone, and that's great. There's a difference, though. When you give years of service to credit to employees with nine years, you give one year so that they can get out early. There's nothing else that says that there's any age bracket. Then we have a problem.

"When you're in private enterprise, you either have time of service or you're old enough. And in some cases, if you don't go one way or the other, you don't go anywhere. And that's the problem that I have with government. All of a sudden we're saying we're like private enterprise. Well, private enterprise when they down-zone and they're going to give you an early out, you are normally 55, 60 years of age, or you have 20 years of service, but they don't pay you to make the service time if you're too young, or if you're older they don't try to look at seeing where you are with giving you another five years off or something. They work it out in a different manner.

"This one here, there is nothing that says that you have to have your 10 years and 55 years of age, or that you have to have 10 years with no age. It leaves it open. And I have a problem with that because we were told by Mr. Anzai that they have no control over the retirement system cost. And this is going to cost the retirement system. It's going to cost the medical system, and we're going to say, well, we had no control over this. And that's not quite true. And that's one of the reasons that I'm voting against this.

"I also have a wife with Hawaiian Airlines with 41 years of service, but she couldn't get out because she wasn't 60 at the time. And that is what you do in private enterprise. You have to, when you're going to retire, you have to have it both ways. Now, if they had offered her an early out, they may have let her go at 59. I'm not sure, but she sure as heck would have had 40 years.

"So for those reasons, Mr. President, I am going to be 'no' on this particular measure.

"Thank you."

Senator Iwase spoke with reservations as follows:

"Mr. President, I'm standing to speak in support of the bill with reservations.

"Mr. President, I made my statements at the Ways and Means Committee hearing when I voted along with two other colleagues, with reservations. They remain the same. That night, we did not know. It was basically on the timing of the bill and the chilling effect, the cloud that's placed over 42,000 state workers not knowing if they're going to have their jobs or not because we do not have a plan -- a specific, clear, directive plan -- as to what programs would be cut, and what kind of services government would be providing in a right size government.

"Since that night, I found out the next day while watching a press conference that about half the cuts were supposed to be with DOE. Now I'm getting calls from teachers, although understanding what was said there, I guess because we're here, that we're dealing with the administrators, we're getting calls from teachers who are afraid that they're going to lose their jobs, people who are in special education who believe their

programs are going to be cut because we're cutting half of the employees of the Department of Education.

"And if these kinds of things go out with this kind of bill, then it chills spending. Again, that's what we need to have. We need to have spending. Forty-two thousand government workers, they spend well in the State of Hawaii. They have supported this economy, and we ought to let them know who's going to be here and who's not going to be here.

"One final comment, Mr. President, because I've been noticing in the paper that they've been calling this an early retirement option. Well this really isn't an early retirement option bill, far different from the past. You must fall into a category to qualify for two options, and that category is, you lost your job -- you were either laid off or you were terminated. If you are in that category, you can get the severance package or you can opt for early retirement. This is not an early retirement package to allow people to retire early. You have to fall into a very specific category, and again, that sends a message out there that your job is in jeopardy for all 42,000 employees. And I hope we can be more specific as we move through this process and bring some comfort level to the people in the public workers sector.

"Thank you."

Senator Kanno rose to support the measure and said:

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

"I'd like to respond to the statements made by the Senator from Moanalua regarding Legislators jiggling the system for the financial benefit of the general fund. Contrary to those remarks, the efforts of the Ways and Means Committee and the Human Resources Committee have really been more along the lines of a thoughtful process addressing the long-term financial stability of both systems.

"A year ago, the Legislature passed a major reform measure for the Employees' Retirement System. What the measure did was eliminate the excess earnings provision. Members may recall earnings over 8 percent would be removed from the Employees' Retirement System for the benefit of the general fund. The measure last year eliminated that. Given the financial times, measures like these have to be well thought out and it was quite coincidental and beneficial to the deliberations here on the state budget that that measure saved the general fund \$73 million last year. But no one, critics included, can claim that the measure hurt the Employees' Retirement System. Rather, it will help the system reach a fully funded status. Provided the investments at the stock market continue in the way that they have been in recent years, the system could be fully funded by the year 2005. In which case, the appropriations that this body is having to make in the order of \$200 million to \$400 million would be eliminated by that time. So in that instance alone, the reforms made to the Employees' Retirement System are really towards financial stability rather than jiggling or raiding of the funds.

"Another improvement made this year is the salary increase assumption. There was a measure contemplating lowering the assumption from 4 to 3 percent. And through deliberations here in the Senate, we were able to develop another proposal in concert with the Employees' Retirement System using a three-year floating average which no longer bases these calculations on estimates or assumptions; rather it's based on actual figures and actual salary increases, making an improvement to the system. Coincidentally, because of the tight financial times, it works in concert with our budget plan, saving the general fund \$30 million in fiscal 1999 and \$39 million in fiscal 2000.

"Most of all, I'd like to emphasize that the changes we're making to the system never disregard what the long-term impacts are and we are really looking at making improvements, not just for two and four years out, but rather 10, 20, 30, 40, 50-

plus years into the future. That's the commitment of the Human Resources Committee and I can assure as well for the Ways and Means Committee.

"I think concerns about the health fund will require that we are also in need of making major reforms to the health fund system, but likewise we're going to do so in a very thoughtful process, and I can assure the members we will not be jiggling with the system.

"Thank you."

Senator Sakamoto rose again and said:

"Mr. President, in response to several of the comments.

"Firstly, I'm not opposed to some of the changes, especially last year's change to make the fund ongoing and self-sufficient. But I do believe in the long term we need to look at letting people contribute to their own retirement account.

"When social security was started, when many funds like this current Employees' Retirement System fund was started, there was no money, so you had to promise money. And a person who was 40 years old or 50 years old when the fund started, had to get a promise that something was going to be paid to them. But take these young people here, if they were to start working in a private enterprise or for this government, they have an opportunity over the next 25, 39, however many years, to build up money in their own accounts. I believe those are responsible changes that we need to look at that was in this bill, that study, to look at that type of contributing to your own fund. That's what I'm talking about. And some of the jiggling, if it has to be done for financial matters, yes, but I still feel that people who have money in the fund are always concerned because next year we can come back and say, 'Oh shucks, we will do something different.'

"And for the previous comments from the co-chair of Ways and Means, I'm glad you're looking at the best practices in the private sector. I hope your comments about irresponsible and uncompassionate don't relate just because people get laid off and don't have a severance package, don't have an early retirement package, means that the employers that have to take such action are irresponsible and uncompassionate. I believe there are many responsible and compassionate employers and that doesn't mean just because you cannot offer these things, means you've got a problem. So I'm asking you to really look at the best practices and please, it doesn't mean because we cannot offer, many times there is no money. And in this case, our state really doesn't have a whole lot of money to offer a whole lot at this point either."

Senators Solomon, Sakamoto and Fernandes Salling then requested their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 3292 was adopted and H.B. No. 867, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2512, H.D. 1, S.D. 1:

Senator Baker moved that H.B. No. 2512, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Iwase rose in support of the measure and said:

"Mr. President, I'm rising to speak in support of the bill with reservations.

"Mr. President, this morning we passed a bill to repeal the insurance tax premium credit to get \$6.5 million into the state treasury. At the hearing in Ways and Means on Thursday night, this is a bill relating to taxation providing several forms of exemptions from the GET for various areas: for example, gross proceeds or gross income arising from the sale of health care services to or on the premises of a foreign health care provider or to a non-resident patient of or referred by a foreign health care plan provider; estimated potential loss of revenue (because we're not receiving the revenues yet, I guess, was the reason), but potential loss of revenue, 16 to 40 million dollars, million dollars, 16 to 40; the prosthetic device, 1 million; and prescription drugs, another 600 thousand.

"I believe the arguments that were raised in support of passing the premium tax credit exemption repeal are applicable here and causes some concern for me, the need, for example, to raise money for the state treasury and fairness. However, in the interest of trying to stimulate the economy, I am going to support this measure with reservations.

"Thank you."

Senator Slom rose in support with reservations as follows:

"Mr. President, I, too, rise in support with reservations.

"In addition to the remarks from the Senator from Mililani, I would also point out that two other areas in this bill grant exemptions to aviation training facilities and also to cargo maintenance facilities. And as I spoke about this bill previously, or about this concept, at first there was a magic number, I believe it was 80,000 sq. ft., and then that was reduced to the present 30,000 sq. ft. in this bill, because at 80,000 sq. ft., no local facilities would qualify, only out-of-state facilities, and only one facility, as a matter of fact, one facility that the governor had chosen. Then it was reduced to 30,000 to take into consideration facilities by two of the largest aviation training and maintenance facility companies in the state.

"My question, Mr. President and my colleagues, again is, we always do all this talking in here about small business, but unfortunately that's all we do is do the talking, because if we really wanted to pick these two areas of aviation training and cargo maintenance facilities, we wouldn't pick a magic number of 30,000 sq. ft. We would say that any businesses in this area are important enough and deserve the general excise tax exemption. We haven't done that and, therefore again, once again, we discriminate against the smallest of small businesses engaged in these activities.

"So, reluctantly I will support this bill with reservations."

Senators Bunda, Solomon, Fernandes Salling and Anderson then requested their votes be cast "Aye, with reservations," and the Chair so ordered.

The motion was then put by the Chair and carried, H.B. No. 2512, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2749, H.D. 1, S.D. 1:

Senator Baker moved that H.B. No. 2749, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Iwase rose in support with reservations and said:

"Mr. President, I'm speaking in support of the bill with reservations.

"Mr. President, at the Ways and Means hearing on Thursday night, I had asked but was not able to get the figure for this tax cut that's proposed in this bill, H.B. No. 2749, \$35,000 joint filing, family of four. Two weeks ago, we submitted to you a tax proposal spreading out tax cuts over four years. For that family of four at \$35,000, there would be a refund in the first year of \$372. The tax cuts proposed in H.B. No. 2749, which would spread over three years, are really, I think, while it's a step forward, it's not enough of a step forward -- the kind of step we need to make to put money in the hands of people to generate spending.

"We have all this talk about these changes so that we can bring all these investments into Hawaii. We all know the Asian market is still a problem. The United States market, while picking up, is still not a big tourist market for us. We need the people in this state to spend money in order to generate business in this state. The only way we can do that is to give them a sense of comfort, our public employees, that they have a job so that they can spend money, and also to give a tax refund so that they will have money to spend.

"The proposal by WAM, in contrast to the proposal of the bi-partisan coalition, just to give you some examples, the WAM is an 8.5 percent excess, the tax bracket, 8.5 percent excess over 30,000, plus \$1,725 for a family of four (this is taxable amount \$35,000), from the bi-partisan tax proposal, a 7 percent tax bracket of the excess over 20,000. There was talk about progressive tax reform and so I went and looked at how many people file joint filings and where the middle class is. Last year there were 165,513 joint filings, and of that amount, 61 percent or 101,748 joint filings fell into the category of over \$20,000 to \$80,000. This is the middle class, Mr. President, this group. Of the \$6.7 billion in taxable income of the state's joint filing, this group has \$4.3 billion of taxable income, or 64 percent of the taxable income. So let's look at how we're helping them in giving them a tax refund, if at all.

"Under the WAM proposal, the tax bracket: 7.5 percent for over 20,000; 8.5 percent for 30,000 to 50,000; and 9 percent for over 50,000 to 80,000. The highest tax bracket today is 10 percent. The bi-partisan proposal: 7 percent for over 20,000 to 60,000 and an 8 percent tax bracket for the \$60,000 to \$80,000 income range.

"Mr. President, we need to return the money that this state has been collecting from the middle class. We need to do it in the form of a tax break. We have today heard enough proposals to take care of a number of groups. We may believe that because we have unions, that the middle class is represented in this body, but they do not have advocates. And they are often forgotten and they're often put on the side and often receive what's left on the table. Well, I think in this case they've gotten only what's left on the table, which is a minimal tax break, modest tax break. I think that was the word that was used by the Senate. We need to give them more. We can give them more. We must give them more. We must give the middle class hope that this government will right-size itself, that this government is giving a tax break to them that is meaningful.

"I believe for a family of four at \$35,000 a year, \$372 is a lot of money. I don't know how many of you in here have a family of four at \$35,000 a year, but it is a lot of money -- not enough to take a trip to Europe or elsewhere, but enough money to spend; maybe a dinner out with your family; clothes for your children; maybe a down payment on a car, hopefully. But we're not giving them \$372 back in the first year of a tax refund and that's going to hurt us. We are not reinvesting in our people. We are not reinvesting in our economy.

"This measure, while again is a step forward, I will be voting in support of it with reservations in the hope that as we go to conference, we will understand that what we need is not just a tax break, not just a tax break that we can take home to our voters, but one that we believe in because it is right, because the

amount of money given back to the people is right and what they justifiably deserve, and what we can give them and what we must give them if we are going to talk about economic revitalization. So I'll support this measure with reservations.

"Thank you, Mr. President."

Senator McCartney rose in support of the measure and said:

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

"Mr. President, the challenge, the dilemma, is that we cannot give a huge tax decrease without cutting government. We have to make some hard choices and the bottom line is, Mr. President, I see hope in this body that people are saying, we don't want to raise the excise tax; we want to lower the income tax; and we need to cut the size of government. We may be discussing and debating here how to get there, but I have hope that the Senate is putting together a good plan, a plan that is grounded, a plan that is reasonable, a plan that moves the economy forward in these very tough and troubling times. And there may be a lot of talk and there may be a lot of discussion and dialogue among ourselves, but we actually are more on the same page than it may appear to some people out there. And I do believe that the Senate will be making a difference as we move ahead.

"So I'd like to thank the two co-chairs for the tough decisions that they made because they're not easy decisions and you cannot just simply cut taxes and increase the size of government. Those two do not work together. We have to do the opposite and that's what we're doing in this bill. We're taking a step forward. We need to go into conference with the House and make some more difficult decisions. But I'm proud of the effort we've put forward so far and I think that we all are more on the same page than most of us realize.

"Thank you, Mr. President."

Senator Fukunaga also rose to support the measure and said:

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

"In reference to some of the prior comments, this bill is a step forward. We believe it's perhaps a more modest proposal than the earlier proposal put forth by the Senate Ways and Means Committee. But it seeks to balance the budget. It does intend to give us hope. It does intend to give us relief in the areas where we need relief the most.

"I would direct members' attention to the body of the standing committee report which talks about how most of the prior proposals which have come before this body suggested amendments to individual brackets and rates that have, to a greater or lesser extent, favored taxpayers in the upper middle and upper income ranges. These taxpayers would have received the largest percentage tax reductions in relation to their adjusted gross income. However, what we have tried to achieve with the measure before you is to say that when tax reductions as a percentage of adjusted gross income are computed, the computation should maintain consistent progressivity in the tax law. The measure that you currently have before you is designed to do just that.

"And in response to the Senator from Mililani's questions regarding the family of four in the \$35,000 salary range, we would offer the following: this family would receive \$356 in tax breaks as a result of this proposal: perhaps not as great as the \$372, but we feel a step in the right direction nevertheless.

"So, for these reasons, we do observe, Mr. President, that for the bulk of our taxpayers who fall within the \$20,000 to \$80,000 salary range, this measure is a way of providing tax relief without busting the budget.

"For all of the foregoing reasons, we would urge our members to vote in support. Thank you."

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

The motion was then put by the Chair and carried, H.B. No. 2749, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### MATTER DEFERRED FROM EARLIER ON THE CALENDAR

#### THIRD READING

Stand. Com. Rep. No. 3289 (H.B. No. 3625, H.D. 3, S.D. 2):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Stand. Com. Rep. No. 3289 was adopted and H.B. No. 3625, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT REORGANIZATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### THIRD READING

H.B. No. 2500, H.D. 1, S.D. 1:

Senator Baker moved that H.B. No. 2500, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Baker rose in support of the measure and said:

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

"Mr. President, when we began this session back in January, your Committee on Ways and Means made a commitment to move our state toward a sound economic future through the development of meaningful tax reform, government downsizing, and initiatives to assist our business community. House Bill No. 2500, S.D. 1, is based on those principles.

"Outlined not only by your Committee, Mr. President, but during your opening day remarks as well, this budget reflects the Senate's commitment to do what is right for the people of this state. While many have bemoaned the state of our economy, your Committee took a different view and saw this as an ideal opportunity to initiate positive changes and fix what is no longer working in government. Our current circumstance challenged us to be creative and to go beyond conventional ways of thinking. I believe we've met this challenge and have recommended a variety of proposals to move our state forward.

"In light of the continued economic crisis in Asia, Japan in particular, we remain strong in our commitment to diversify our economic base through the support of technology industries, the health and wellness industry, diversified agriculture, and the development of a qualified workforce. We find renewed hope and encouragement from the number of new businesses from the mainland and abroad that are interested in establishing a presence in our state. These new industries bring the prospect for increased jobs and future opportunities for our people.

"Mr. President, we believe that the direction your Committee has taken is fiscally sound and builds on the Senate's philosophy to support measures that broaden the economic base, initiate programs for jobs creation, instill accountability in education, maintain essential services to the public at the most

basic and direct level, and reduce the cost and size of government.

"The budget proposed by Ways and Means is not predicated on a general excise tax increase. I would note for my colleagues that the body across the way passed over to us a budget predicated on a GET increase. They cut funds out of education at the classroom level. They cut funds from direct services to people. They cut people's jobs and yet they still raised taxes. Your Ways and Means Committee has found a way to balance our budget without cutting essential services. We have preserved funding in education at the school level. We have preserved direct services in health and human services. We have down-sized government by taking it from administrative overhead and administrative structures rather than line services, and we have done so without raising the general excise tax. And we've provided personal income tax relief for our citizens.

"We believe the budget before us is in tune with the overwhelming sentiment, not only in this body, but in the community, that a tax increase is the wrong approach and this is the wrong time for such an increase. Therefore, your Committee has indeed constructed a budget based on a financial plan that provides modest personal income tax relief, targeted general excise tax credits to encourage new industries, and no general excise tax increase, which we believe would hurt Hawaii's existing businesses. What have we done for small business, Mr. President? We have not raised the general excise tax.

"Your Committee has developed a budget that begins to have government tighten its own belt, to live within its means. It is a reasoned approach, Mr. President, and I urge all my colleagues to support it.

"Before I move on and turn the microphone over to my co-chair, I would just like to recognize and acknowledge our Ways and Means team, our staff that is seated in the gallery. Mr. President, this year your Ways and Means Committee tried a new approach. We tried to stem the tide of crash and burn procedures that had been the method of operation of Ways and Means Committees in the past. We didn't ask our analysts to stay here for 24-hours a day just for the sake of keeping themselves and others company when they had finished their work. Everyone knows that WAM's work is stressful and involves long hours. However, we knew that the staff had the talent, the ability, and the where-with-all to get the job done within a reasonable amount of time. In the last few days there were a few 18-hour-plus days, but the staff rose to the challenge and completed the task. Mr. President, we want to thank all the staff for the effort that they put forward to support the co-chairs as well as the members of the Committee on Ways and Means. And now, could I please ask Gerald Dang, our committee clerk, and all of our Ways and Means analysts and staff to please rise to be recognized. (The Ways and Means staff, who were seated in the gallery, then rose to be recognized.)

"Mr. President, there are a lot of long hours ahead, but I know they're up to the challenge and your Committee will be well supported when we go to Conference with the House.

"To discuss the budget in some additional detail, may I yield the microphone to the Ways and Means co-chair."

Senator Fukunaga rose to support the measure and said:

"Mr. President, I also rise to speak in support of this measure and to talk a little bit about the Senate's approach to the budget process.

"This year, two of our overriding themes were that government must contribute towards economic recovery by living within its means. We've sought to demonstrate fiscal accountability in our streamlining, consolidating, reallocating and reducing throughout the budget process. Additionally, we

have sought to provide the tools to facilitate the private sector's success. For many of the areas within the executive budget, we have sought to modify government operations to complement many of the initiatives that you will see before you in other pending legislation. Many of these measures have been generated by industry consensus and collaborative team building and, as the good Senator from Moanalua has stated, have really been built upon finding and maintaining best practices and developing the best solutions for Hawaii's economic woes.

"In the area of economic development, our tourism marketing and promotion area reflects the decrease of general fund support to the DBEDT budget. However, this is accompanied by a very strong endorsement of the visitor industry's approach to modify the TAT by establishing the Hawaii Tourism Authority and replacing the GET imposed on hotel room rentals with the TAT raised to rates recommended by the tourism industry.

"In the area of health and wellness, our Department of Health's and Department of Human Services' budgets reflect full funding for direct services like perinatal services, health care for the medically underserved, and retention of full funding and support for purchase of services contracts with providers of senior citizen, domestic violence and abuse, and other services for the frail and vulnerable in our society.

"At the same time, we have not neglected some of the initiatives that may serve to give us some new economic development opportunities: for example, our University of Hawaii budget includes support for the AHEC initiative while H.B. No. 3367, which is one of the measures we voted on today, promotes health-related tourism by establishing an international exchange program for UH medical and nursing students. House Bill No. 2512, S.D. 1, incorporated the Senate's tax bill to reduce pyramiding of the general excise tax in the health services industry; and H.B. No. 2852 reduced barriers to and expanded the use of telehealth by removing the necessity of face-to-face examinations as a prerequisite for reimbursement from health care plans.

"The list could go on and on in the area of economic development in terms of community team-building and consensus-generation. We have also sought within our Ways and Means staff and through our crafting of the budget to build upon the best practices of the Senate.

"In addition to the accolades which my co-chair, Senator Baker, has extended to our budget staff, we'd also like to recognize the bills research group headed up by Troy Shimasaki and to thank many of the people who partnered with us from the Senate Majority Research staff, the Legislative Reference Bureau and from the President's office. The budget that you see before you is a product of all of our efforts; and truly, we could not have done it without each and every one of you.

"For these reasons, we urge you to vote in support of the measure."

Senator Tam also rose to support the measure and said:

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

"First, I want to thank the co-chairs and staff of the Committee on Ways and Means for emphasizing the needed programs for students and teachers in the classroom. I personally want to extend appreciation to the staff. I recall when I was a staff member of Ways and Means back in the 1980s, quite some time ago, whereby we worked countless hours without much sleep. I appreciate it.

"I also want to thank the members of the Committee on Education for their patience and dedication. Because of the strong grass roots interest in education, they sat through long committee hearings. Due to public demand, we heard many

bills related to public schools and libraries. We also received a lot of testimony from students, parents, teachers, administrators and other people interested in education.

"As Legislators, it is our job to provide the needed funding to carry out the goals and objectives of the elected Board of Education. Despite our current economic problems, the Senate draft of this supplemental budget for fiscal year 1998-1999 accomplishes those goals and objectives.

"As co-chair of the Committee on Education, I received many telephone calls and letters from people all over the State of Hawaii. They support public education!

"When I go into the community and talk face-to-face with parents and grandparents, with aunts and uncles, they tell me that education should be our highest priority. As a parent myself, I understand how they feel. They want the very best for their children and for their grandchildren.

"This year it has been very difficult for the Education Committee and the Ways and Means Committee to accomplish this for various reasons.

#### 1. The Economic Revitalization Task Force.

"The budget process has been difficult because the legislative package from the Economic Revitalization Task Force has created some confusion, and even fear, among members of the public.

"For one thing, when the Economic Revitalization Task Force, essentially made up of big business, presented their recommendations for education, they did not present a plan of action for education, for example, one of their suggestions was to require the Department of Education to greatly expand programs for computer literacy and foreign language training, but they failed to tell us that developing a plan of action and implementing their recommendation would cost almost \$40 million.

"Since the action plan and the money is not available at this time, we have asked the Department of Education to explore new and innovative ways to meet this objective without spending such a large amount of money.

#### 2. Problems with the executive budget.

"The last minute changes in the executive budget and the fact that the budget did not fully disclose needed information, such as accurate federal fund projections.

"President Clinton and the United States Congress have expressed strong support for funding education. The United States Department of Education says that Hawaii will get an additional \$15 million next year. However, there is no accounting for this money in the executive budget. It is the intent of congress that federal funds for education should be used to fund public schools, and should not be placed into the general fund to be used for non-educational purposes.

"We have taken congressional intent into account in the Senate education budget.

#### 3. Priorities for cutting the budget.

"Because of the state's poor economic condition, the Committee on Ways and Means directed us to cut Department of Education current services for fiscal year 1998-1999 by 5 percent. In complying with this directive, the Senate Committee on Education followed the priorities and goals of the Board of Education and did not cut classroom needs or programs.



"Although the Senate based this budget on these stated problems, a positive budget for education is currently established. This positive budget consisted of the following:

- a. Continued funding for current classroom education programs. The Committee on Ways and Means also recognized that our highest priority is face-to-face teaching in the classroom. Both committees created an 'A' and 'B' category of needs. The 'A' budget consisted of:
  - (1) Programs directly helping students and teachers in the classroom;
  - (2) Programs required by state and federal laws; and
  - (3) Programs required by the Federal Constitution and the State of Hawaii Constitution.

The 'B' budget consists of all other functions of the Board of Education, including state and district administration.

By taking this approach, we carried out the peoples desire that we cut from managerial and administration positions (especially vacant positions) and that we protect positions at the school level.

- b. Accomplishing class size reduction. We all received a lot of letters, telephone calls and faxes on this. In listening to the voice of the people, one expectation stood out as being supported by almost everyone. The people of Hawaii very clearly stated support for the idea of reducing the student/teacher ratio.

The House of Representatives budget proposal is to keep kindergarten through second grade class size ratio at 21 students to 1 teacher. You probably remember that before last year, the ratio was 20 to 1. But last session, the House of Representatives insisted on raising the ratio to 21 to 1. As a result, class sizes got bigger and we received reports that some classes had up to 40 students in one classroom, especially when the Department of Education arbitrarily used their own internal department class size ratio of 25 students to 1 teacher before allocating classroom assistant positions, thus deviating from legislative intent.

The Education Committee decided to restore the class size ratio to what it had been before 1997. The first few years of elementary schools are very important for student growth and achievement. Smaller class size gives teachers more time to provide personal attention to each student in the class.

Furthermore, I believe that the cost of reducing K-2 class size is a wise use of taxpayers dollars, even in these hard economic times. Thus, in working jointly with the Ways and Means Committee co-chairs we funded class size reduction.

I am proud to declare that the Senate legislation entails the following:

- (1) Funding the 21 to 1 class size ratio for kindergarten to second grade;
- (2) Stopping the Department of Education from deviating from the 21 to 1 class size ratio; and
- (3) Upon the receipt of the federal impact aid funds above the current dollars which we receive now, class size for kindergarten to second grade will be reduced to the 20 students to 1 teacher ratio.

According to the United States Department of Education, the increase in the basic federal impact aid support payments next year will be more than enough to reduce K-2 class size ratio to 20 to 1. The cost of this improvement is \$3.5 million.

- c. Accomplishing repair and maintenance in our schools. The Committee on Education also desired an increase in funding for repair and maintenance of our public school buildings and library facilities statewide. According to the Department of Accounting and General Services, there is a \$240 million backlog of repair and maintenance work that has been deferred in the past, statewide.

Changing the funding source for repair and maintenance from cash to bonds at a time when interest rates are low is a sensible use of public funds. Also, the additional \$30 million added by the Senate will help the construction industry and will produce jobs for Hawaii's working people.

- d. Accomplishing continued funding of the peer education program.
- e. Accomplishing funding the special education program called the Central Auditory Processing Deficits Program.
- f. Accomplishing continued funding of the IRA and core education positions, which I may add, unfortunately, that the House of Representatives eliminated from the current funding.

"The above six programs funded in the Senate budget are examples of a positive education budget.

"As the legislative process continues, I strongly believe that the budget for education will be increased to help achieve quality education in accordance with Hawaii goals for education. I feel that funding will be considered for special education, Hawaiian studies, educational assistants, after school instruction program, school registrars, school counselors and other education programs.

"We need to also consider non-cost program items such as the conversion of temporary to permanent positions for bilingual assistants and athletic healthcare specialists otherwise known as athletic trainers.

"The Senate needs to utilize the Federal impact aid dollars to help supplement public education needs as intended by the Federal Government.

"Mr. President and fellow colleagues, the Legislature can satisfactorily fund Hawaii's public school student classroom needs without increasing the excise tax.

"Thank you."

Senator Iwase rose in support with reservations and said:

"Mr. President, I'm rising to speak in support of the bill with reservations.

"Mr. President, I also would like to commend the co-chairs of the Ways and Means Committee, as well as the staff, for the work they did and all the long hours they put into this budget, particularly their support of education as was set forth by the co-chair's detailed analysis of the education provisions of the budget.

"My reservation is based on the fact that I received, today, a communication which was sent to the co-chairs of the Ways and Means Committee from the Hawaii Bankers Association. I'd just like to highlight it. They were 'informed that the Senate version of the budget requires the Department of Commerce and Consumer Affairs to become self-sufficient by placing all

general fund positions into revolving funds,' and there is some support for that concern on page 8 of the committee report. Again, I just received this today, and just let me highlight some of the things they said in opposition to that section that refers to the division of financial institution.

'DFI is to be funded by examination fees collected on an hourly basis . . . . In order to collect DFI's expected annual expenditures of approximately \$2 million, the hourly fees would have to rise from the current \$40 per hour to approximately \$195 per hour. Additionally, the hourly rate will always increase in the future because of roll up costs . . . . Another concern is that under the dual banking system, licensees have an option of converting to a federal charter and leaving the State system. . . .

'This proposal will most hurt the smaller licensees who do not have an option of converting to a federal charter. For instance, a small company that may have net earnings of \$10,000 per year would have to pay over 20% of its net to the State if an examination was conducted by one examiner taking 2 man days . . . .

'This proposal further serves to reinforce the negative publicity and attention Hawaii receives about its business climate. We urge that the Committee consider alternative ways of generating revenues to fund DFI.'

"As the committee report notes, Mr. President, DCCA to supplant the general funds with special and revolving funds, because it is driven primarily by user fees. The arguments presented by the banking association, and we may all have opinions about bankers, but if the argument is true about the use of special funds and revolving funds and would apply to all other regulated industries under DCCA -- the contractors' licensing board, the architectural engineers, and so on -- then the cost concerns and the rising cost concerns expressed by the bankers would also hold true.

"So I have a concern about that and I would hope that they would be addressed during the course of the conference. We have a long ways to go even though there's a short period of time, but it's going to be a long ways, and I hope the Ways and Means Committee co-chairs look at that.

"So I do have those reservations.

"Thank you."

At 3:55 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:56 o'clock p.m.

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

Senator Slom also rose to support the measure with reservations and stated:

"Mr. President, I rise to support the budget with reservations, and just want to make two quick comments.

"I think that the Ways and Means Committee did a fine job. I think the document is superior to that of the other body over there, and even though I will not be on the Conference Committee, I do want to volunteer the services of my cats and myself, should the need arise to get into any of the clawing with the issue.

"I want to remind our body that we are absolutely in a non-negotiable position with the general excise tax. So I think, Mr. President, what we should do since we're about ready to adjourn now, maybe we can all walk hand-in-hand, arm-in-arm together over to the House and show them our support for a

non-tax-increase, and possibly influence those last couple of recalcitrant votes over there on general excise tax.

"So again, thank you to the Ways and Means Committee. Thank you, Mr. President."

Senator Metcalf rose at this time on a point of personal privilege and said:

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

"Mr. President, earlier the good Senator from Hawaii Kai represented to me on the railing that his cat was in fact declawed. (Laughter.) So I'm not sure what benefit it will be in Conference negotiations, although I'm sure that we do appreciate the offer.

"Thank you."

The motion was then put by the Chair and carried, H.B. No. 2500, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Baker, for the Committee on Ways and Means, requested a waiver to Senate Rule 20 for S.C.R. Nos. 19, 140, 147, 153, 186 and 207; and S.R. Nos. 70, 73 and 89, and the Chair granted the waiver.

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

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

"Mr. President, on Thursday I made some comments about some heavies coming in, and I've been holding this article from Thursday, April 9, page A7 in the Star-Bulletin. It did say that Senator 'Inouye says tax plan is "bitter medicine."' And it says: 'U.S. Sen. Daniel Inouye is backing the recommendations of Gov. Ben Cayetano's economic revitalization task force, including an increase in the 4 percent excise tax. "The recommendations are painful," Inouye said, before this morning's meeting with state Senate President Norman Mizuguchi (D, Aiea), whose chamber opposes an excise tax hike."

"You know, I had so many nasty things to say because they were partisan and I didn't want to do that, so what I'm going to do is just point out a few things. The good Senator came back from Washington to tell us about bitter medicine that he just gave us, or is going to give us. But what the good Senator hasn't said is what has he done in Washington to help our people. For instance, the Jones Act cost us \$2,000 to \$3,000 per year, per household, and he hasn't done anything to help us in that area, and he's come back to tell us about taxes. How about the failing newspapers? It was his bill that put the two newspapers under one roof, allowing them not to be competitive and he hasn't done anything with that. How about the airline tax? When I went to Washington, not one person told me that any of them asked for exemptions on the airline tax that impacts every one of us. How about the immigrants? We're having problems like every other state that's close to borders. We don't even know how much water, what's going to be the impact on all of us, if we're going to be able to take care of lot of these people that come in. Not one thing was done.

"And then the last thing that got me is that all of them voted for the \$17 billion highway. That was a Republican measure. All they had to do was vote against it. Only 80 people voted against it. Senator Slom and I said that, that was a shame. We don't even send back some money that the Republicans ask us to for membership because we said they're not doing their job.

But all the four had to do was vote against it, they would have gotten the money here, anyway. Everybody is so intense about saying we've got the pork for you.

"Now, those are things that are very bitter, Mr. President, to have a person come home and to tell us how and why we have to help our people. They don't do one darn thing themselves to benefit the people of this state. I've been holding that back and I do thank you for the time, Mr. President." (Laughter.)

#### ADJOURNMENT

At 4:04 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 16, 1998.

## FORTY-NINTH DAY

Thursday, April 16, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Toshio Murakami, Honpa Hongwanji Mission, after which the Roll was called showing all Senators present with the exception of Senator Aki who was excused.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 275 to 286) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 275, Informing the Senate that on April 13, 1998, he signed the following bills into law:

House Bill No. 2901 as Act 16, entitled: "MAKING EMERGENCY APPROPRIATIONS FOR THE UNIVERSITY OF HAWAII";

House Bill No. 2520 as Act 17, entitled: "RELATING TO FRIVOLOUS LOBBYING CHARGES"; and

Senate Bill No. 2916 as Act 18, entitled: "RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS,"

was placed on file.

Gov. Msg. No. 276, submitting for consideration and confirmation to the Aquatic Life and Wildlife Advisory Committee, County of Maui, the nomination of JOSEPH KALANI KAMANU, term to expire June 30, 2002, was referred to the Committee on Economic Development.

Gov. Msg. No. 277, submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nominations of: GREGORY S. ENDO, term to expire June 30, 1999; and SAM FAILLA and JUNE UYEHARA-ISONO, terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 278, submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, the nominations of: GERALDINE L. MASUNAGA, term to expire June 30, 2000; ROBERT K. OVERLOCK, M.D., term to expire June 30, 2001; and DAVID M. NELSON, M.D., THOMAS A. VEATCH, RANDOLPH K. M. WONG, M.D., and LINDA W. WONG, terms to expire June 30, 2002, was referred to the Committee on Health and Environment.

Gov. Msg. No. 279, submitting for consideration and confirmation to the Hawai'i Aquaculture Advisory Council, the nominations of: GERALD R. CYSEWSKI, Ph.D., term to expire June 30, 2000; and PAUL K. BIENFANG, Ph.D., and MICHAEL ALEY, terms to expire June 30, 2002, was referred to the Committee on Economic Development.

Gov. Msg. No. 280, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nominations of: OLIVER K. FERNANDEZ, term to expire June 30, 2001; and LIBERTA L. H. ALBAO, LOUISE M. BUSH and LEIGHTON R. TSEU, terms to expire June 30, 2002, was referred to the Committee on Education.

Gov. Msg. No. 281, submitting for consideration and confirmation to the Board of Massage Therapy, the nominations of DAWN MARIE and VICKI VON STROHEIM-SEAY, terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 282, submitting for consideration and confirmation to the Pest Control Board, the nomination of MICHAEL JOHN BOTHA, term to expire June 30, 2001, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 283, submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, the nominations of PAULINE A. MASHIMA and JAMES T. YATES, Ph.D., terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 284, submitting for consideration and confirmation to the Advisory Board on Veterans Services, the nomination of BOB C. FREITAS, term to expire June 30, 2001, was referred to the Committee on Transportation and Intergovernmental Affairs.

Gov. Msg. No. 285, submitting for consideration and confirmation to the Western Interstate Commission for Higher Education (WICHE), the nomination of DORIS M. CHING, Ed.D., term to expire June 30, 2002, was referred to the Committee on Education.

Gov. Msg. No. 286, Informing the Senate that on April 15, 1998, he signed the following bills into law:

House Bill No. 2768 as Act 19, entitled: "RELATING TO MILK";

House Bill No. 2851 as Act 20, entitled: "RELATING TO GRANDPARENTS' VISITATION RIGHTS";

House Bill No. 611 as Act 21, entitled: "RELATING TO OCEAN RESOURCES";

House Bill No. 2531 as Act 22, entitled: "RELATING TO COUNTY ELECTIONS REQUIRING A RUNOFF"; and

House Bill No. 2523 as Act 23, entitled: "RELATING TO THE GENERAL COUNTY REGISTER,"

was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 143 to 294) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 143, returning S.B. No. 2308, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 144, returning S.B. No. 2332, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 145, returning S.B. No. 2333, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 146, returning S.B. No. 2466, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 147, returning S.B. No. 2472, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 148, returning S.B. No. 2598, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 149, returning S.B. No. 2611, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 150, returning S.B. No. 2769, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 151, returning S.B. No. 2796, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 152, returning S.B. No. 2819, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 153, returning S.B. No. 2828, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 154, returning S.B. No. 2839, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 155, returning S.B. No. 2840, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 156, returning S.B. No. 2844, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 157, returning S.B. No. 2903, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 158, returning S.B. No. 3077, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

Hse. Com. No. 159, returning S.B. No. 3126, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, was placed on file.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock a.m.

Hse. Com. No. 160, returning S.B. No. 379, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 379, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 161, returning S.B. No. 632, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 632, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 162, returning S.B. No. 682, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 682, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 163, returning S.B. No. 705, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 705, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 164, returning S.B. No. 719, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 719, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 165, returning S.B. No. 720, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 720, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 166, returning S.B. No. 721, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 721, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 167, returning S.B. No. 760, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 760 and requested a conference on the subject matter thereof.

Hse. Com. No. 168, returning S.B. No. 1071, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 1071, S.D. 1, seconded by Senator Matsunaga.

Senator Chumbley noted:

"Mr. President, the House made technical, nonsubstantive amendments to these measures and we have no disagreement to that."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1071, S.D. 1, and S.B. No. 1071, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OPENING OF THE ABSENTEE POLLING PLACE," was placed on the calendar for Final Reading on Friday, April 17, 1998.

Hse. Com. No. 169, returning S.B. No. 1122, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1122, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 170, returning S.B. No. 1273, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1273, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 171, returning S.B. No. 1309, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1309, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 172, returning S.B. No. 1362, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1362, and requested a conference on the subject matter thereof.

Hse. Com. No. 173, returning S.B. No. 1465, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1465 and requested a conference on the subject matter thereof.

Hse. Com. No. 174, returning S.B. No. 1469, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1469, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 175, returning S.B. No. 1559, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1559, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 176, returning S.B. No. 1601, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1601, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 177, returning S.B. No. 1946, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1946, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 178, returning S.B. No. 2025, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2025, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 179, returning S.B. No. 2026, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2026, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 180, returning S.B. No. 2037, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2037, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 181, returning S.B. No. 2063, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2063, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 182, returning S.B. No. 2078, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2078, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 183, returning S.B. No. 2092, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by House to S.B. No. 2092, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 184, returning S.B. No. 2123, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 2123, seconded by Senator Matsunaga.

Senator Chumbley noted:

"Mr. President, the House made technical, nonsubstantive amendments to these measures and we have no disagreement to that."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2123, and S.B. No. 2123, H.D. 2, entitled: "A BILL FOR AN









Hse. Com. No. 235, returning S.B. No. 2689, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2689, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 236, returning S.B. No. 2710, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 2710, seconded by Senator Matsunaga.

Senator Chumbley noted:

"Mr. President, the House made technical, nonsubstantive amendments to these measures and we have no disagreement to that."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2710, and S.B. No. 2710, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH WARRANTS," was placed on the calendar for Final Reading on Friday, April 17, 1998.

Hse. Com. No. 237, returning S.B. No. 2717, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2717, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 238, returning S.B. No. 2757, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2757, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 239, returning S.B. No. 2759, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2759, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 240, returning S.B. No. 2761, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2761, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 241, returning S.B. No. 2768, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2768, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 242, returning S.B. No. 2770, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2770, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 243, returning S.B. No. 2774, S.D. 3, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2774, S.D. 3, and requested a conference on the subject matter thereof.

Hse. Com. No. 244, returning S.B. No. 2782, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2782, and requested a conference on the subject matter thereof.

Hse. Com. No. 245, returning S.B. No. 2786, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2786 and requested a conference on the subject matter thereof.

Hse. Com. No. 246, returning S.B. No. 2803, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2803, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 247, returning S.B. No. 2805, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2805, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 248, returning S.B. No. 2816, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2816, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 249, returning S.B. No. 2820, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2820 and requested a conference on the subject matter thereof.

Hse. Com. No. 250, returning S.B. No. 2821, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.





Hse. Com. No. 284, returning S.B. No. 3105, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3105, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 285, returning S.B. No. 3113, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3113, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 286, returning S.B. No. 3114, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3114, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 287, returning S.B. No. 3137, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3137, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 288, returning S.B. No. 3143, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3143, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 289, returning S.B. No. 3159, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3159, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 290, returning S.B. No. 3204, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3204 and requested a conference on the subject matter thereof.

Hse. Com. No. 291, returning S.B. No. 3220, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3220, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 292, returning S.B. No. 3228, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3228, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 293, returning S.B. No. 3230, S.D. 1, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3230, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 294, returning S.B. No. 3248, S.D. 2, which passed Third Reading in the House of Representatives on April 14, 1998, in an amended form, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3248, S.D. 2, and requested a conference on the subject matter thereof.

### SENATE COMMUNICATION

Sen. Com. No. 3, notice to the Governor dated April 16, 1998, transmitting H.B. No. 3130, H.D. 1, S.D. 1, which proposes amendments to the Hawaii State Constitution.

By unanimous consent, the following notice was sent to the Governor:

"April 16, 1998

The Honorable Benjamin J. Cayetano  
Governor of the State of Hawaii  
State Capitol  
Honolulu, Hawaii 96813

Dear Governor Cayetano:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following House Bill, a copy of which is attached hereto:

H.B. 3130, H.D. 1, S.D. 1  
"RELATING TO A CONSTITUTIONAL CONVENTION"

Respectfully,

/s/ Paul T. Kawaguchi  
Paul T. Kawaguchi  
Clerk of the Senate"

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

### STANDING COMMITTEE REPORTS

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3314) recommending that S.C.R. No. 9, 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.C.R. No. 9, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3315) recommending that S.C.R. No. 12, 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.C.R. No. 12, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A LEGISLATIVE AUDIT OF THE PREVENTIVE MAINTENANCE PROGRAMS OF THE HIGHWAYS DIVISION OF THE DEPARTMENT OF TRANSPORTATION," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3316) recommending that S.C.R. No. 17, 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.C.R. No. 17, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO CLARIFY PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII, TO FACILITATE ENFORCEMENT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3317) recommending that S.C.R. No. 19, 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.C.R. No. 19, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MEDICAL FOODS FOR THE TREATMENT OF INHERITED METABOLIC DISEASES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3318) recommending that S.C.R. No. 20, 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.C.R. No. 20, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE SCHOOL-TO-WORK OPPORTUNITIES SYSTEM," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3319) recommending that S.C.R. No. 25 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 25, 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 adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3320) recommending that S.C.R. No. 28, 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.C.R. No. 28, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3321) recommending that S.C.R. No. 29 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 29, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COLLECTION OF DATA RELATING TO SEXUAL HARASSMENT IN STATE AGENCIES AND A PROPOSED EDUCATIONAL TRAINING PROGRAM FOR STATE AGENCY DIRECTORS AND MANAGEMENT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3322) recommending that S.C.R. No. 31, 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.C.R. No. 31, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A RURAL HEALTH PLAN FOR THE ISLAND OF HAWAII, INCLUDING THE DISTRICTS OF PUNA AND KA'U," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3323) recommending that S.C.R. No. 48, 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.C.R. No. 48, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR EARLY INTERVENTION SERVICES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3324) recommending that S.C.R. No. 51, 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.C.R. No. 51, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF 'OLELO: THE CORPORATION FOR COMMUNITY TELEVISION," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3325) recommending that S.C.R. No. 59, 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.C.R. No. 59, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3326) recommending that S.C.R. No. 68 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 68, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE BOARD OF EDUCATION TO REVIEW AND REVISE HAWAII'S EDUCATION GOALS FOR THE YEAR 2000 AND ESTABLISH AN ACTION PLAN TO ACCOMPLISH THOSE GOALS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3327) recommending that S.C.R. No. 73, 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.C.R. No. 73, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE SUN YAT-SEN UNIVERSITY OF MEDICAL SCIENCES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3328) recommending that S.R. No. 34, 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. 34, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE SUN YAT-SEN UNIVERSITY OF MEDICAL SCIENCES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3329) recommending that S.C.R. No. 80 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 80, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENGAGE IN DISCUSSIONS WITH THE WOMEN'S COALITION AND SEXUAL ASSAULT SERVICE PROVIDERS TO EXTEND ITS FAMILY VIOLENCE OPTION TO INCLUDE ALL VICTIMS OF SEXUAL ASSAULT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3330) recommending that S.R. No. 38 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 38, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENGAGE IN DISCUSSIONS WITH THE WOMEN'S COALITION AND SEXUAL ASSAULT SERVICE PROVIDERS TO EXTEND ITS FAMILY VIOLENCE OPTION TO INCLUDE ALL VICTIMS OF SEXUAL ASSAULT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3331) recommending that S.C.R. No. 81, 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.C.R. No. 81, S.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 adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3332) recommending that S.R. No. 39, 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. 39, S.D. 1, entitled: "SENATE 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 adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3333) recommending that S.C.R. No. 87, 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.C.R. No. 87, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE APPROPRIATE CRITERIA UNDER WHICH UTILITY LINES SHALL BE PLACED UNDERGROUND, AND OF THE APPROPRIATE MEANS OF FINANCING ANY COST DIFFERENTIAL BETWEEN OVERHEAD AND UNDERGROUND PLACEMENT OF UTILITY LINES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3334) recommending that S.C.R. No. 89, 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.C.R. No. 89, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CREATION OF A PROFESSIONAL GOLF MANAGEMENT CERTIFICATION PROGRAM," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3335) recommending that S.R. No. 41, 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. 41, S.D. 1, entitled: "SENATE RESOLUTION URGING THE CREATION OF A PROFESSIONAL GOLF MANAGEMENT CERTIFICATION PROGRAM," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3336) recommending that S.C.R. No. 94, 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.C.R. No. 94, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONSIDER PRIVATIZING THE COLLECTION OF CHILD SUPPORT PAYMENTS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3337) recommending that S.C.R. No. 118, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 118, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF THE WORKERS' COMPENSATION FEE SCHEDULE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3338) recommending that S.R. No. 55, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 55, S.D. 2, entitled: "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF THE WORKERS' COMPENSATION FEE SCHEDULE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3339) recommending that S.C.R. No. 123, 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.C.R. No. 123, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE WITHDRAWAL OF LAND FROM THE OPERATION OF GOVERNOR'S EXECUTIVE ORDER NO. 1529, DATED OCTOBER 1, 1952, TO THE CITY AND COUNTY OF HONOLULU, BOARD OF WATER SUPPLY AND THE TRANSFER OF CERTAIN PUBLIC LANDS AT KALAWAHINE, HONOLULU, OAHU TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3340) recommending that S.C.R. No. 125, 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.C.R. No. 125, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF MERGING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3341) recommending that S.C.R. No. 128, 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.C.R. No. 128, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A THRILL CRAFT ADVISORY COMMITTEE TO REVIEW PRIVATELY-OWNED THRILL CRAFT SAFETY AND THE FEASIBILITY OF REGISTRATION AND CERTIFICATION OF PRIVATE THRILL CRAFT OPERATORS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3342) recommending that S.R. No. 60, 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. 60, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE APPOINTMENT OF A THRILL CRAFT ADVISORY COMMITTEE TO REVIEW PRIVATELY-OWNED THRILL CRAFT SAFETY AND THE FEASIBILITY OF REGISTRATION AND CERTIFICATION OF PRIVATE THRILL CRAFT OPERATORS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3343) recommending that S.C.R. No. 130, 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.C.R. No. 130, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE EFFECTS OF THE AVAILABILITY OF CITIZEN'S SUIT UNDER THE FEDERAL AND OTHER JURISDICTIONS' ENDANGERED SPECIES LAWS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3344) recommending that S.C.R. No. 132, 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.C.R. No. 132, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY RELATING TO PENAL RESPONSIBILITY," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3345) recommending that S.C.R. No. 140, 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.C.R. No. 140, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENDORSING THE EFFORTS OF THE ALA WAI CANAL IMPROVEMENT PROJECT AND THE COMMUNITY ADVISORY COMMITTEE'S EFFORT IN DEVELOPING COMMUNITY-BASED STAKEHOLDER STEWARDSHIP FOR THE ENHANCEMENT AND PROTECTION OF THE ALA WAI WATERSHED," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3346) recommending that S.C.R. No. 146, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 146, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS STRATEGIES FOR ORGANIZING THE VARIOUS FORMS OF RESIDENTIAL CARE PROVIDERS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3347) recommending that S.C.R. No. 147 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 147, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO AMEND ITS RULES FOR EMPLOYERS PAYING STATE WITHHOLDING TAXES FOR NONRESIDENTS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3348) recommending that S.R. No. 70 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 70, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO AMEND ITS RULES FOR EMPLOYERS PAYING STATE WITHHOLDING TAXES FOR NONRESIDENTS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3349) recommending that S.C.R. No. 153, 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.C.R. No. 153, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON EXISTING REGULATIONS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3350) recommending that S.R. No. 73, 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. 73, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON EXISTING REGULATIONS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3351) recommending that S.C.R. No. 157, 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.C.R. No. 157, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A CITY, STATE, AND COMMUNITY TASK FORCE TO DEVELOP A MASTER PLAN FOR IMPROVEMENTS TO MANOA RECREATIONAL PARK AND MANOA ELEMENTARY SCHOOL," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3352) recommending that S.C.R. No. 161 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 161, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESSIONAL ACTION ON FEDERAL HIGHWAY LEGISLATION AND FUNDING," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3353) recommending that S.R. No. 76 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 76, entitled: "SENATE RESOLUTION REQUESTING CONGRESSIONAL ACTION ON FEDERAL HIGHWAY LEGISLATION AND FUNDING," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3354) recommending that S.C.R. No. 170, 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.C.R. No. 170, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON ESTABLISHING FOREIGN CAPITAL DEPOSITORIES IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3355) recommending that S.R. No. 81, 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. 81, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON ESTABLISHING FOREIGN CAPITAL DEPOSITORIES IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3356) recommending that S.C.R. No. 171, 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.C.R. No. 171, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT AND IMPLEMENTATION OF A JAPANESE DEPOSIT ACCOUNT MARKETING AND PROMOTION PLAN TO ATTRACT JAPANESE DEPOSITORS TO HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3357) recommending that S.C.R. No. 184 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 184, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE PROMOTION OF COMMUNITY MEDIA THROUGHOUT THE STATE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3358) recommending that S.R. No. 87 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 87, entitled: "SENATE RESOLUTION ENCOURAGING THE PROMOTION OF COMMUNITY MEDIA THROUGHOUT THE STATE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3359) recommending that S.C.R. No. 186 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 186, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO DEVELOP A DEFINITION OF "HAWAII RESIDENT" BY RULE AND TO PROPOSE THE USE OF THE DEFINITION TO THE FEDERAL GOVERNMENT TO CLARIFY AND TO FACILITATE ENFORCEMENT OF PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3360) recommending that S.R. No. 89 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 89, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO DEVELOP A DEFINITION OF "HAWAII RESIDENT" BY RULE AND TO PROPOSE THE USE OF THE DEFINITION TO THE FEDERAL GOVERNMENT TO CLARIFY AND TO FACILITATE ENFORCEMENT OF PUBLIC LAW 99-190, RELATING TO HIRING RESIDENTS ON DEFENSE CONTRACTS IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3361) recommending that S.C.R. No. 172, 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.C.R. No. 172, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR TO INITIATE A PARTNERSHIP WITH THE NATIONAL PERFORMANCE REVIEW," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3362) recommending that S.C.R. No. 190, 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.C.R. No. 190, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE WAIKIKI YACHT CLUB'S ALOHA RACING CHALLENGE TO THE ROYAL NEW ZEALAND YACHT SQUADRON FOR AMERICA'S CUP XXX," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3363) recommending that S.C.R. No. 191, S.D. 1, as amended in S.D. 2, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 191, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND CITY AND COUNTY OF HONOLULU TO COOPERATIVELY WORK 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 adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3364) recommending that S.C.R. No. 193 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 193, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF DISTRIBUTING PROPOSED RULES TO THE PUBLIC WITHIN THE THIRTY-DAY PUBLIC NOTICE REQUIREMENT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3365) recommending that S.R. No. 92 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 92, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF DISTRIBUTING PROPOSED RULES TO THE PUBLIC WITHIN THE THIRTY-DAY PUBLIC NOTICE REQUIREMENT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3366) recommending that S.C.R. No. 196, 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.C.R. No. 196, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF HEALTH TO EXAMINE WAYS TO ELIMINATE DUPLICATION OF THE ADMINISTRATION AND PROVISION OF HOME- AND COMMUNITY-BASED PROGRAMS AND SERVICES BY THE TWO DEPARTMENTS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3367) recommending that S.C.R. No. 207, 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.C.R. No. 207, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO UNDERTAKE STUDIES OF HEPATITIS C INCIDENCE AND PREVALENCE WITHIN SELECTED POPULATIONS IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3368) recommending that S.C.R. No. 210, 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.C.R. No. 210, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO REVIEW AND RECONSIDER ITS PREVIOUS APPROVAL OF DOCKET NO. 7040, DECISION AND ORDER NO. 11463, WITH REGARD TO THE INSTALLATION OF A 46 KV OVERHEAD CIRCUIT ALONG KUNIA ROAD, AND THE INSTALLATION OF A 46 KV OVERHEAD CIRCUIT ON LANIKAULA AND KALAWAO STREETS IN MANOA, AND REVIEW ITS APPROVAL PROCESS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3369) recommending that S.C.R. No. 213, 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.C.R. No. 213, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH SISTER UNIVERSITY RELATIONSHIPS WITH THE NATIONAL TAIPEI UNIVERSITY OF TECHNOLOGY," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3370) recommending that S.C.R. No. 42, 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.C.R. No. 42, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO CRITERIA FOR DEVELOPMENT OF A HAWAII ECONOMIC REVITALIZATION PROGRAM FOR THE HAWAII STATE LEGISLATURE," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3371) recommending that S.C.R. No. 121, 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.C.R. No. 121, S.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 adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3372) recommending that S.C.R. No. 174, 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.C.R. No. 174, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES PRESIDENT AND CONGRESS TO TAKE DEFINITIVE ACTIONS TO RIGHT THE WRONGS AS EXPRESSED IN PUBLIC LAW 103-150 AND TO ASSIST IN THE PROCESS OF NATIVE HAWAIIAN SELF-GOVERNANCE," was adopted.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3373) recommending that S.C.R. No. 188 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 188, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES SENATE TO CONFIRM THE NOMINATION OF BILL LANN LEE AS ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS AT THE JUSTICE DEPARTMENT," was adopted.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3374) recommending that S.C.R. No. 64, 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.C.R. No. 64, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION CONTAINED IN H.B. NO. 3123 (1998) OF PROFESSIONAL CERTIFIED MIDWIVES," was adopted.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology,

presented a report (Stand. Com. Rep. No. 3375) recommending that S.R. No. 26, 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. 26, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION CONTAINED IN H.B. NO. 3123 (1998) OF PROFESSIONAL CERTIFIED MIDWIVES," was adopted.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3376) recommending that S.C.R. No. 90, 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.C.R. No. 90, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO APPLY TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII TO MODIFY THE FINAL JUDGMENT AND CONSENT DECREE REGARDING TEXACO INC. AND SHELL OIL COMPANY BY ELIMINATING THE MANDATED DIVESTITURE OF RETAIL ASSETS OF SHELL OR TEXACO ON THE ISLAND OF OAHU OR TO COMPLETELY WITHDRAW ITS CONDITIONS IN THAT CONSENT DECREE," was adopted.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3377) recommending that S.R. No. 42, 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. 42, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO APPLY TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII TO MODIFY THE FINAL JUDGMENT AND CONSENT DECREE REGARDING TEXACO INC. AND SHELL OIL COMPANY BY ELIMINATING THE MANDATED DIVESTITURE OF RETAIL ASSETS OF SHELL OR TEXACO ON THE ISLAND OF OAHU OR TO COMPLETELY WITHDRAW ITS CONDITIONS IN THAT CONSENT DECREE," was adopted.

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3378) recommending that S.C.R. No. 154 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.C.R. No. 154, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE REASONS WHY GASOLINE PRICES CONTINUE TO REMAIN SIGNIFICANTLY HIGHER THAN MAINLAND PRICES, AND WHETHER THERE IS ANY COLLUSION IN HAWAII'S WHOLESALE GASOLINE MARKET," was adopted.

Senators D. Ige and Metcalf, for the majority of the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3379) recommending that S.R. No. 74 be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.R. No. 74, entitled: "SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE REASONS WHY GASOLINE PRICES CONTINUE TO REMAIN SIGNIFICANTLY HIGHER THAN MAINLAND PRICES, AND WHETHER THERE IS

ANY COLLUSION IN HAWAII'S WHOLESALE GASOLINE MARKET," was adopted.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3380) recommending that H.C.R. No. 34, H.D. 2, 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 H.C.R. No. 34, H.D. 2, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL TRADE COMMISSION TO RE-EVALUATE THE AGREEMENT CONTAINING CONSENT ORDER IN THE MATTER OF SHELL OIL COMPANY AND TEXACO INC. (FILE NO. 971-0026)," was adopted.

Senators Fernandes Salling and Levin, jointly with Senators Kawamoto and Sakamoto, for the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3381) recommending that S.C.R. No. 101, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 101, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING STATE AND COUNTY AGENCIES TO ADOPT MANAGEMENT PLANS FOR WEED CONTROL METHODS USED IN ROADSIDE MAINTENANCE IN ORDER TO MINIMIZE RISKS TO PUBLIC HEALTH, WORKER SAFETY, AND ENVIRONMENTAL QUALITY," was adopted.

Senators Fernandes Salling and Levin, jointly with Senators Kawamoto and Sakamoto, for the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3382) recommending that S.R. No. 46, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and S.R. No. 46, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING STATE AND COUNTY AGENCIES TO ADOPT MANAGEMENT PLANS FOR WEED CONTROL METHODS USED IN ROADSIDE MAINTENANCE IN ORDER TO MINIMIZE RISKS TO PUBLIC HEALTH, WORKER SAFETY, AND ENVIRONMENTAL QUALITY," was adopted.

## ORDER OF THE DAY

### MATTERS DEFERRED FROM THURSDAY, APRIL 9, 1998

#### AGREE/DISAGREE

S.B. No. 2056, S.D. 1 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2056, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2099, S.D. 2 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2099, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2581 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2581 and requested a conference on the subject matter thereof.

S.B. No. 2633, S.D. 1 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2866, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2866, S.D. 1 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2884, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2884, S.D. 1 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2885, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2885 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3002, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 3002, S.D. 2 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3213, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 3213, S.D. 2 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3213, S.D. 2, and requested a conference on the subject matter thereof.

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3299 (Gov. Msg. No. 189):

Senator Bunda moved that Stand. Com. Rep. No. 3299 be received and placed on file, seconded by Senator M. Ige and carried.

Senator Bunda then moved that the Senate advise and consent to the nomination of RAYMOND H. SATO as Comptroller, term to expire December 7, 1998, seconded by Senator M. Ige.

Senator M. Ige rose in support of Gov. Msg. No. 189 as follows:

"Mr. President, I'd like to rise in support of Gov. Msg. No. 189.

"Mr. President, the state Department of Accounting and General Services plays a vital role in our government. In the Hawaii Revised Statutes the comptroller shall be the general accountant of the state and shall cause to be recorded every receipt and disbursement of money made to the treasury.

"If I may make a comparison, DAGS is to our government what our heart is to our bodies. DAGS makes our government run smoothly and efficiently with billions of dollars in

contracts, thousands of paychecks monthly, and where our central computer system is located.

"And speaking of computers, Mr. President, the greatest challenge for DAGS is to make certain that all departments ranging from Taxation to Human Services is year 2000 compliant. Ask businesses in Hawaii what they think, many respond simply, 'No way. No way will Hawaii be 2000 compliant.' Then we have an administration bill that provides immunity to the state for noncompliance. Mixed signals? Business saying 'no,' and the administration asking for immunity.

"Mr. President, the year 2000 is right around the corner. You and I know that if we fail to be compliant, it will cost our taxpayers and the many businesses that operate in our state, millions! But more importantly, if we fail, the loss of confidence in our government will be immeasurable.

"Mr. Sato cannot possibly address all of these concerns because he is not yet on the job. However, your committee believes, in reviewing his background and experience, listening to individuals testifying on his behalf, and looking over the 100-plus letters of support, that Mr. Sato has the knowledge to carry out the duties as comptroller. Most importantly, Mr. Sato has the honesty and integrity, the 'walk the talk' attitude not merely to confront the issues of today, but to lay the foundation for Hawaii's tomorrow as we approach the next millennium.

"I ask my colleagues for their support of Governor's Message 189, nominating Mr. Raymond Sato for the position of comptroller for the Department of Accounting and General Services."

Senator Bunda also rose in support of the nominee and said:

"Mr. President, I have some additional remarks that I'd like inserted into the Journal in support of the nominee who is well qualified for the position at DAGS.

"Thank you very much."

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

"Mr. President, I rise today in strong support of the nomination of Mr. Raymond H. Sato to be the next comptroller of Hawaii.

"Mr. President, the office of the comptroller is a very important position. The Department of Accounting and General Services is the entity that we have entrusted to take care of all the state's accounts and the comptroller sits at its head. The next comptroller will have the responsibility of ensuring that our accounts remain in good order. This is a job made even tougher considering the rough economic climate and falling revenues that we are faced with. Therefore, it is of the highest importance that our next comptroller has a tremendous amount of knowledge, administrative skill, and governmental experience.

"Mr. President, your Committee on Government Operations and Housing believes, in no uncertain terms, that Mr. Sato has the skills required and the intellectual prowess necessary to serve as our state's next comptroller.

"After examining Mr. Sato's resume, we on the committee have found that Mr. Sato's 31 years of public service is one of his most valuable assets. Through his experience, Mr. Sato has learned the skills necessary to be an effective administrator. Of his 31 years of public service, 24 have been spent in positions requiring managerial experience. Of these 24 years, Mr. Sato has spent almost five at the head of the Board of Water Supply for the City and County of Honolulu during which time the board has become a model for other city departments. In these

tough times, I feel more at ease entrusting the comptroller's position to an experienced individual such as Mr. Sato.

"Mr. President, after serving for so long as a steward of public resources it is no wonder that your committee has received large amounts of testimony in support of Mr. Sato's nomination. The numerous testimonies attested to Mr. Sato's experience and leadership skills.

"But most importantly of all, Mr. President, these testimonies confirmed my own personal belief that Mr. Sato is a man of the highest integrity. He is honest, hardworking, caring, and responsive. Mr. Sato is also not afraid to try new and different ideas. At a time when we are attempting to restructure our government, Mr. Sato's bold style could be of great value.

"For these reasons, Mr. President, I strongly urge my colleagues to support the nomination of Mr. Sato as our next comptroller. The State of Hawaii deserves no less.

"Thank you."

Senator Tam rose to support the nominee as follows:

"Mr. President, I'd like to add a few words on my behalf in terms of Mr. Sato.

"I had the great honor of working with this fine man over the past two years in regard to a concern within my district in Pauoa Valley. I must say that he is a very conscientious man, and very industrious. He has a lot of patience and integrity and by the time he got up to speak in regard to this project regarding the reservoir, the water reservoir in the back of Pauoa Valley, everybody trusted him. And that's a great honor. We're very fortunate.

"Thank you."

Senator Fernandes Salling also rose to support the nominee and said:

"Mr. President, I, too, would like to add some words to the confirmation today of Ray Sato.

"On a personal note, Ray served as the Kauai Board of Water Supply chairman and I had the good fortune of working with him when he was there. And now he has also come from serving the City and County of Honolulu. He's got a huge job ahead of him, especially trying to get out the \$1 billion worth of projects to jump-start our economy. But I think with this kind of background, coming from the neighbor islands and seeing how projects work and how to get them out there and also from Oahu, that it's a well-rounded ability that he brings to this position. And I think we're really fortunate to have him. So, I recommend highly his confirmation.

"Thank you."

Senator Anderson then added:

"Will the Clerk please put both chairmen's words in the Journal as though they were my own."

The Chair so ordered.

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

Ayes, 23. Noes, none. Excused, 2 (Aki, Tanaka).

Stand. Com. Rep. No. 3300 (Gov. Msg. No. 199):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3300 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 State Planning Council on Developmental Disabilities of the following:

DIRK K. WASANO and MILLICENT L. K. ROGERS, terms to expire June 30, 1999;

JOHN H. ROBERTS, term to expire June 30, 2000; and

MATTHEW CHARLES BASSETT, ANGELA I. ZANGERLE, GLORIA S. KISHI, Ph.D., JAMES RICHARD SKOUGE, ED.D., DAVID A. WOLL and J. CURTIS TYLER, III, terms 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, 23. Noes, none. Excused, 2 (Aki, Tanaka).

Stand. Com. Rep. No. 3301 (Gov. Msg. No. 200):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3301 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 of TERRY YOUNG, Ph.D., ANTHONY S. AKAMINE, DEAN M. GEORGIEV and DONALD A. MEDEIROS to the Commission on Persons with Disabilities, terms 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, 23. Noes, none. Excused, 2 (Aki, Tanaka).

Stand. Com. Rep. No. 3302 (Gov. Msg. No. 202):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3302 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 Environmental Council of the following:

STEPHEN T. DYE, Ph.D., terms to expire June 30, 1998, and June 30, 2002; and

WILLIAM S. PETTI and PURNIMA PATIL MCCUTCHEON, terms 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, 23. Noes, none. Excused, 2 (Aki, Tanaka).

Stand. Com. Rep. No. 3303 (Gov. Msg. No. 207):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3303 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 WILLIAM C. LENNOX, JR., to the State Council on Mental Health, 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, 23. Noes, none. Excused, 2 (Aki, Tanaka).

Stand. Com. Rep. No. 3304 (Gov. Msg. No. 213):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3304 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 of SETSU FURUNO, Ph.D., and HELEN MAY SMALLEY-BOWER to the Reproductive Rights Protection Committee, terms 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, 23. Noes, none. Excused, 2 (Aki, Tanaka).

Stand. Com. Rep. No. 3305 (Gov. Msg. No. 214):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3305 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 IAN KAGIMOTO to the Board of Certification of Operating Personnel in Water Treatment Plants, 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, 23. Noes, none. Excused, 2 (Aki, Tanaka).

At this time, Senator M. Ige then introduced Mr. Raymond Sato, who was seated in the gallery with family and friends.

### THIRD READING

H.B. No. 2552, H.D. 1, S.D. 3:

Senator Baker moved that H.B. No. 2552, H.D. 1, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Fukunaga rose in support of the measure and stated:

"Mr. President, in response to a question that was raised by one of the members of the Senate Ways and Means Committee, we would like to note that the draft that was presented to members during the decision-making did not include all of the sections that are currently in the bill. We did orally reference some of the further amendments that were being made. Specifically, they relate to the inclusion of allowing the works of art special fund to be used to defray the operating and personnel costs of the State Foundation on Culture and Arts. And second, to increase the bond limit authorization of the Hawaii Community Development Authority so that the authority might plan, design and construct a parking garage and provide for relocation benefits to tenants of long standing in the area.

"With these clarifications, I would like to urge all members to vote in support of the measure.

"Thank you."

Senator Iwase rose to speak on the measure with reservations:

"Thank you, Mr. President, and I want to thank the co-chairs. We met this morning and discussed this matter.

"I'm going to be voting with reservations on the bill, strong reservations on the bill, first, because of the one subject rule -- I have to be consistent about that -- and in deference to the Senator from the Big Island -- I'm right on Schwab v. Ariyoshi (we have a disagreement).

"But the issue that I had raised was the HCDA authorization to raise the bond ceiling. We, to my recollection, did not specifically vote on it that night. There is an explanation that has been given to me by the Ways and Means Committee chair, but I don't agree with it. My co-chair and I had this issue in our committee last year. We supported the project. If it's going to bring needed jobs then it's therefore difficult to vote against it, but we did not, in my view, Mr. President, vote on this bill, this amendment, at the WAM meeting. We received, that night, this digest on the bill and along with this were other bills, including the budget. The bill is several pages long with the digest. It did not include the HCDA provision. I would hope that in the future, if we're going to have this kind of all-encompassing bill with these major amendments made, that we would be given more time to review the bill and the digest that accompanies it so that we know what we are voting on.

"And finally, Mr. President, as a thought, because I believe that if we're going to be putting things into a bill that we did not necessarily vote on, were not necessarily recommended by the committee chairs specifically, and that there are going to be just assumptions made about what might be, then perhaps we ought to return to the procedure where committee members sign a committee report to indicate their support or non-support of amendments made to bills, rather than voting at a committee hearing where explanations of amendments are not fully elaborated or specified and creates this kind of difficulties.

"I am going to be voting on this bill with strong reservations.

"Thank you."

Senator Slom rose to speak against the measure and stated:

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

"First, as a follow-up to the last two speakers, this is not the only bill that my colleagues have voted on that was not in its final form. And I think it's a very bad precedent for people to be asked to vote for things when it is not in the final form.

"My colleague the Minority Leader has said time and time again -- he's said it in committee; he's said it on the Senate floor -- that he will vote with reservations until he sees the actual wording. And that's a wise position to take. And I know a lot of people find that humorous or find that dragging out time, because everybody is in a rush.

"The problem is we pass bad legislation. And I would just question whether or not, in fact, it's legal, because what the committee voted on the other night, did not include some important and salient features. That was not done procedurally in a proper manner.

"So I would urge my colleagues in the future, whether we go back to the system that the good Senator from Mililani has just suggested or whether we continue to vote in open, that more of my colleagues ask questions and demand that they do not sign or approve something until they know exactly what it is that they are signing because later on they go to their colleagues and say, 'Oh, I voted for this but that wasn't in there at the time.' Our vote is important. The position that we take is important. We must know what it is that we're doing and so we have to read things, and if they're not in there then we must hold people responsible for putting them in there, and delaying action until it's done properly.

"Now having said that, there are other problems with H.B. No. 2552, S.D. 3. First of all, we're establishing four new special funds -- an asbestos and lead abatement special fund, a

tax delinquent return special fund, persons with disabilities special fund, and the Hawaii Civil Rights Commission special fund -- at the same time, the very time when we are raiding other special funds and depositing them into the general fund. What is our procedure? What is our plan?

"There has been criticism in the past because we have more than 185 special funds in this state. Lots of times people don't know what the funds are. They don't know what the balances are. And even though they were earmarked for specific functions and people gave or paid, knowing that it would be used for that function, now we're changing the functions and we're putting it into the general fund. So, with one hand we're getting rid of some of the older special funds, with the other hand we are creating four new ones. It doesn't make sense to me, Mr. President.

"Then we talk about fees and we have the establishment of new fees, and presumably increases in existing fees. I say presumably because I see pages of blank figures. There are no numbers in here. And so I cannot vote for something that gives a blank check to perhaps the conference committee. We're talking about a parking fee in state parks, \$1, fine; a camping fee, blank; school bus transportation fee, blank; athletic activities fee, blank; fishing license fees, blank; replacement fees for hunting licenses, blank; mooring fees, blank; school lunch fees, blank; after school A+ and weekend programs, blank. How can we in good conscience vote on something that's blank?

"I don't think that the intent is to lower these fees, and so to me, increasing these fees will be yet another tax on the overburdened people and particularly the parents and single moms in this community. It will mean less take-home pay for them. So I find that very difficult. By the way, there is, however, in the section on criminal history and other checks where figures are given, the fees there are increased between 50 and 100 percent for public access to find out about criminal history.

"There's another new fee in this bill which may have a constitutional problem, to charge arrestees \$15 for their request to have a hearing. In no case is there a justification of why the fees have gone up (the ones that are actually listed), whether or not they just cover the cost of servicing or whether they are used as revenue or tax enhancement.

"There was a section, Mr. President, in the original bill that would repeal the Employment and Training Special Fund that every business, small business and every organization fought against, a bill which went into effect for five years and had a drop-dead clause and then conveniently during that fifth year the drop-dead clause was taken out and the tax was extended.

"There was a moratorium imposed and in a bill that we passed the other day, H.B. No. 1533, H.D. 2, S.D. 1, the training fund bill was not abolished but, in fact, the moratorium was merely extended for another three years and the current balance, which is estimated around \$11 million which came from employers -- no employees -- is to be transferred to the Unemployment Insurance Administration Fund for the cost of administration, not for the cost of unemployment.

"Finally, Mr. President and colleagues, one of the parts that was not included in the bill, Part VIII of this bill, has to do with a parking garage, a parking garage to be guaranteed at public expense for a private entity. It is explained as being economic development. But, Mr. President, I don't remember Ala Moana Shopping Center coming to the Legislature to have the taxpayers guarantee a bond for their parking structure, nor Pearl Ridge Shopping Center, nor Windward Shopping Center, nor any of the other shopping centers or retail developments. And yet this bill, which was introduced last year and which did not pass, is now being inserted into this measure with so many other conflicting arrangements, and the idea again is that the state, the state will stand behind the issuance of bonds for the parking garage, not specified. We know that through this bill

the amount that the HCDA (the Hawaii Community Development Authority) can issue is now being increased from \$60 million to \$100 million but we don't know how much of it is going to the private parking garage. We've heard that it is for a retail development in excess of \$200 million. And I fail to see the public need or the public benefit. Moreover, as I've spoken before on similar issues, it does expose the state to liability and, further than that, it sets a bad precedent because if this parking garage is supported by the state, then why should not other private interests continue to come to this state.

"So, for these and other reasons, Mr. President, I feel that this is a bad, hastily constructed bill with many flaws, and I urge my colleagues to consider voting 'no.'

"Thank you."

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

"I will be voting 'W/R' and I'd like the remarks of my co-chair, the Senator from Mililani, to be included in the Journal as though they were my own. Thank you."

The Chair so ordered.

Senator Metcalf rose in support of the measure and said:

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

"The Senator from Mililani and I respectfully disagree with respect to the interpretation of *Schwab v. Ariyoshi*. However, I would point out that the court appears to be on the side of the supporters of this measure in terms of the decision they've rendered, and that the court decision in that case noted that there has, in fact, been no successful court challenge to a bill based on the scope of its title. What I would request for the sake of posterity, Mr. President, is to have the law of the case inserted in the Journal."

The Chair having so ordered, the case of *Schwab v. Ariyoshi* is identified as ATTACHMENT "A" to the Journal of this day.

Senator Anderson rose in opposition to the measure and stated:

"Mr. President, I'll be voting 'no.' However, I'd like to say one thing because of the two former speakers', the Senator from Mililani and the Minority Floor Leader, concerns over a bill is not just that we have to vote in public. The problem with the procedure that we're doing now is it hampers the staff. And I remember that both of our chairmen the other day and, in fact, almost every chairman here thanked all of their staff members for working so hard. The problem with working so hard is nobody can do anything until you have a quorum to even vote on an amendment. Every bill is held up. That means the staff can't do their work until a quorum comes together, votes for the amendment, and then votes for the bill. That's why everything is hung up in the Senate and in the House at this time, is because nothing goes forward.

"In the old days, you'd have an amendment given in a committee hearing regardless if there were two or three people there. They would vote on that, turn around, circulate it. We had a chance to vote aye, with reservations, or no. Everybody knew how we voted anyway, and we normally came down on the floor and we spoke our peace. But everything is held up now, and we're not getting the best legislation that we could. And primarily it's because the bills are hung up, you then put everything together at the last moment. And we're packaging everything or bundling or bulking or whatever you want to call it.

"So those are the reasons that I think we are being held up, but I still will be voting 'no' on this particular bill.

"Thank you very much."

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

"Mr. President, I rise to speak with reservations.

"I'm in agreement with some of the previous remarks, but in specific I'd like to address the special fund for the Hawaii Civil Rights Commission.

"Mr. President, this past year, that group came out with some very onerous regulations on court and arrest records. Now, if they are to fund themselves based on the special fund, I can foresee them holding a gun to people's heads, businesses' heads, and we don't know if it's a blank in there or not. But they're going to extract money to support their own process, Mr. President.

"I think it's a bad precedent to have a group that's supposed to support basic rights, have to fund themselves, and the reason I'm fearful is based on their history of extracting, processing these complaints that have really no merit or little merit and do great damage to the public, great damage to business, and great damage to Hawaii, Mr. President."

Senator M. Ige also rose to speak with reservations as follows:

"Mr. President, I, too, rise to speak with reservations on this measure.

"Mr. President, I, too, would like to echo some of the concerns of the Senator from Mililani as well as Hawaii Kai. Unfortunately, the garage issue was controversial last year, and to do an amendment at the very last minute or to brief everybody to say that it is included and it's not, it casts a shadow on everything that we do here. And I'm just hoping that we can allow certain amendments, I guess, not to be mentioned, minor amendments, but to have something of this nature at the very last minute, I have a real problem with.

"I want to commend the Minority Leader for standing on his principle. I think to disqualify himself from conference because of the institutional sake is commendable and I believe that I'd like to just recognize that, Mr. President.

"Thank you."

Senator Iwase rose again and stated:

"Mr. President, just to clarify a bit more about my point.

"Most of us here, chair a committee and therefore most of us as committee members understand the deference that ought to be paid to the responsibilities of the committee chair. But as committee members, not as committee chairmen, we are also responsible for the votes that we cast as committee members. Oftentimes, I think it is, therefore, the responsibility of committee chairs, and if I have failed in my capacity as chair of Water, Land, and Hawaiian Affairs Committee, I would hope that the committee members come up to me and tell me because our responsibility as committee chairs is to inform the members about what their vote is going to be or about what they're voting on.

"In this case, we did not have the opportunity to vote up or down on the Kakaako amendment. As I said before, I support it because I believe it is going to provide a construction project in our beleaguered economy. But suppose this was an amendment that we did not agree with, suppose this was an amendment that was very controversial and is put into the bill along with other factors that are there, and we vote on it. Suppose I wasn't here to vote on it. What the record would reflect, because my vote is cast on the back of the sheet, is that I supported this bill --

unbeknownst to me I supported that bill with that provision which is controversial -- and that's not right.

"And I think it's the responsibility of the chair. It's the responsibility of the committee members and perhaps I haven't been very good at it this year, but I think it is the responsibility of the committee members to, as best as possible, pay deference to the recommendations of the committee chairs because it's their responsibility to push out legislation. It's a tough task and we all know it, but I would hope that in the future the responsibility of committee members is going to be respected by the committee chairs and our responsibility is to explain that vote to our constituents and to the public, and if we cannot do that, it's kind of embarrassing for us to say 'I never know.' It's very embarrassing for us to do that because then they're going to say 'You're supposed to know,' and they're right.

"Thank you."

The motion was then put by the Chair and carried, H.B. No. 2552, H.D. 1, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Anderson, Fernandes Salling, Slom). Excused, 2 (Aki, Tanaka).

At 12:22 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:23 o'clock p.m.

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

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

"Mr. President, I was particularly disturbed when I read just the other day that the governor accused this body, in particular the co-chairs of the Ways and Means Committee, of being timid -- timid on our tax deduction. Well, Mr. President, I'm very happy to stand here and stand behind our Ways and Means co-chairs and say there's no timidity here in the Senate, and particularly after we adjourned first with the best bills the other day, and I went over to the House and I saw all that squabbling and I saw all that discontent, there's no timidity here, Mr. President. We stand firm because we have a bill and we have a budget that will support the best interests of the public and we will continue to oppose any increase in the general excise tax. So we're right.

"Thank you, Mr. President."

## ADJOURNMENT

At 12:26 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 17, 1998.



ATTACHMENT "A"

WILLIAM SCHWAB, RICHARD "IKE" SUTTON,  
Plaintiffs-Appellants, v. GEORGE R. ARIYOSHI,  
et al., Defendants-Appellees,  
and WILLIAM S. RICHARDSON, et al., Defendants

NO. 6179

APPEAL FROM FIRST CIRCUIT COURT  
HONORABLE NORITO KAWAKAMI, JUDGE

MAY 11, 1977

RICHARDSON, C.J., KOBAYASHI, OGATA,  
MENOR AND KIDWELL, JJ.

\* \* \*

OPINION OF THE COURT BY OGATA, J.

Plaintiffs-appellants, William Schwab and Richard "Ike" Sutton (hereinafter appellants), brought suit as taxpayers, in their own behalf and on behalf of other taxpayers similarly situated, in the First Circuit Court, against defendants-appellees (hereinafter appellees) being various state officers in the executive, judicial and legislative branches, in their individual capacities, seeking to halt the implementation of Parts II, III and IV of Act 58, S.L.H. 1975, on the grounds that it had been invalidly enacted in violation of the State Constitution and rules established by the senate and house of representatives of the legislature. The circuit court, in an order filed February 10, 1976, denied appellants' motion for partial summary judgment and granted appellees' motion for summary judgment.<sup>1</sup> Appellants assert that the court erred in entering this order, and urge that we declare parts of Act 58 invalid and remand this case to the trial court for a determination as to the remedy. We affirm.

Act 58 had been introduced in the senate of the eighth state legislature as S.B. 1645 on February 26, 1975. It was entitled "A Bill for an Act Making Appropriations for Salaries and Other Adjustments, Including Cost Items of Collective Bargaining Agreements Covering Public Employees and Officers." As originally introduced, the bill was intended to ratify the salary increases obtained for a group of public employees through collective bargaining agreements.<sup>2</sup> S.B. 1645 passed final reading in the house and senate on April 11, 1975, the last day of the 1975 regular legislative session. Although various amendments were made to the bill during its passage through the legislature, the title of the bill was not touched or amended. It was approved by the Governor as Act 58, on May 7, 1975, to be effective by its terms on July 1, 1975.

The act contains four parts. Part I mainly appropriated or authorized certain sums for the fiscal biennium 1975-1977, to fund "all collective bargaining cost items in the contracts negotiated with the exclusive bargaining representatives of bargaining units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, and salary increases and other adjustments for other officers and employees excluded from bargaining units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13." Part II amended several relevant sections of the Hawaii Revised Statutes to adjust the maximum salary limits set for certain officers and staff members in the executive branch, namely, the governor, lieutenant governor, department heads and executive officers, the first and second assistants to department heads, officers whose salaries are set by statute, and substitute teachers. Part III amended other relevant sections of the Hawaii Revised Statutes to effect adjustments in salaries for

officers in the judicial branch: the district family judges, the administrative director, supreme court justices, circuit court judges, and district judges. Part IV amended the relevant sections of the Hawaii Revised Statutes to adjust the salaries for certain legislative officers: the revisor of statutes, auditor, director of the legislative reference bureau, and the ombudsman and his staff, including his first assistant. Act 58 was an enactment to adjust the salaries of all state officers and employees, including those covered under collective bargaining agreements.

Shortly after approval of this measure by the Governor, appellants brought suit in the First Circuit Court, raising the following questions: 1) whether the title and body of Act 58 are in violation of Article III, Section 15 of the Hawaii Constitution which provides, in part, that "[e]ach law shall embrace but one subject, which shall be expressed in its title"; 2) whether the act is defective because it did not permit the Governor to exercise his item veto power, as outlined in Article III, Section 17 of the State Constitution; and 3) whether the act is void because of alleged violations of senate and house rules in the course of its passage. The complaint asked that the defendant Comptroller be permanently enjoined from making payments pursuant to Act 58 and that all appellees be required to repay amounts paid them pursuant to the act. Named in their individual capacities as appellees in the suit were George R. Ariyoshi, the Governor, Nelson K. Doi, Lieutenant Governor, and Hideo Murakami, Comptroller of the State of Hawaii, and John and Mary Does 1-200. Each of the John and Mary Does 1-200 was later replaced by his or her proper individual name, in the amended complaint, as the specific state official who would receive pay increases under Parts II, III and IV of the Act.

After the circuit court granted appellees' motion for summary judgment, appellants filed notice of appeal, and further moved to disqualify all members of this Court from hearing the appeal. The motion to disqualify was based on HRS §601-7(a) (1975 Supp.), which compels disqualification in cases where a judge has a pecuniary interest. In *Schwab v. Ariyoshi*, 57 Haw. 348, 555 P.2d 1329 (1976), we held that HRS §601-7(a) (1975 Supp.) is not applicable where there is no statute providing any means of replacing a justice who would otherwise be disqualified to her an appeal and "that the rule of necessity requires that the members of this court hear and determine this appeal." 57 Haw. at 353, 555 P.2d at 1331 (1976).

Since this is an appeal from an order entered by the court in summary judgment proceedings under HRCP Rule 56(c), we must determine whether any genuine issue as to a material fact was raised and whether the appellees were entitled to judgment as a matter of law. *Technicolor, Inc. v. Traeger*, 57 Haw. 113, 551 P.2d 163 (1976); *Abraham v. Onorato Garages*, 50 Haw. 628, 446 P.2d 821 (1968); *Richards v. Midkiff*, 48 Haw. 32, 39, 396 P.2d 49, 54 (1964). The inferences to be drawn from the underlying facts alleged in the affidavits and exhibits considered by the court in making its determination must be viewed in the light most favorable to the parties opposing the motion. *Technicolor, Inc. v. Traeger, supra*; *Abraham v. Onorato Garages, supra*. In the case last cited we said in 50 Haw. at 631-32, 446 P.2d at 825: "Where the defendant is the moving party, [and] there is no genuine issue as to any material fact[,...]the defendant is entitled to a judgment as a matter of law if, upon viewing the record in the light most favorable to the plaintiff, it is clear that the plaintiff would not be entitled to...[prevail] under any discernible theory." See also *Pickering v. State*, 57 Haw. 405, 555 P.2d 855 (1976).

We are of the view that there is no genuine issue as to any material fact in the record and that the denial of partial summary judgment to appellants and the granting of summary judgment in favor of appellees were proper.

#### I.

Appellants' first contention is that there has been a violation of Article III, Section 15 of the State Constitution which states, in part:

Each law shall embrace but one subject, which shall be expressed in its title.

Appellants argue that Act 58 contains two different subjects: 1) appropriations for collective bargaining (Part I) and 2) salary increases for officers of the executive, judicial, and legislative branches of

the State (Parts II, III, and IV). They further argue that Parts II, III, and IV of the act are illegal because only the subject of Part I, collective bargaining cost item appropriations, is expressed in the title of the act.

We are satisfied that there has been no violation of the requirements of Article III, Section 15 of the Constitution, either in letter or in purpose.

The language of Article III, Section 15, pertaining to the requirements of a single subject, is identical to that contained in Section 45 of the Organic Act.<sup>3</sup> Therefore, we would ascribe to the former what this court has said to be the purposes of the latter as well as the legal effect we have given to that section. In *Jensen v. Turner*, 40 Haw. 604, at 607-08 (1954) this court stated the purposes of Section 45 of the Organic Act to be:

first, to prevent hodge-podge or logrolling legislation, second, to prevent surprise or fraud upon the Legislature by means of provisions in bills of which titles give no intimation; and third, to apprise the people of proposed matters of legislation.

See also *In re Goddard*, 35 Haw. 203, 207-08 (1939); *In re Tom Pong*, 17 Haw. 566, 572-73 (1906); *In re Walker*, 9 Haw. 171 (1893); *Hyman v. Kapena*, 7 Haw. 76, 77-78 (1887). The latter two cases dealt with the predecessor section to Section 45 of the Organic Act, Article 77 of the Constitutions of 1864 and 1887, which read:

To avoid improper influences which may result from intermixing in one and the same Act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

Article III, Section 15 of the State Constitution is mandatory and a violation thereof would render an enactment nugatory. *In re Goddard*, *supra*; *Territory v. Kua*, 22 Haw. 307 (1914). However, we have consistently held, recently in *State v. Kahalewai*, 56 Haw. 481, 541 P.2d 1020 (1975), that every enactment of the legislature is presumptively constitutional, and a party challenging the statute has the burden of showing unconstitutionality beyond a reasonable doubt. *Bishop v. Mahiko*, 35 Haw. 608 (1940); *In re Mott-Smith*, 29 Haw. 343 (1926).

Such a presumption of validity prevails in the consideration of Act 58, and to nullify it on the grounds that it was enacted in violation of the subject-title requirements of the State Constitution, the infraction should be plain, clear, manifest, and unmistakable. *Schnack v. City and County of Honolulu*, 41 Haw. 219, 224 (1955); *Dole v. Cooper*, 15 Haw. 297, 299 (1903).

Thus, in *Montclair v. Ramsdell*, 107 U.S. 147 (1882), the U.S. Supreme Court held that the powers which a township was authorized to exert, including issuing bonds, were parts of the single general topic of township incorporation, as expressed in the title: "An Act to set off from the township of Bloomfield, in the county of Essex, a new township, to be called the township of Montclair." In this case, the court stated, in 107 U.S. at 155:

The one general object--the creation of an independent municipality--being expressed in the title, the act in question properly embraced all the means or instrumentalities to be employed in accomplishing that object. As the State Constitution has not indicated the degree of particularity necessary to express in its title the one object of an act, the courts should not embarrass legislation by technical interpretations based upon mere form or phraseology. *The objections should be grave, and the conflict between the statute and the Constitution palpable, before the judiciary should disregard a legislative enactment upon the sole ground that it embraced more than one object, or if but one object, that it was not sufficiently expressed by the title.* (Emphasis added)<sup>4</sup>

We hold that Act 58 dealt with salaries for all officers and employees of the state. Since in our view there is no violation of the single subject requirement of Article III, Section 15 of the State Constitution, appellants' argument that S.B. 1645 was enacted into law as the result of logrolling, with the pay raise

provisions for the executive, judicial, and legislative branches (Parts II, III, and IV) combined with the pay raise provisions for personnel under collective bargaining (Part I), becomes immaterial and irrelevant.<sup>5</sup> All parts of the act embrace one general subject, to wit: salaries; and these parts are so connected and related to each other, either logically or in popular understanding, as to be parts of or germane to that general subject. These parts are not and cannot be held to be dissimilar or discordant subjects which would render the act unconstitutional.

The term "subject," as used in the constitution is to be given a broad and extended meaning, so as to allow the legislature full scope to include in one act all matters having a logical or natural connection. To constitute duplicity of subject, an act must embrace two or more dissimilar and discordant subjects that by no fair intendment can be considered as having any legitimate connection with or relation to each other. All that is necessary is that act should embrace some one general subject; and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject.

*Johnson v. Harrison*, 47 Minn. 475, 50 N.W. 923, 924 (1894).

The test used to construe a provision similar to Article III, Section 15 of the Constitution, that is, that each law contain a single subject and that the subject be expressed in its title, was set forth in *Territory v. Dondero*, 21 Haw. 19 (1912).<sup>6</sup> Dondero was convicted for violating a traffic ordinance and fined. The ordinance was entitled: "An ordinance regulating moving travel and traffic upon the streets and other public places of the City and County of Honolulu, providing for the registration, identification, use, and operation of motor cars, and providing penalties for any violation of the ordinance." Dondero contended that a section of this ordinance setting the speed limit was separate from, and went beyond the scope of the title subject, "regulating moving travel and traffic." In upholding the ordinance, this court stated, at 29:

It is sufficient if the title of an ordinance fairly indicates to the ordinary mind the general subject of the act, is comprehensive enough to reasonably cover all its provisions, and is not calculated to mislead; but an act which contains provisions neither suggested by the title, nor germane to the subject expressed therein, is, to that extent void.

We hold that a liberal construction of this constitutional requirement, *Territory v. Miguel*, 18 Haw. 402, 406-09 (1907); *Ahmi v. Buckle*, 17 Haw. 200, 203 (1905); *Dole v. Cooper, supra*; *Territory v. Oahu County Supervisors*, 15 Haw. 365, 370-71 (1903); *In re Walker*, 9 Haw. 171 (1893), leads to no other conclusion but that the title to Act 58 fairly indicates to the ordinary mind the general subject of the act, is comprehensive enough to reasonably cover all its provisions, and is not calculated to mislead. As this court stated in *Dole v. Cooper, supra* at 299:

It is true that the provision of the Organic Act "that each law shall embrace but one subject, which shall be expressed in its title" should be liberally construed, and that an act of the legislature should not be held void on the ground that it conflicts with this provision, except in a clear case. It is sufficient if the various parts of an act have a natural connection, are fairly well embraced in one subject, though somewhat general, and expressed in the title. (citation omitted)

While we concede that the title to the act could have been composed in language which would have been clearer and more precise, we are unable to hold that this is a defect which would render the statute void. We stated in *Schnack v. City and County of Honolulu, supra* at 224:

...The language of the title is to be given a liberal interpretation, and the largest scope accorded to the words employed that reason will permit in order to bring within the purview of the title all the provisions of the act.

Obviously, the title of the ordinance referred to is not the most appropriate but that is not essential if it indicates the scope and purpose of the ordinance. Neither is it necessary that the title

inform the reader of the specific contents of the bill. If no portion of the bill is foreign to the subject of the legislation as indicated by the title, however general the latter may be, it is in harmony with the constitutional mandate. (citation omitted)

Appellants also argue that the executive, judicial, and legislative salary increases are illegally included in Act 58 because the scope of that act is restricted to "Cost Items of Collective Bargaining Agreements Covering Public Employees and Officials," by the term "including."

We do not consider that the title of Act 58 became narrow by the use of the term "including," as contrasted with the use of the term "relating" as in *Hyman v. Kapena, supra*, or the use of the term "pertaining" in *Jensen v. Turner, supra*. The term "includes" is ordinarily a term of enlargement, not of limitation; a statutory definition of a thing as "including" certain things does not necessarily impose a meaning limited to the inclusion. *People v. Western Air Lines, Inc.*, 42 Cal. 2d 621, 638-39, 268 P.2d 723, 733 (1954); *United States v. Gertz*, 249 F.2d 662 (9th Cir. 1975).

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<sup>1</sup>Appellants also appeal from an order filed March 24, 1976, setting aside an entry of default and dismissing the complaint against the members of the Supreme Court of Hawaii and the circuit court judge who entered the orders appealed from.

<sup>2</sup>Standing Committee Report No. 569, dated March 12, 1975, from the Senate Committee on Ways and Means states: "The purpose of this bill is to appropriate funds to cover the collective bargaining cost items relating to the contract negotiated with the exclusive bargaining representative for bargaining unit 5 (teachers)." *Senate Journal, Regular Session 1975*, at p. 1048.

<sup>3</sup>The *Proceedings of the Constitutional Convention of Hawaii 1950*, volume 1, at p. 252, shows that the language of this constitutional provision was based on Section 45 of the Organic Act.

<sup>4</sup>The court in *Montclair v. Ramsdell, supra*, uses the term "object" instead of the word "subject" found in Article III, Section 15 of our State Constitution. Although some holdings have made distinctions between these terms, we may consider the terms to be interchangeable, and the *Montclair* language is clearly applicable. 1A W. Sands, *Sutherland Statutory Construction*, Section 17.01, n. 19 (1972).

<sup>5</sup>In *Ruud, No Law Shall Embrace More Than One Subject*, 42 Minn. L. Rev. 389 at 448, it is stated: The principal purpose of the one-subject rule is said to be to prevent log-rolling. And log-rolling is itself offensive because it subverts the principle of majority rule by enabling two minorities to combine their legislative strengths to obtain a majority vote for their respective proposals. While in one sense no rule of law prevents the conduct it condemns but only deters it, it can be said in a still different sense that the one-subject rule does not prevent log-rolling. The one-subject rule by its very terms does not proscribe log-rolling; it only proscribes the combining of separate subjects in a single bill. The reason, of course, that it condemns bills which embrace more than one subject is that it is assumed that the subjects were combined in one bill for log-rolling purposes, there being no other reasonable or practical reason. The approach of the constitution is quite clearly indirect.

<sup>6</sup>Section 15 of the charter of the City and County of Honolulu (Act 118, Laws of 1907), which was involved, read:

No ordinance shall embrace but one subject, which subject shall be expressed in its title.

## FIFTIETH DAY

Friday, April 17, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Hal Weidner, CO, Holy Trinity Church, Kuliouou, after which the Roll was called showing all Senators present with the exception of Senators Aki and M. Ige who were excused.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 287 to 304) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 287, submitting for consideration and confirmation to the Board of Agriculture, the nominations of BENJAMIN K. LINDSEY, AKIRA SAKIMA and RALPH K. ISHIKAWA, terms to expire June 30, 2002, was referred to the Committee on Economic Development.

Gov. Msg. No. 288, submitting for consideration and confirmation to the State Board of Chiropractic Examiners, the nominations of JAMES H. HATTAWAY, D.C., and DOROTHY K. ONO, terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 289, submitting for consideration and confirmation to the Community-Based Economic Development Advisory Council, the nominations of: JOYCE L. E. KAAIHUE, term to expire June 30, 1999; and VINCE G. BAGOYO, JR., DANIEL C. NAVARRO and JANE H. TESTA, terms to expire June 30, 2002, was referred to the Committee on Economic Development.

Gov. Msg. No. 290, submitting for consideration and confirmation to the Board of Dental Examiners, the nominations of ROBERT A. BAYSA, D.D.S., DENNIS N. ISHIMOTO, MELISSA PAVLICEK and JANET M. Y. PRIMIANO, terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 291, submitting for consideration and confirmation to the Education Commission of the States, the nominations of CARL T. TAKAMURA and KAREN Y. AKA, Ph.D., terms to expire June 30, 2002, was referred to the Committee on Education.

Gov. Msg. No. 292, submitting for consideration and confirmation to the Board of Directors, Hawai'i Strategic Development Corporation, the nomination of MICHAEL J. MCGIVERN, term to expire June 30, 2002, was referred to the Committee on Economic Development.

Gov. Msg. No. 293, submitting for consideration and confirmation to the Island Burial Council, Island of Hawai'i, the nomination of ROGER HARRIS, term to expire June 30, 2002, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 294, submitting for consideration and confirmation to the Island Burial Council, Islands of Kauai and Niihau, the nominations of GRACE H. KAMAI, B. KAIPO AKANA, TOM H. SHIGEMOTO, JOHN K. HASHIMOTO and BARBARA J. SAY, terms to expire June 30, 2002, was

referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 295, submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lanai, the nominations of: WILLIAM WAIOHU JR., term of expire June 30, 2001; and CHARLES K. MAXWELL SR., and CLIFFORD JAMES NAE'OLE, terms of expire June 30, 2002, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 296, submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, the nominations of PHILIP SOLATORIO and LOUELLA OPU'ULANI W. ALBINO, terms to expire June 30, 2002, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 297, submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, the nominations of GWENDOLYN Y. PIKAKE PELEKAI, CAROLYN K. ABAD, CY M. BRIDGES, KALEIKOA KAE0 and EDWARD H. AYAU, terms to expire June 30, 2002, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 298, submitting for consideration and confirmation to the Land Use Commission, the nominations of M. CASEY JARMAN, MERLE A. K. KELAI, PRAVIN DESAI and AIA ASID, terms to expire June 30, 2002, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 299, submitting for consideration and confirmation to the Board of Regents, University of Hawai'i, the nominations of: WAYNE KAHO'ONEI PANOKE, term to expire June 30, 1999; and EVERETT R. DOWLING and WILLIAM C. BERGIN, D.V.M., MS, terms to expire June 30, 2002, was referred to the Committee on Education.

Gov. Msg. No. 300, submitting for consideration and confirmation to the Board of Registration, Island of Oahu, the nominations of: HERMAN T. ANDAYA, JR., term to expire June 30, 1999; and NORRIE THOMPSON, term to expire June 30, 2002, was referred to the Committee on Judiciary.

Gov. Msg. No. 301, submitting for consideration and confirmation to the Board of Registration, Island of Hawai'i, the nominations of: DAVID M. VIEIRA SR., term to expire June 30, 2000; and JEANNE E. YAGI, term to expire June 30, 2002, was referred to the Committee on Judiciary.

Gov. Msg. No. 302, submitting for consideration and confirmation to the Board of Registration, Kauai and Niihau, the nomination of JOY F. HIRAOKA, term to expire June 30, 2002, was referred to the Committee on Judiciary.

Gov. Msg. No. 303, submitting for consideration and confirmation to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, the nomination of HARRIETTE L. HOLT, term to expire June 30, 2002, was referred to the Committee on Judiciary.

Gov. Msg. No. 304, submitting for consideration and confirmation to the Stadium Authority, the nominations of LARRY PRICE, Ph.D., CHARLES T. TOGUCHI and SHIGETO HANDA, terms to expire June 30, 2002, was referred to the Committee on Economic Development.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 295 to 376) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 295, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 92, H.D. 2 (S.D. 1);  
 H.B. No. 503, H.D. 2 (S.D. 2);  
 H.B. No. 867, H.D. 1 (S.D. 2);  
 H.B. No. 1099, H.D. 2 (S.D. 1);  
 H.B. No. 1160, H.D. 1 (S.D. 1);  
 H.B. No. 1332, H.D. 2 (S.D. 2);  
 H.B. No. 1533, H.D. 2 (S.D. 1);  
 H.B. No. 1824, H.D. 2 (S.D. 2);  
 H.B. No. 1866, H.D. 2 (S.D. 2);  
 H.B. No. 1966, H.D. 2 (S.D. 2);  
 H.B. No. 2331, H.D. 1 (S.D. 1);  
 H.B. No. 2332, H.D. 2 (S.D. 1);  
 H.B. No. 2355, H.D. 1 (S.D. 1);  
 H.B. No. 2357, H.D. 2 (S.D. 1);  
 H.B. No. 2358, H.D. 2 (S.D. 1);  
 H.B. No. 2361, H.D. 1 (S.D. 2);  
 H.B. No. 2362, H.D. 1 (S.D. 1);  
 H.B. No. 2366, H.D. 2 (S.D. 2);  
 H.B. No. 2381, H.D. 1 (S.D. 1);  
 H.B. No. 2423, H.D. 1 (S.D. 1);  
 H.B. No. 2426, H.D. 1 (S.D. 1);  
 H.B. No. 2437, H.D. 1 (S.D. 1);  
 H.B. No. 2443, H.D. 2 (S.D. 1);  
 H.B. No. 2486, H.D. 3 (S.D. 2);  
 H.B. No. 2490, H.D. 3 (S.D. 1);  
 H.B. No. 2498, H.D. 2 (S.D. 1);  
 H.B. No. 2500, H.D. 1 (S.D. 1);  
 H.B. No. 2506, H.D. 1 (S.D. 1);  
 H.B. No. 2512, H.D. 1 (S.D. 1);  
 H.B. No. 2524, H.D. 1 (S.D. 1);  
 H.B. No. 2533, H.D. 1 (S.D. 2);  
 H.B. No. 2537, H.D. 1 (S.D. 1);  
 H.B. No. 2558, H.D. 1 (S.D. 1);  
 H.B. No. 2560, H.D. 2 (S.D. 2);  
 H.B. No. 2563 (S.D. 2);  
 H.B. No. 2564, H.D. 1 (S.D. 2);  
 H.B. No. 2567, H.D. 2 (S.D. 1);  
 H.B. No. 2598, H.D. 2 (S.D. 2);  
 H.B. No. 2648, H.D. 2 (S.D. 1);  
 H.B. No. 2649, H.D. 2 (S.D. 2);  
 H.B. No. 2655, H.D. 1 (S.D. 2);  
 H.B. No. 2660 (S.D. 1);  
 H.B. No. 2666, H.D. 1 (S.D. 1);  
 H.B. No. 2667, H.D. 1 (S.D. 1);  
 H.B. No. 2671, H.D. 2 (S.D. 1);  
 H.B. No. 2672, H.D. 1 (S.D. 1);  
 H.B. No. 2675, H.D. 2 (S.D. 1);  
 H.B. No. 2680, H.D. 2 (S.D. 1);  
 H.B. No. 2701, H.D. 2 (S.D. 1);  
 H.B. No. 2702, H.D. 2 (S.D. 2);  
 H.B. No. 2710, H.D. 1 (S.D. 1);  
 H.B. No. 2749, H.D. 1 (S.D. 1);  
 H.B. No. 2750, H.D. 1 (S.D. 1);  
 H.B. No. 2758, H.D. 1 (S.D. 2);  
 H.B. No. 2762, H.D. 1 (S.D. 1);  
 H.B. No. 2765, H.D. 1 (S.D. 1);  
 H.B. No. 2774 (S.D. 1);  
 H.B. No. 2778 (S.D. 1);  
 H.B. No. 2779 (S.D. 1);  
 H.B. No. 2780 (S.D. 1);  
 H.B. No. 2800 (S.D. 1);  
 H.B. No. 2801, H.D. 1 (S.D. 1);  
 H.B. No. 2803 (S.D. 2);  
 H.B. No. 2823, H.D. 1 (S.D. 1);  
 H.B. No. 2837, H.D. 1 (S.D. 2);  
 H.B. No. 2842, H.D. 1 (S.D. 1);  
 H.B. No. 2843, H.D. 1 (S.D. 2);  
 H.B. No. 2844, H.D. 1 (S.D. 1);

H.B. No. 2847, H.D. 2 (S.D. 2);  
 H.B. No. 2852, H.D. 2 (S.D. 2);  
 H.B. No. 2855, H.D. 1 (S.D. 1);  
 H.B. No. 2862, H.D. 2 (S.D. 2);  
 H.B. No. 2866 (S.D. 1);  
 H.B. No. 2869, H.D. 1 (S.D. 1);  
 H.B. No. 2870 (S.D. 2);  
 H.B. No. 2871 (S.D. 1);  
 H.B. No. 2878, H.D. 1 (S.D. 1);  
 H.B. No. 2888, H.D. 2 (S.D. 1);  
 H.B. No. 2889, H.D. 1 (S.D. 1);  
 H.B. No. 2892, H.D. 1 (S.D. 1);  
 H.B. No. 2909, H.D. 2 (S.D. 1);  
 H.B. No. 2912, H.D. 1 (S.D. 1);  
 H.B. No. 2921, H.D. 1 (S.D. 1);  
 H.B. No. 2932 (S.D. 1);  
 H.B. No. 2935 (S.D. 1);  
 H.B. No. 2941, H.D. 1 (S.D. 1);  
 H.B. No. 2958, H.D. 1 (S.D. 1);  
 H.B. No. 2985, H.D. 1 (S.D. 1);  
 H.B. No. 2990, H.D. 2 (S.D. 2);  
 H.B. No. 2992, H.D. 2 (S.D. 1);  
 H.B. No. 2998, H.D. 2 (S.D. 2);  
 H.B. No. 3005, H.D. 2 (S.D. 1);  
 H.B. No. 3010 (S.D. 2);  
 H.B. No. 3024 (S.D. 1);  
 H.B. No. 3028, H.D. 1 (S.D. 2);  
 H.B. No. 3033, H.D. 2 (S.D. 2);  
 H.B. No. 3059 (S.D. 1);  
 H.B. No. 3065, H.D. 2 (S.D. 2);  
 H.B. No. 3082, H.D. 1 (S.D. 1);  
 H.B. No. 3130, H.D. 1 (S.D. 1);  
 H.B. No. 3132, H.D. 1 (S.D. 1);  
 H.B. No. 3138, H.D. 1 (S.D. 1);  
 H.B. No. 3167, H.D. 1 (S.D. 1);  
 H.B. No. 3185, H.D. 1 (S.D. 1);  
 H.B. No. 3192, H.D. 1 (S.D. 1);  
 H.B. No. 3199, H.D. 2 (S.D. 1);  
 H.B. No. 3200, H.D. 1 (S.D. 2);  
 H.B. No. 3247, H.D. 1 (S.D. 1);  
 H.B. No. 3248, H.D. 1 (S.D. 1);  
 H.B. No. 3252 (S.D. 1);  
 H.B. No. 3257, H.D. 2 (S.D. 1);  
 H.B. No. 3281, H.D. 1 (S.D. 1);  
 H.B. No. 3289, H.D. 1 (S.D. 1);  
 H.B. No. 3302, H.D. 2 (S.D. 2);  
 H.B. No. 3361, H.D. 3 (S.D. 2);  
 H.B. No. 3367, H.D. 1 (S.D. 1);  
 H.B. No. 3403, H.D. 2 (S.D. 1);  
 H.B. No. 3437, H.D. 2 (S.D. 2);  
 H.B. No. 3443, H.D. 1 (S.D. 2);  
 H.B. No. 3446 (S.D. 2);  
 H.B. No. 3457, H.D. 2 (S.D. 2);  
 H.B. No. 3489, H.D. 2 (S.D. 2);  
 H.B. No. 3527, H.D. 1 (S.D. 2);  
 H.B. No. 3528, H.D. 1 (S.D. 2);  
 H.B. No. 3553 (S.D. 1);  
 H.B. No. 3568, H.D. 1 (S.D. 1);  
 H.B. No. 3581, H.D. 1 (S.D. 1);  
 H.B. No. 3613, H.D. 2 (S.D. 2); and  
 H.B. No. 3625, H.D. 3 (S.D. 2),

was placed on file.

Hse. Com. No. 296, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 2552, H.D. 1, was placed on file.

Hse. Com. No. 297, transmitting H.C.R. No. 8, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 8, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION IN SUPPORT OF THE HAWAII SCHOOL-TO-WORK OPPORTUNITIES SYSTEM," was referred jointly to the Committee on Education

and the Committee on Human Resources, then to the Committee on Ways and Means.

Hse. Com. No. 298, transmitting H.C.R. No. 9, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 9, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A MAJOR LEAGUE SPORTS FRANCHISE," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 299, transmitting H.C.R. No. 10, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 10, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING SUPPORT FOR THE EAST-WEST CENTER," was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 300, transmitting H.C.R. No. 11, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 11, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ASSESS MENTAL HEALTH SERVICES AND TO PROVIDE NEEDED SERVICES FOR CHILDREN UNDER FIVE YEARS OF AGE AS EARLY AS POSSIBLE," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 301, transmitting H.C.R. No. 12, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 12, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ACTION PLAN TO DEVELOP HAWAII AS A BASE FOR MULTINATIONAL ENTERPRISES," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 302, transmitting H.C.R. No. 17, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION COMMISSION BY EXECUTIVE ORDER," was referred to the Committee on Education.

Hse. Com. No. 303, transmitting H.C.R. No. 20, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 20, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF HEALTH TO CONTINUE TO MONITOR LOCAL ADHERENCE TO CENTERS FOR DISEASE CONTROL GUIDELINES AND TO ENCOURAGE PROFESSIONAL ORGANIZATIONS TO EDUCATE THE MEDICAL COMMUNITY ON IMPROPER PRESCRIPTION PRACTICES," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 304, transmitting H.C.R. No. 21, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 21, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING LEASE REISSUANCE FOR SUBMERGED LANDS FOR BOAT MOORING FACILITIES AT THE WAIKIKI YACHT CLUB AND HAWAII YACHT CLUB, AND THE MARINE FUEL FACILITY SITUATED AT THE ALA WAI SMALL BOAT HARBOR PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES," was referred jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 305, transmitting H.C.R. No. 22, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 22, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO STUDY THE FEASIBILITY OF AND TO MAKE RECOMMENDATIONS FOR A RECREATIONAL MARINE FISHING LICENSE," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 306, transmitting H.C.R. No. 24, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 24, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE U.S. CONGRESS, THE PRESIDENT OF THE UNITED STATES, AND THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT THE HAWAII CONGRESSIONAL DELEGATION'S EFFORT TO AMEND THE SOCIAL SECURITY ACT TO INCREASE HAWAII'S FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP)," was referred jointly to the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 307, transmitting H.C.R. No. 26, H.D. 2, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 26, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REVIEW HAWAII'S IMPAIRED DRIVING STATUTES AND TO MAKE RECOMMENDATIONS FOR UNIFORM STATUTORY CONSTRUCTION," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 308, transmitting H.C.R. No. 36, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

Hse. Com. No. 309, transmitting H.C.R. No. 42, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 42, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SCHOOL FOOD SERVICES PROGRAM OF THE DEPARTMENT OF EDUCATION TO ADOPT AN OFFICIAL POLICY TO PURCHASE LOCALLY PRODUCED FOOD WHENEVER POSSIBLE," was referred



to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 310, transmitting H.C.R. No. 45, H.D. 2, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 45, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF APPROPRIATE MEASURES TO IDENTIFY THE REGULATORY IMPEDIMENTS RESTRICTING THE DEVELOPMENT OF THE AQUACULTURE INDUSTRY IN HAWAII, THE ECONOMIC IMPACT OF THESE REGULATIONS ON THE INDUSTRY, AND POSSIBLE SOLUTIONS," was referred jointly to the Committee on Economic Development and the Committee on Health and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 311, transmitting H.C.R. No. 49, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE ITS SURVEY OF GOVERNMENT PROGRAMS IN THE STATE THAT ARE MANDATED BY THE FEDERAL GOVERNMENT," was referred to the Committee on Ways and Means.

Hse. Com. No. 312, transmitting H.C.R. No. 50, H.D. 2, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 50, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO FORMULATE A NEW QUEST DISTRIBUTION METHODOLOGY," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

Hse. Com. No. 313, transmitting H.C.R. No. 56, H.D. 2, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 56, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE STATE'S YEAR 2000 COMPUTER SYSTEMS COMPLIANCE EFFORTS," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

Hse. Com. No. 314, transmitting H.C.R. No. 60, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE STATE AND THE COUNTY OF HAWAII CONSTRUCT A MULTI-PURPOSE SPORTS AND RECREATION COMPLEX IN HILO," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 315, transmitting H.C.R. No. 67, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 67, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 316, transmitting H.C.R. No. 68, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 68, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION CONTAINED IN H.B. NO. 3123 (1998) OF PROFESSIONAL CERTIFIED MIDWIVES," was referred jointly to the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

Hse. Com. No. 317, transmitting H.C.R. No. 71, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION ON THE SUBJECT OF JUDICIAL TAXATION," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 318, transmitting H.C.R. No. 73, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 73, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TOURISM FORECASTING PANEL," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 319, transmitting H.C.R. No. 77, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 77, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AFFIRMING SUPPORT FOR EFFORTS TO IMPROVE ENERGY EFFICIENCY AND RENEWABLE ENERGY AS A MEANS OF REDUCING GREENHOUSE GAS EMISSIONS IN HAWAII," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 320, transmitting H.C.R. No. 78, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 78, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING STATE SUPPORT FOR EFFORTS TO ENCOURAGE THE DEVELOPMENT AND USE OF RENEWABLE ENERGY," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 321, transmitting H.C.R. No. 80, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE, CIVIL DEFENSE DIVISION TO CONDUCT A STUDY ON THE AVAILABILITY AND CONDITION OF HURRICANE-RESISTANT PUBLIC SHELTERS WITHIN EACH COUNTY," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 322, transmitting H.C.R. No. 81, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 81, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO CONTINUE NEGOTIATIONS TO COMPEL DEVELOPING COUNTRIES TO PARTICIPATE IN THE IMPLEMENTATION OF THE KYOTO PROTOCOL SO THAT SUCH PROTOCOL CAN BE RATIFIED BY THE UNITED STATES," was referred jointly to the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 323, transmitting H.C.R. No. 82, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF STUDENT-CENTERED MENTAL HEALTH INTERVENTION SERVICES," was referred jointly to the Committee on Education and the Committee on Health and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 324, transmitting H.C.R. No. 86, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 86, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON IMPORTATION OF MICROORGANISMS FOR RESEARCH AND COMMERCIAL USE," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 325, transmitting H.C.R. No. 88, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 88, H.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 THE LEGISLATIVE REFERENCE BUREAU TO ASSESS THE POLICY ISSUES RELATING TO THE CHANGE IN THE STRUCTURE OF GOVERNANCE OF THE HEALTH FUND TO AN EMPLOYER-UNION TRUST CONCEPT," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

Hse. Com. No. 326, transmitting H.C.R. No. 91, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MARKETING PROGRAM FOR EDUTOURISM," was referred jointly to the Committee on Economic Development and the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 327, transmitting H.C.R. No. 92, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 92, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF STRATEGIES AND THE COORDINATION OF INITIATIVES TO FACILITATE THE GROWTH OF HAWAII'S BIOTECHNOLOGY INDUSTRY," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 328, transmitting H.C.R. No. 100, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 100, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE ESTABLISHMENT OF A WORLD TRADE CENTER ASSOCIATION IN HAWAII," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 329, transmitting H.C.R. No. 103, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, 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 referred jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 330, transmitting H.C.R. No. 105, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 105, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE IMPACT OF THE KOLOA SUGAR MILL VENTURE ON THE OPERATIONS OF THE KAUA'I TROPICAL FRUIT DISINFESTATION FACILITY," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 331, transmitting H.C.R. No. 107, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF JUROR FEES," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 332, transmitting H.C.R. No. 112, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE BUSINESS ALOHA TEAM PROGRAM TO ASSIST INDIVIDUAL BUSINESSES IN CREATING AND RETAINING JOBS WITHIN THE STATE," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 333, transmitting H.C.R. No. 115, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PROPOSAL TO ESTABLISH THE MARINE BIOPRODUCTS ENGINEERING CENTER, WITH FACILITIES AT THE UNIVERSITY OF HAWAII, AS A KEY COMPONENT FOR THE FUTURE SUCCESS OF MARINE BIOTECHNOLOGY IN HAWAII," was referred jointly to the Committee on Education and the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 334, transmitting H.C.R. No. 116, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR TO INITIATE A PARTNERSHIP WITH THE NATIONAL PERFORMANCE REVIEW," was referred to the Committee on Ways and Means.

Hse. Com. No. 335, transmitting H.C.R. No. 117, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 117, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF MOTOR VEHICLE INSURANCE PREMIUM REDUCTIONS FOR DRIVER'S EDUCATION COURSE GRADUATES," was referred jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 336, transmitting H.C.R. No. 119, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 119, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A TASK FORCE AND REQUESTING A STUDY AND REPORT ON A NEW HEALTH CARE ASSURANCE PROGRAM," was referred jointly to the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Human Resources, then to the Committee on Ways and Means.

Hse. Com. No. 337, transmitting H.C.R. No. 120, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 120, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE COMMITTEE ON EARLY CHILDHOOD EDUCATION AND CARE," was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 338, transmitting H.C.R. No. 121, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CHILDREN'S HEALTH INSURANCE PROGRAM PLANNING COMMITTEE TO DEVELOP UNIVERSAL HEALTH COVERAGE FOR ALL OF HAWAII'S CHILDREN," was referred jointly to the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

Hse. Com. No. 339, transmitting H.C.R. No. 127, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 127, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE ESTABLISHMENT OF SATELLITE UNIVERSITIES IN THE ASIA-PACIFIC REGION," was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 340, transmitting H.C.R. No. 129, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 129, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM'S STATE OFFICE OF TOURISM AND THE HAWAII VISITORS AND CONVENTION BUREAU TO SUPPORT CULTURE AND THE ARTS AND ITS POSITIVE IMPACT ON HAWAII'S ECONOMY," was referred jointly to the Committee on Economic Development and the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 341, transmitting H.C.R. No. 134, H.D. 2, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 134, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NAVY TO NOT CONDUCT FURTHER TESTING OR USE OF SURTASS LFA DEVICES IN HAWAIIAN WATERS UNTIL COMPLETION AND APPROVAL OF THE FINAL PROJECT ENVIRONMENTAL PROTECTION STATEMENT, BUT NO EARLIER THAN THE END OF THE 1999 WHALE BREEDING/CALVING SEASON IN HAWAIIAN WATERS," was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Health and Environment.

Hse. Com. No. 342, transmitting H.C.R. No. 135, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 135, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOMELANDS TO CREATE AND OVERSEE A FORUM REGARDING THE ISSUE OF AN ELECTED HAWAIIAN HOMES COMMISSION," was referred to the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 343, transmitting H.C.R. No. 139, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A STATE CONFERENCE ON THE FUTURE ROLE OF THE RESIDENTIAL CARE HOME INDUSTRY IN HAWAII," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

Hse. Com. No. 344, transmitting H.C.R. No. 141, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO RESTORE FOOD STAMP BENEFITS TO LEGAL, NONCITIZEN IMMIGRANTS," was referred jointly to the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 345, transmitting H.C.R. No. 143, H.D. 3, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 143, H.D. 3, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN UPDATE OF THE 1991 AUDITOR'S STUDY ON DEPARTMENT OF HAWAIIAN HOME LANDS ENTITLEMENTS," was referred to the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 346, transmitting H.C.R. No. 147, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HEALTH SYSTEMS CORPORATION TO DETERMINE AND RECOMMEND TO THE LEGISLATURE THE NECESSARY STEPS TO ENHANCE THE CORPORATION'S ABILITY TO NEGOTIATE CONTRACTS THAT DETERMINE THE REIMBURSABLE COSTS FOR MEDICAL SERVICES," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 347, transmitting H.C.R. No. 150, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO ENACT LEGISLATION BANNING GAMBLING ON THE INTERNET," was referred to the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Judiciary.

Hse. Com. No. 348, transmitting H.C.R. No. 151, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 151, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DRUG ENFORCEMENT ADMINISTRATION TO COORDINATE AND REVIEW THE EFFECTIVENESS OF DRUG AWARENESS EDUCATION AND PREVENTION PROGRAMS IN HAWAII," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 349, transmitting H.C.R. No. 153, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 153, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO OFFER A JUNIOR RESERVE OFFICER TRAINING CORPS PROGRAM AT KA'U HIGH SCHOOL ON THE BIG ISLAND," was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 350, transmitting H.C.R. No. 155, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A NEEDS ASSESSMENT OF FAMILIES WHO PROVIDE HOME CARE TO THEIR FAMILY MEMBER WITH A DEVELOPMENTAL DISABILITY AND DEVELOP A PLAN TO ADDRESS THOSE NEEDS," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 351, transmitting H.C.R. No. 156, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 156, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO IDENTIFY, COMPILE, AND SUMMARIZE AVAILABLE DEMOGRAPHIC DATA ON NATIVE HAWAIIANS," was referred to the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 352, transmitting H.C.R. No. 157, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A CITY, STATE, AND COMMUNITY TASK FORCE TO DEVELOP A MASTER PLAN FOR IMPROVEMENTS TO MANOA RECREATIONAL PARK AND MANOA ELEMENTARY SCHOOL," was referred jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 353, transmitting H.C.R. No. 160, H.D. 2, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 160, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE AND THE OFFICE OF PLANNING TO REASSESS KONA AGRICULTURAL LANDS AS TO WHICH SHOULD BE RECLASSIFIED AS IMPORTANT AGRICULTURAL LANDS TO THE STATE OF HAWAII," was referred jointly to the Committee on Economic Development and the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 354, transmitting H.C.R. No. 163, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE BIG ISLAND'S YOUTH LEADERSHIP DEMONSTRATION PROJECT BE ALLOWED TO USE GENERAL FUNDS IN A MANNER THAT WOULD GENERATE ADDITIONAL SOURCES OF REVENUE TO FINANCIALLY SUSTAIN FUTURE STUDENT PROGRAMS," was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 355, transmitting H.C.R. No. 166, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 166, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF THE FEASIBILITY OF TRANSFERRING RESPONSIBILITY FOR THE ANIMAL QUARANTINE STATION OUT OF THE DEPARTMENT OF AGRICULTURE," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 356, transmitting H.C.R. No. 167, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 167, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO DETERMINE HOW TO EXPAND FOREIGN LANGUAGE INSTRUCTION TO ALL SCHOOLS AND TO MAKE IT AVAILABLE TO AS MANY YOUNG STUDENTS AS POSSIBLE IN ORDER TO MAKE HAWAII'S GRADUATES COMPETITIVE IN THE JOB MARKET," was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 357, transmitting H.C.R. No. 172, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 172, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND CITY AND COUNTY OF

HONOLULU TO WORK 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 referred jointly to the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 358, transmitting H.C.R. No. 177, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 177, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING THE EFFORTS OF THE ALA WAI CANAL IMPROVEMENT PROJECT AND THE COMMUNITY ADVISORY COMMITTEE'S EFFORT IN DEVELOPING COMMUNITY-BASED STAKEHOLDER STEWARDSHIP FOR THE ENHANCEMENT AND PROTECTION OF THE ALA WAI WATERSHED," was referred jointly to the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 359, transmitting H.C.R. No. 192, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 192, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL IMPACTS OF REQUIRING COVERAGE FOR EARLY INTERVENTION SERVICES TO CHILDREN FROM BIRTH TO AGE THREE OR UNTIL SERVICES ARE NO LONGER DEEMED MEDICALLY NECESSARY," was referred jointly to the Committee on Health and Environment, the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

Hse. Com. No. 360, transmitting H.C.R. No. 202, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ASSISTANCE FOR HAWAII'S FARMERS FROM LAND OWNERS AND FINANCIAL INSTITUTIONS," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 361, transmitting H.C.R. No. 205, H.D. 2, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 205, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ADOPTION OF MANAGEMENT PLANS FOR ROADSIDE MAINTENANCE," was referred jointly to the Committee on Health and Environment and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 362, transmitting H.C.R. No. 213, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 213, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII, IN COOPERATION WITH THE LEEWARD DISTRICT OFFICE OF THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO STUDY AND REPORT ON THE FEASIBILITY OF UTILIZING THE

FORMER SHERATON MAKAHA INN AS AN EDUCATIONAL, TRAINING, CONFERENCE, AND OUTREACH FACILITY," was referred to the Committee on Education, then to the Committee on Ways and Means.

Hse. Com. No. 363, transmitting H.C.R. No. 216, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 216, H.D. 1, entitled: "HOUSE 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 referred jointly to the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 364, transmitting H.C.R. No. 217, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 217, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE MANY CONTRIBUTIONS OF THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES AND ITS COUNTY EXTENSION AGENTS WITH FAMILY AND LEADERSHIP DEVELOPMENT EMPHASIS," was referred to the Committee on Education.

Hse. Com. No. 365, transmitting H.C.R. No. 218, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 218, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING THE LEGISLATURE'S SUPPORT FOR THE CONSTRUCTION OF A NEW CORRECTIONAL FACILITY AND OR THE EXPANSION OF THE EXISTING FACILITY AT KULANI ON THE BIG ISLAND," was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 366, transmitting H.C.R. No. 220, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 220, H.D. 1, entitled: "HOUSE CONCURRENT 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 referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 367, transmitting H.C.R. No. 223, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 223, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF MANDATORY HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH," was referred jointly to the Committee on

Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, then to the Committee on Ways and Means.

Hse. Com. No. 368, transmitting H.C.R. No. 225, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 225, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO ASSESS THE FINANCIAL AND SOCIAL IMPACT WHEN EXPANDING THE RESIDENTIAL AND COMMUNITY-BASED LONG-TERM CARE SETTING OPTION TO NURSING FACILITY LEVEL ELDERLY AND DISABLED CLIENTS," was referred to the Committee on Human Resources, then to the Committee on Ways and Means.

Hse. Com. No. 369, transmitting H.C.R. No. 235, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 235, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING RETAILERS OF LEAD ACID BATTERIES TO IMPOSE A 'CORE CHARGE' ON ALL BATTERIES SOLD WITHOUT USED BATTERIES BEING RETURNED," was referred to the Committee on Health and Environment.

Hse. Com. No. 370, transmitting H.C.R. No. 238, H.D. 2, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 238, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT CONTAINING SHORT- AND LONG-TERM SOLUTIONS CONCERNING WATERBIRD MANAGEMENT ON KAUAI AND THE EXPANSION OF SUITABLE AREAS FOR FORAGING AND NESTING HABITAT FOR WATERBIRDS," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 371, transmitting H.C.R. No. 239, H.D. 2, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 239, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ACTION PLAN TO SUPPRESS THE GORSE SHRUB," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 372, transmitting H.C.R. No. 241, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 241, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONVENE THE PETROLEUM ADVISORY COUNCIL TO STUDY GASOLINE PRICES AND HAWAII'S GASOLINE MARKET," was referred to the Committee on Economic Development, then to the Committee on Commerce, Consumer Protection, and Information Technology.

Hse. Com. No. 373, transmitting H.C.R. No. 242, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 242, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PROGRAM TO REVITALIZE THE AGRICULTURE INDUSTRY BY PROMOTING THE CONSUMPTION OF HAWAII-GROWN PRODUCTS AND

HAWAII-PROCESSED FOODS ON DESIGNATED DAYS," was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 374, transmitting H.C.R. No. 244, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 244, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO UNDERTAKE STUDIES OF HEPATITIS C INCIDENCE AND PREVALENCE WITHIN SELECTED POPULATIONS IN HAWAII," was referred to the Committee on Health and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 375, transmitting H.C.R. No. 245, H.D. 1, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 245, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE WITHDRAWAL OF LAND FROM THE OPERATION OF GOVERNOR'S EXECUTIVE ORDER NO. 1529, DATED OCTOBER 1, 1952, TO THE CITY AND COUNTY OF HONOLULU, BOARD OF WATER SUPPLY AND THE TRANSFER OF CERTAIN PUBLIC LANDS AT KALAWAHINE, HONOLULU, OAHU, TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," was referred to the Committee on Water, Land, and Hawaiian Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 376, transmitting H.C.R. No. 249, H.D. 2, which was adopted by the House of Representatives on April 16, 1998, was placed on file.

By unanimous consent, H.C.R. No. 249, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE STATE TO CONTINUE ITS INVESTIGATION INTO THE CONTAMINATION AT HONOLULU HARBOR," was referred jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Health and Environment, then to the Committee on Ways and Means.

## ORDER OF THE DAY

### FINAL READING

S.B. No. 2123, H.D. 2:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2123 and S.B. No. 2123, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BOARDS OF REGISTRATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Aki, Bunda, Fukunaga, Ige, M.).

S.B. No. 2710, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2710 and S.B. No. 2710, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEARCH WARRANTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Aki, Bunda, Fukunaga, Ige, M.).

S.B. No. 1071, S.D. 1, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1071, S.D. 1, and S.B. No. 1071, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OPENING OF THE ABSENTEE POLLING PLACE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Aki, Bunda, Fukunaga, Ige, M.).

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

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

"Mr. President, something has come to my attention regarding fiscal and monetary policies, particularly in relation to economic development, which I feel must be shared with my colleagues.

"By way of an internal memorandum, dated April 3, 1998, the Department of the Attorney General notified the Director of the Department of Taxation and other administrative officials that all state tax exemptions are in violation of Article VII, Section 1, of the State Constitution which states, 'The power of taxation shall never be surrendered, suspended or contracted away.' The memorandum states categorically that this Legislature has no power to grant tax exemptions, such being subject to constitutional provision.

"This opinion by the office of the Attorney General has profound implications for the future of our state. Certainly, when implemented, it will result in large revenue decreases. However, it will also put an end to any hope of the state influencing economic development and job creation, having a chilling effect on preservation of undeveloped land, radically alter the relation between the state and public employees whose pensions will no longer be exempt from state taxation and be devastating to the state's ability to borrow money, lacking the power to issue tax exempt bonds or other obligations.

"We have never been given an inkling of this radical shift in governmental power. I can only guess what the present administration has in mind in not informing us as we consider the disastrous economic and financial condition of our state.

"With that, Mr. President, I will be submitting to your office and perhaps you could follow up to see if, in fact, this is the administration's position. I have included for your consideration a whole list of statutes that deal with tax exemptions and also I have included a copy of the memorandum that was sent to Grant Tanimoto, Rules Officer, through Ray Kamikawa, Director of Taxation, through Kevin T. Wakayama, Supervising Deputy Attorney General, from Josephine L. Chang, Deputy Attorney General.

"And with that, Mr. President, I am requesting if you could please follow up on this internal communication and advise us, as a body, as to whether or not this is, in fact, the position of the administration.

"Thank you."

The Chair then said:

"Thank you. I await the receipt of your memorandum."

#### APPOINTMENT OF CONFEREES

H.B. No. 2500, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2500, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Fukunaga, co-

chairmen, Chun Oakland, Fernandes Salling, Ige, M., Ihara, Iwase, Kawamoto, Levin, McCartney, Tam, Taniguchi, Anderson as managers on the part of the Senate at such conference.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:33 o'clock p.m.

At this time, the following late introduction was made to the members of the Senate:

Senator Taniguchi introduced the following winners of the 1998 Small Business Person of the Year Awards: Eddie Flores, Jr.; Kwock Yum Kam; Charles Fortner; Clifford Laughton; Warren Luke; You Soukaseum; Theodore "Ted" Yamanaka; Kenneth Simon; Nancy Evans Tudor; S. Randy Brandt; Dawn Krause; Patricia Windrath; Craig Parkin; Dr. Tin Myaing Thein; and Michael Faye.

At 12:42 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:51 o'clock p.m.

Senator Slom also rose on a point of personal privilege and said:

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

"I've waited for this for a long period of time to address the assembled throng here. Actually, I wanted to say something good about the co-chair of the Judiciary Committee because I saw him on the news last night and he was waxing poetic about the House's version of the cruelty to animals bill, and you may recall I had a few words about that the other day. But, doggone it, Mr. President, you know, here we are, we've got problems with dislocations and layoffs and bankruptcies and foreclosures, and we're telling people how to build a dog house. I think this is a 'hare brain' scheme, Mr. President, and I hope that the Senate will deal with this properly and promptly and will get back to important issues.

"Thank you very much, Mr. President. Have a nice weekend."

#### ADJOURNMENT

At 12:52 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, April 20, 1998.

## FIFTY-FIRST DAY

Monday, April 20, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Regina Mary Jenkins, SSCC, Sacred Hearts Sisters, after which the Roll was called showing all Senators present with the exception of Senator Solomon who was excused.

The President announced that he had read and approved the Journal of the Fiftieth Day.

Senator Matsunaga introduced and recognized Shigeyuki "Shige" Yoshitake, the 1998 Laureate of the Governor's Kilohana Award for Outstanding Volunteerism. Accompanying Mr. Yoshitake was his wife Sally and Ruth Tamura, who nominated him.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

## STANDING COMMITTEE REPORTS

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3383) recommending that the Senate advise and consent to the nomination of THOMAS P. WHITTEMORE to the Board of Directors, Natural Energy Laboratory of Hawai'i Authority, in accordance with Gov. Msg. No. 142.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3383 and Gov. Msg. No. 142 was deferred until Tuesday, April 21, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3384) recommending that the Senate advise and consent to the nominations of GEORGE R. COATES and ELTON S. USHIO to the Aquatic Life and Wildlife Advisory Committee, County of Kauai, in accordance with Gov. Msg. No. 193.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3384 and Gov. Msg. No. 193 was deferred until Tuesday, April 21, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3385) recommending that the Senate advise and consent to the nominations of RICHARD L. HUMPHREYS and ANTHONY RUTLEDGE to the Convention Center Authority, in accordance with Gov. Msg. No. 196.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3385 and Gov. Msg. No. 196 was deferred until Tuesday, April 21, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3386) recommending that the Senate advise and consent to the nomination of ALFRED K. BEAVER, Sr., as Chairperson, Hawai'i Paroling Authority, in accordance with Gov. Msg. No. 242.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3386 and Gov. Msg. No. 242 was deferred until Tuesday, April 21, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3387)

recommending that the Senate advise and consent to the nominations of the following:

CARL R. ANDERSON and LYNETTE R. CRUZ to the Correctional Industries Advisory Committee, in accordance with Gov. Msg. No. 227; and

CALVIN K. MURASHIGE, JACQUELINE K. MURAI and PAMELA E. TAMASHIRO to the Defender Council, in accordance with Gov. Msg. No. 228.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3387 and Gov. Msg. Nos. 227 and 228 was deferred until Tuesday, April 21, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3388) recommending that H.C.R. No. 114, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Taniguchi, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 114, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ISSUE A PERMIT FOR A PILOT DEMONSTRATION OPEN OCEAN AQUACULTURE PROJECT TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, requested a waiver to Senate Rule 20 for H.C.R. Nos. 26 and 80, and the Chair granted the waiver.

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

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

"Over the weekend a report had been released by the state legislative auditor, and the legislative auditor reported on the lack of progress in the Department of Human Services and I think, Mr. President and my colleagues, it is extremely important. The legislative auditor has come up with a number of important reports. Unfortunately, we haven't done too much to implement them, and this just points up that case. We're always arguing in here about the need for money and what the auditor found out is that the Department of Human Services has now paid an accumulated \$40 million in over-payments and erroneous payments to welfare recipients who did not qualify and should not have received these payments.

"Mr. President, you've heard me be very critical in the past not of welfare recipients, but of the process. It (DHS) takes other people's money and without any accountability or responsibility spends that money. Our problem, I repeat again, is not a lack of money -- it is a lack of responsibility and leadership. And for us to accumulate more than \$40 million in overpayments is outrageous because the people that really need the payments, obviously, are not getting them, and people that are getting the payments don't need them.

"For the head of the Department of Human Services to say, 'It's really not that bad because we paid out more than \$3.6 billion, and only have had overpayments of \$40 million which only represents 1.1 percent,' I think that's an unacceptable explanation, Mr. President. The head of the Department of Human Services further said that in order to be more efficient, it costs money and we'll need more money to be more efficient. I disagree with that. We need better leadership. We need more responsibility and more accountability as to where our money goes.

"And I think, particularly in these times, we should all be on guard, but we should again thank the legislative auditor for the



fine work that she's done. But the best thank you would be to implement the recommendations that she and others have made.

"Thank you, Mr. President."

Senator Tam also rose on a point of personal privilege and stated:

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

"This is a point of information to my colleagues. About two weeks ago I wrote a letter to the attorney general and questioned about the property tax assessment which has been an issue of the City and County of Honolulu. It's been said that in terms of overcharging through property taxes and since we, the Legislature, gave the authorization to the counties to assess property taxes, I took it upon my office to send a letter to the attorney general. And her response which came on Thursday, last week, was that she agrees that there should be an investigation of the City and County of Honolulu property tax assessment, but at this time she is waiting for the Federal Bureau of Investigation, the FBI. They are now conducting an investigation on the City and County of Honolulu.

"Thank you."

At this time, the following introduction was made to the members of the Senate:

Senator McCartney introduced the University of Hawaii Rainbow Men's Basketball Team, its Head Coach, Riley Wallace, assistant coaches and athletic staff and congratulated them for a memorable and outstanding season.

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

Senator McCartney, on behalf of the members of the Senate, then extended happy birthday wishes to Senator Ihara.

Senator Anderson rose on a point of personal privilege and stated:

"Mr. President, very briefly on a point of personal privilege.

"I'd just like to say that normally when we have people waiting to be introduced and we go into regular business, it sort of bothers me, but I kind of agree today that when you get the news media to print a story that we have all kinds of concerns with a department, and there's young people such as the young people that were here from the University of Hawaii, I think it's great that sometimes we let them know that being a legislator is not all fun and games, that there's a lot of serious things that go on here.

"I'm sure that to them \$40 million is a helluva lot of money, and they were all listening. They were concerned. And I think for each of us, it teaches us a lesson that the people are concerned; they do care about what's happening in our state and what's happening to the budget and the process that we go through. And I really do thank the Minority Floor Leader for bringing it up and I do thank the other Senators that had some concerns.

"Thank you very much, Mr. President."

#### APPOINTMENT OF CONFEREES

S.B. No. 379, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 379, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling,

Chumbley, Matsunaga, co-chairmen, Chun Oakland, Slom as managers on the part of the Senate at such conference.

S.B. No. 632, S.D. 2 (H.D. 3):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 632, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, Matsunaga, Chumbley, Baker, co-chairmen, Fernandes Salling, Anderson as managers on the part of the Senate at such conference.

S.B. No. 682, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 682, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Bunda, Ige, M., Ige, D., Metcalf, co-chairmen, Kanno, Matsunaga, Slom as managers on the part of the Senate at such conference.

S.B. No. 719, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 719, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsunaga, Chumbley, Baker, Fukunaga, co-chairmen, Ihara, McCartney, Anderson as managers on the part of the Senate at such conference.

S.B. No. 720, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 720, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chumbley, Matsunaga, Fukunaga, co-chairmen, Bunda, Anderson as managers on the part of the Senate at such conference.

S.B. No. 721, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 721, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chumbley, Matsunaga, Baker, co-chairmen, Sakamoto as managers on the part of the Senate at such conference.

S.B. No. 1065, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1065, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chumbley, Matsunaga, co-chairmen, Ihara, Anderson as managers on the part of the Senate at such conference.

S.B. No. 1122, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1122, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, co-chairmen, Metcalf, Slom as managers on the part of the Senate at such conference.

S.B. No. 1273, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1273, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chumbley, Matsunaga, Baker, Fukunaga, co-chairmen, Ihara, McCartney, Anderson as managers on the part of the Senate at such conference.

S.B. No. 1309, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1309, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsunaga, Chumbley, Baker, co-chairmen, Sakamoto, Anderson as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1310, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chumbley, Matsunaga, co-chairmen, Ihara, Anderson as managers on the part of the Senate at such conference.

S.B. No. 1362 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1362 and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 1469, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1469, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Fukunaga, co-chairmen, Levin as managers on the part of the Senate at such conference.

S.B. No. 1559, S.D. 2 (H.D. 3):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1559, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Baker, Fukunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

S.B. No. 1597, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1597, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, Solomon, Chumbley, co-chairmen, McCartney, Anderson as managers on the part of the Senate at such conference.

S.B. No. 1601, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1601, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Iwase, Solomon, Matsunaga, Chumbley, co-chairmen, Anderson as managers on the part of the Senate at such conference.

S.B. No. 1638, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1638, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Fukunaga, co-chairmen, Chun Oakland, Ihara, Iwase, Kawamoto, Levin, McCartney, Tam, Taniguchi, Anderson as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1946, S.D. 1,

and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2025, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, Baker, co-chairmen, Kawamoto, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2026, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, Fukunaga, Baker, co-chairmen, Bunda, Ihara, Slom as managers on the part of the Senate at such conference.

S.B. No. 2037, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2037, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Chun Oakland, Kanno, Slom as managers on the part of the Senate at such conference.

S.B. No. 2056, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2056, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, co-chairmen, Chun Oakland, Metcalf, Tam, Slom as managers on the part of the Senate at such conference.

S.B. No. 2063, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2063, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Iwase, Solomon, Taniguchi, Tanaka, Fukunaga, Baker, co-chairmen, Ihara, Levin, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2078, S.D. 1 (H.D. 3):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2078, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, Tanaka, co-chairmen, Levin, McCartney, Slom as managers on the part of the Senate at such conference.

S.B. No. 2092, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2092, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, Fukunaga, Baker, co-chairmen, Kawamoto, Slom as managers on the part of the Senate at such conference.

S.B. No. 2099, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2099, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, Matsunaga, Chumbley, co-chairmen, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2136, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2136, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, Chumbley, Matsunaga, co-chairmen, Ihara, Kanno, Slom as managers on the part of the Senate at such conference.

S.B. No. 2204, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2204, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, Levin, Fernandes Salling, Baker, Fukunaga, co-chairmen, Chun Oakland, Kanno, Slom as managers on the part of the Senate at such conference.

S.B. No. 2213, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2213, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Fukunaga, Baker, Bunda, Ige, M., co-chairmen, Metcalf, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2249, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2249, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chumbley, Matsunaga, co-chairmen, McCartney, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2253, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2253, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsunaga, Chumbley, co-chairmen, Ihara, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2254, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2254, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsunaga, Chumbley, Fukunaga, co-chairmen, Ihara, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2256, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2256, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, co-chairmen, Kanno, Slom as managers on the part of the Senate at such conference.

S.B. No. 2259, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2259, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Fukunaga, co-chairmen, Chun Oakland, Ihara, Levin, Taniguchi, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2292, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2292, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Fukunaga, co-chairmen, Ihara, Kawamoto, Levin as managers on the part of the Senate at such conference.

S.B. No. 2297, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2297, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Chun Oakland, Kanno, Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 2326, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2326, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Fukunaga, Baker, Metcalf, Ige, D., co-chairmen, Anderson as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2334, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 2338, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2338, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Fukunaga, Baker, Metcalf, Ige, D., co-chairmen, Kawamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2345, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2345, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, co-chairmen, Chun Oakland, Metcalf, Slom as managers on the part of the Senate at such conference.

S.B. No. 2346, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2346, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, Baker, co-chairmen, Chun Oakland, Slom as managers on the part of the Senate at such conference.

S.B. No. 2349, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2349, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Baker, Fukunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2350, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2350, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling,

Fukunaga, co-chairmen, Chun Oakland, Ihara, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2363, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2363, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Fukunaga, co-chairmen, Ihara, Levin, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2386, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2386, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Fukunaga, Metcalf, Ige, D., co-chairmen, McCartney, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2389, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2389, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Chumbley, Matsunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 2399, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2399, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chumbley, Matsunaga, Baker, co-chairmen, Ihara, McCartney, Sakamoto as managers on the part of the Senate at such conference.

S.B. No. 2402, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2402, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsunaga, Chumbley, Fukunaga, co-chairmen, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2411, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2411, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, Chumbley, Matsunaga, co-chairmen, Levin, Slom as managers on the part of the Senate at such conference.

S.B. No. 2413, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2413, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Baker, Fukunaga, co-chairmen, Chun Oakland, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2414, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2414, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 2454, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2454, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, co-chairmen, Metcalf, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2460, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2460, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Chumbley, Matsunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 2469, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2469, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2495, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Fukunaga, co-chairmen, Kawamoto, Metcalf, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2554, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2554, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, Chumbley, Matsunaga, co-chairmen, Chun Oakland, Slom as managers on the part of the Senate at such conference.

S.B. No. 2559, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2559, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, Chun Oakland, Kanno, Baker, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 2564, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2564, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Levin, Solomon, Slom as managers on the part of the Senate at such conference.

S.B. No. 2575, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2575, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 2581 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2581 and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, Fukunaga, co-

chairmen, Kanno, Chun Oakland, Slom as managers on the part of the Senate at such conference.

S.B. No. 2582, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2582, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, Fukunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2586, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 2588, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2588, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 2602, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2602, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2610, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 2618, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2618, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Kanno, Fernandes Salling, Levin, Baker, Fukunaga, co-chairmen, Sakamoto, Anderson as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2619, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Chun Oakland, Slom as managers on the part of the Senate at such conference.

S.B. No. 2624, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2624, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Bunda, M. Ige, Baker, Fukunaga, co-chairmen, Chun Oakland, Kanno, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2633, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2633, S.D. 1,

and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Kanno, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2644, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 2655, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2655, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 2689, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2689, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Fukunaga, Baker, co-chairmen, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2697, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2697, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsunaga, Chumbley, co-chairmen, McCartney, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2717, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2717, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsunaga, Chumbley, co-chairmen, Ihara, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2757, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2757, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, co-chairmen, Tam, Slom as managers on the part of the Senate at such conference.

S.B. No. 2759, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2759, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, Baker, co-chairmen, McCartney, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2761, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2761, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, Metcalf, Ige, D., co-chairmen, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2768, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2768, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Fukunaga, co-chairmen, Metcalf, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2770, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2770, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, Metcalf, Chumbley, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 2774, S.D. 3 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2774, S.D. 3, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Fukunaga, Baker, co-chairmen, Chun Oakland, Kawamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2782 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2782 and the request for a conference on the subject matter thereof, the President appointed Senators Chumbley, Matsunaga, Baker, co-chairmen, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2786 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2786 and the request for a conference on the subject matter thereof, the President appointed Senators Matsunaga, Chumbley, co-chairmen, McCartney, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2803, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2803, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, Metcalf, Levin, Baker, co-chairmen, Anderson as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2805, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, Chumbley, Matsunaga, co-chairmen, Levin, Slom as managers on the part of the Senate at such conference.

S.B. No. 2816, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2816, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Fukunaga, Baker, co-chairmen, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2820 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2820 and the

request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, Baker, co-chairmen, Levin, Tanaka, Slom as managers on the part of the Senate at such conference.

S.B. No. 2821 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2821 and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Levin, Tanaka, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2822, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Kanno, Slom as managers on the part of the Senate at such conference.

S.B. No. 2823, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2823, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2829 and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2832, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, Chumbley, Matsunaga, co-chairmen, Levin, Slom as managers on the part of the Senate at such conference.

S.B. No. 2833 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2833 and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2835, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, Baker, co-chairmen, Levin, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2836, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, Chumbley, Matsunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2838, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Kanno, Solomon, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2842 and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Chun Oakland, Slom as managers on the part of the Senate at such conference.

S.B. No. 2846, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2846, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Matsunaga, co-chairmen, McCartney, Slom as managers on the part of the Senate at such conference.

S.B. No. 2849, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2849, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Matsunaga, Chumbley, Fukunaga, co-chairmen, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2850, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2850, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Matsunaga, Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 2852, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2852, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, co-chairmen, Chun Oakland, Tam, Slom as managers on the part of the Senate at such conference.

S.B. No. 2866, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2866, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Chun Oakland, Kanno, Metcalf, Ige, D., Fukunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2874, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2874, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Kanno, Fukunaga, co-chairmen, Metcalf, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2884, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2884, S.D. 1, and the request for a conference on the subject matter thereof,

the President appointed Senators Kanno, Chun Oakland, co-chairmen, Metcalf, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2887, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2887, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, co-chairmen, Fukunaga, Metcalf, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2889, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2889, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, co-chairmen, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2922, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2922, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Fukunaga, co-chairmen, Chun Oakland, Ihara, Kawamoto, Levin as managers on the part of the Senate at such conference.

S.B. No. 2957, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2957, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, Chumbley, Matsunaga, co-chairmen, Ihara, Slom as managers on the part of the Senate at such conference.

S.B. No. 2966, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2966, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsunaga, Chumbley, Baker, co-chairmen, Ihara, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2970, S.D. 1 (H.D. 3):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2970, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Fernandes Salling, Fukunaga, co-chairmen, Ihara, Anderson as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2981, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Chun Oakland, Slom as managers on the part of the Senate at such conference.

S.B. No. 2983, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2983, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, Baker, co-chairmen, Ihara, Slom as managers on the part of the Senate at such conference.

S.B. No. 2987, S.D. 2 (H.D. 3):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2987, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Kanno, Chumbley, Matsunaga, Baker, co-chairmen, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 3000, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3000, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Baker, co-chairmen, Anderson as managers on the part of the Senate at such conference.

S.B. No. 3002, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3002, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Kanno, Fukunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

S.B. No. 3004, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3004, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Fukunaga, co-chairmen, McCartney, Tam, Anderson as managers on the part of the Senate at such conference.

S.B. No. 3006 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3006 and the request for a conference on the subject matter thereof, the President appointed Senators Baker, chairman, Levin, Anderson as managers on the part of the Senate at such conference.

S.B. No. 3007, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3007, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, Tanaka, Metcalf, Fukunaga, Baker, co-chairmen, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3015, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, Baker, Fukunaga, co-chairmen, Kawamoto, Tanaka as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3018 and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3024, S.D. 1, and the request for a conference on the subject matter thereof,

the President appointed Senators Taniguchi, Baker, co-chairmen, Iwase, Levin as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3025, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, Baker, co-chairmen, Iwase, Levin as managers on the part of the Senate at such conference.

S.B. No. 3035, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3035, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Bunda, Ige, M., Fukunaga, Baker, co-chairmen, Chun Oakland, McCartney, Anderson as managers on the part of the Senate at such conference.

S.B. No. 3043, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3043, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, Chumbley, Matsunaga, Baker, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.B. No. 3076, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3076, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Chun Oakland, Kanno, Bunda, Ige, M., Baker, Fukunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

S.B. No. 3088, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3088, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Chumbley, Matsunaga, co-chairmen, Ihara, McCartney, Anderson as managers on the part of the Senate at such conference.

S.B. No. 3105, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3105, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Kanno, Slom as managers on the part of the Senate at such conference.

S.B. No. 3113, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3113, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Bunda, Ige, M., co-chairmen, Matsunaga, Anderson as managers on the part of the Senate at such conference.

S.B. No. 3114, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3114, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Fukunaga,



Baker, co-chairmen, Chun Oakland, Kawamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 3137, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3137, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3141, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Fukunaga, co-chairmen, Chun Oakland, Kawamoto, Anderson as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3143, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Kanno, Slom as managers on the part of the Senate at such conference.

S.B. No. 3159, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3159, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Ige, D., Metcalf, co-chairmen, Solomon, Tanaka, Anderson as managers on the part of the Senate at such conference.

S.B. No. 3213, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3213, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, Baker, co-chairmen, Kanno, Anderson as managers on the part of the Senate at such conference.

S.B. No. 3220, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3220, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Bunda, Ige, M., Baker, Fukunaga, co-chairmen, Chun Oakland, Kawamoto, Anderson as managers on the part of the Senate at such conference.

S.B. No. 3228, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3228, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Matsunaga, co-chairmen, McCartney, Slom as managers on the part of the Senate at such conference.

S.B. No. 3230, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3230, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chumbley, Matsunaga, Fukunaga, co-chairmen, Levin, McCartney, Anderson as managers on the part of the Senate at such conference.

S.B. No. 3248, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3248, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Baker, Fukunaga, co-chairmen, Chun Oakland, Ihara, Anderson as managers on the part of the Senate at such conference.

#### ADJOURNMENT

At 12:15 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 21, 1998.

## FIFTY-SECOND DAY

Tuesday, April 21, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:43 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Shirley Tanis, Hawaii Baha'i Community, after which the Roll was called showing all Senators present with the exception of Senator Kawamoto who was excused.

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

The following introductions were made to the members of the Senate:

Senator Tam introduced and congratulated Justine Maeda, the 1998 Hawaii State Spelling Bee Champion. Accompanying Miss Maeda were her parents, Mr. and Mrs. Willis Maeda, and her principal at Kawanakoa Intermediate School, Richard Anbe.

Senator Bunda then introduced Dr. Patrick Sullivan of Oceanit Laboratories and commended him on receiving the national, prestigious Tibbett's Award.

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 305 to 321) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 305, advising the Senate of the withdrawal of the nomination of BOB C. FREITAS from the Advisory Board on Veterans Services, under Gov. Msg. No. 284, dated April 14, 1998, was placed on file.

In compliance with Gov. Msg. No. 305, the nomination listed under Gov. Msg. No. 284 was returned.

Gov. Msg. No. 306, submitting for consideration and confirmation to the Board of Directors, Aloha Tower Development Corporation, the nomination of DAVID M. LOUIE, term to expire June 30, 2001, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 307, submitting for consideration and confirmation to the State Foundation on Culture and the Arts, the nominations of JOHN M. HARA, PAULA ZOE HELFRICH and RONALD E. BRIGHT, terms to expire June 30, 2002, was referred to the Committee on Education.

Gov. Msg. No. 308, submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, the nominations of: RUSSELL Y. J. CHUNG, term to expire June 30, 2001; and LAUREL MAU NAHME, MIKE Y. MIURA, GARY B. K. T. LEE and KEN K. HAYASHIDA, terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 309, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Systems Corporation, the nominations of: THOMAS T. MITSUNAGA and MICHAEL H. LYONS II, terms to expire June 30, 2001; and RICHARD E. MEIERS and GILFORD M.

SATO, terms to expire June 30, 2002, was referred to the Committee on Health and Environment.

Gov. Msg. No. 310, submitting for consideration and confirmation to the Hawai'i County Subarea Health Planning Council, the nomination of BEVERLY SORENSEN, term to expire June 30, 2000, was referred to the Committee on Health and Environment.

Gov. Msg. No. 311, submitting for consideration and confirmation to the Board of Directors, High Technology Development Corporation, the nominations of: KENNETH T. KOIKE, term to expire June 30, 1999; and RONALD H. KOBAYASHI and ALTON H. MIYAMOTO, terms to expire June 30, 2002, was referred to the Committee on Economic Development.

Gov. Msg. No. 312, submitting for consideration and confirmation to the Statewide Independent Living Council, the nominations of: LYN A. PASAK and LINDA WONG, terms to expire June 30, 1999; RANDALL M. LICHTER, term to expire June 30, 2000; and MICHAEL S. FLORES, ROY GLEN THOMAS and CARRICK WONG, terms to expire June 30, 2001, was referred to the Committee on Human Resources.

Gov. Msg. No. 313, submitting for consideration and confirmation to the Board of Medical Examiners, the nominations of CULLEN T. HAYASHIDA, Ph.D., GREGORY PARK, M.D., and JAMES S. TSUJI, M.D., terms to expire June 30, 2002, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 314, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of NANCY WRIGHT SLAIN, term to expire June 30, 2001, was referred to the Committee on Health and Environment.

Gov. Msg. No. 315, submitting for consideration and confirmation to the State Board of Nursing, the nominations of ROWENA TACHIBANA, L.P.N., JUNE M. HIRAKI, R.N., NAOMI MASUDA, JOANNE ITANO, Ph.D., and VALISA SAUNDERS, M.N., terms to expire June 30, 2001, was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Gov. Msg. No. 316, submitting for consideration and confirmation to the State Advisory Council on Rehabilitation, the nominations of: MARK Y. YABUI, LILLIAN Y. SHIBATA and STERLING KRYSLER, terms to expire June 30, 2000; and CHARLES E. CONANT, MARY ANN DEVORE, PETER L. FRITZ, KIMBERLY BALANON, LOURDES P. MUGAS, SHARON SHORE, MARGUERITE SIVAK and ANNA MARIE SPRINGER, terms to expire June 30, 2001, was referred to the Committee on Human Resources.

Gov. Msg. No. 317, submitting for consideration and confirmation to the Board of Directors, Research Corporation of the University of Hawai'i, the nominations of SHIGEO IWAMOTO and BRIAN T. TAMAMOTO, terms to expire June 30, 2002, was referred to the Committee on Education.

Gov. Msg. No. 318, submitting for consideration and confirmation to the Commission on Transportation, the nominations of WALTER Y. ARAKAKI, NORMAN K. TSUJI, WILLIAM H. CROZIER III, and EDWARD Y. HIRATA, terms to expire June 30, 2002, was referred to the Committee on Transportation and Intergovernmental Affairs.

Gov. Msg. No. 319, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, the nomination of ELIZABETH KENT, term to

expire June 30, 2002, was referred to the Committee on Judiciary.

Gov. Msg. No. 320, submitting for consideration and confirmation to the Advisory Board on Veterans Services, the nomination of SAMI LEIALOHA BOTELHO, term to expire June 30, 2001, was referred to the Committee on Transportation and Intergovernmental Affairs.

Gov. Msg. No. 321, submitting for consideration and confirmation to the State Commission on the Status of Women, the nominations of MARY JO SWEENEY, EDEAN V. KAM and VALLI KANUHA, terms to expire June 30, 2002, was referred to the Committee on Human Resources.

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 377 and 378) were read by the Clerk and were placed on file:

Hse. Com No. 377, informing the Senate that pursuant to the disagreement of the House to the amendments proposed by the Senate to the following House bills, and the request for a conference on the subject matters of said amendments, the Speaker on April 20, 1998, appointed managers, respectively, on the part of the House for the consideration of said amendments:

H.B. No. 92, H.D. 2 (S.D. 1):

Representatives Hiraki, Tom, co-chairmen, Nakasone, Yamane, Whalen.

H.B. No. 503, H.D. 2 (S.D. 2):

Representatives Garcia, Nakasone, co-chairmen, Saiki, Suzuki, Meyer.

H.B. No. 867, H.D. 1 (S.D. 2):

Representatives Say, Morihara, Yonamine, co-chairmen, Suzuki, McDermott.

H.B. No. 1099, H.D. 2 (S.D. 1):

Representatives Santiago, Menor, Tom, co-chairmen, Yamane, Ward.

In accordance therewith, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 1160, H.D. 1 (S.D. 1):

Representatives Tom, chairman, Herkes, Yamane.

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

H.B. No. 1332, H.D. 2 (S.D. 2):

Representatives Jones, Hamakawa, Say, co-chairmen, Abinsay, Fox.

In accordance therewith, the President appointed Senators Taniguchi, Iwase, Baker, Fukunaga, co-chairmen, Ihara, Kawamoto, McCartney, Tanaka, Slom as managers on the part of the Senate at such conference.

H.B. No. 1533, H.D. 2 (S.D. 1):

Representatives Say, chairman, Kawakami, Suzuki, Marumoto.

In accordance therewith, the President appointed Senators Baker, Fukunaga, co-chairmen, Ihara, Kawamoto, Levin, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1577, H.D. 2 (S.D. 2):

Representatives Jones, Say, co-chairmen, Chang, Whalen.

In accordance therewith, the President appointed Senators Taniguchi, Baker, Fukunaga, co-chairmen, Levin, Tanaka, Slom as managers on the part of the Senate at such conference.

H.B. No. 1699, H.D. 2 (S.D. 1):

Representatives Herkes, Ahu Isa, co-chairmen, Ito, Aiona.

In accordance therewith, the President appointed Senators Taniguchi, Baker, Fukunaga, co-chairmen, McCartney, Tanaka, Slom as managers on the part of the Senate at such conference.

H.B. No. 1800 (S.D. 1):

Representatives Suzuki, chairman, White, Marumoto.

In accordance therewith, the President appointed Senators Baker, chairman, Kawamoto, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1815, H.D. 1 (S.D. 2):

Representatives Yonamine, Nakasone, co-chairmen, Case, Marumoto.

H.B. No. 1824, H.D. 2 (S.D. 2):

Representatives Santiago, Kawakami, co-chairmen, Kahikina, Ward.

H.B. No. 1830, H.D. 1 (S.D. 1):

Representatives Kahikina, Garcia, Tom, Kawakami, co-chairmen, Kawanakoa.

H.B. No. 1866, H.D. 2 (S.D. 2):

Representatives Say, Menor, Tom, co-chairmen, Suzuki.

In accordance therewith, the President appointed Senators Ige, D., Metcalf, Baker, Fukunaga, co-chairmen, Chun Oakland, Kanno as managers on the part of the Senate at such conference.

H.B. No. 1868, H.D. 2 (S.D. 2):

Representatives Menor, Say, co-chairmen, Cachola, Hamakawa, Lee.

In accordance therewith, the President appointed Senators Ige, D., Metcalf, Baker, co-chairmen, Levin, Solomon, Slom as managers on the part of the Senate at such conference.

H.B. No. 1966, H.D. 2 (S.D. 2):

Representatives Arakaki, Santiago, Say, co-chairmen, Abinsay, Ward.

H.B. No. 2222, H.D. 2 (S.D. 2):

Representatives Herkes, Ahu Isa, co-chairmen, Ito, Fox.

In accordance therewith, the President appointed Senators Taniguchi, Baker, Fukunaga, co-chairmen, Chun Oakland, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2331, H.D. 1 (S.D. 1):

Representatives Menor, Tom, co-chairmen, Yamane, Whalen.

H.B. No. 2332, H.D. 2 (S.D. 1):

Representatives Hiraki, Tom, co-chairmen, Nakasone, Yamane, Marumoto.

H.B. No. 2355, H.D. 1 (S.D. 1):

Representatives Tom, chairman, Case, Jones, Yamane, Pendleton.

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

H.B. No. 2357, H.D. 2 (S.D. 1):

Representatives Tom, White, co-chairmen, Cachola, Hamakawa, Whalen.

H.B. No. 2358, H.D. 2 (S.D. 1):

Representatives Hiraki, Tom, co-chairmen, Jones, Yonamine, Marumoto.

H.B. No. 2361, H.D. 1 (S.D. 2):

Representatives Hiraki, Tom, co-chairmen, Nakasone, Yoshinaga, Moses.

H.B. No. 2362, H.D. 1 (S.D. 1):

Representatives Yamane, chairman, Cachola, Jones, Whalen.

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

H.B. No. 2366, H.D. 2 (S.D. 2):

Representatives Hiraki, Cachola, Say, co-chairmen, Takumi, Aiona.

H.B. No. 2381, H.D. 1 (S.D. 1):

Representatives Tom, Garcia, co-chairmen, Yamane, Whalen.

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

H.B. No. 2423, H.D. 1 (S.D. 1):

Representatives Menor, Tom, co-chairmen, Lee, Yamane, Aiona.

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

H.B. No. 2426, H.D. 1 (S.D. 1):

Representatives Kawakami, chairman, Ito, Kahikina, Marumoto.

H.B. No. 2437, H.D. 1 (S.D. 1):

Representatives Tom, chairman, Yamane, Yoshinaga, Thielen.

In accordance therewith, the President appointed Senators Matsunaga, Chumbley, co-chairmen, Bunda, McCartney,

Anderson as managers on the part of the Senate at such conference.

H.B. No. 2443, H.D. 2 (S.D. 1):

Representatives Hamakawa, Tom, co-chairmen, Goodenow, Herkes, Thielen.

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

H.B. No. 2486, H.D. 3 (S.D. 2):

Representatives Arakaki, Santiago, Menor, Tom, Kawakami, co-chairmen, Aiona, McDermott.

In accordance therewith, the President appointed Senators Ige, D., Metcalf, Baker, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2490, H.D. 3 (S.D. 1):

Representatives Herkes, Menor, Tom, co-chairmen, Ahu Isa, Fox.

In accordance therewith, the President appointed Senators Ige, D., Metcalf, co-chairmen, Chun Oakland, Kanno, Levin, Slom as managers on the part of the Senate at such conference.

H.B. No. 2496, H.D. 2 (S.D. 1):

Representatives Tom, White, co-chairmen, Abinsay, Lee, Pendleton.

H.B. No. 2498, H.D. 2 (S.D. 1):

Representatives Santiago, Menor, Tom, co-chairmen, Lee, Ward.

H.B. No. 2500, H.D. 1 (S.D. 1):

Representatives Say, chairman, Abinsay, Ahu Isa, Chang, Goodenow, Hamakawa, Ito, Kahikina, Kanohe, Kawakami, Nakasone, Suzuki, White, Fox, Marumoto, Meyer.

H.B. No. 2506, H.D. 1 (S.D. 1):

Representatives Menor, Tom, co-chairmen, Cachola, Yamane, Aiona.

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

H.B. No. 2512, H.D. 1 (S.D. 1):

Representatives Say, chairman, Goodenow, Suzuki, Marumoto.

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

H.B. No. 2524, H.D. 1 (S.D. 1):

Representatives Tom, chairman, Herkes, Yamane, Yoshinaga, Whalen.

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

H.B. No. 2533, H.D. 1 (S.D. 2):

Representatives Jones, Tom, co-chairmen, Abinsay, Halford.

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

H.B. No. 2537, H.D. 1 (S.D. 1):

Representatives Menor, Tom, co-chairmen, Lee, Yoshinaga, Aiona.

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

H.B. No. 2552, H.D. 1 (S.D. 3):

Representatives Say, chairman, Kawakami, Nakasone, Suzuki, Marumoto.

H.B. No. 2558, H.D. 1 (S.D. 1):

Representatives Say, chairman, Chang, Nakasone, Fox.

In accordance therewith, the President appointed Senators Iwase, Solomon, Fukunaga, Baker, Taniguchi, Tanaka, co-chairmen, Ihara, Levin, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2560, H.D. 2 (S.D. 2):

Representatives Morihara, Say, co-chairmen, Goodenow, Takai, Tarnas, Halford, Moses.

H.B. No. 2563 (S.D. 2):

Representatives Stegmaier, Kawakami, co-chairmen, Kanoho, Morihara, Halford.

H.B. No. 2564, H.D. 1 (S.D. 2):

Representatives Stegmaier, Say, co-chairmen, Kawakami, Morita, Fox.

H.B. No. 2567, H.D. 2 (S.D. 1):

Representatives Yonamine, Nakasone, co-chairmen, Chang, Takumi, Meyer.

H.B. No. 2596 (S.D. 1):

Representatives Takamine, chairman, Hamakawa, Morihara, Thielen.

H.B. No. 2598, H.D. 2 (S.D. 2):

Representatives Santiago, Tom, co-chairmen, Kawakami, Yamane, McDermott.

H.B. No. 2613, H.D. 1 (S.D. 1):

Representatives Tom, chairman, Case, Yamane, Pendleton.

H.B. No. 2614 (S.D. 1):

Representatives Yonamine, chairman, Case, Nakasone, Takumi, Moses.

H.B. No. 2648, H.D. 2 (S.D. 1):

Representatives Yonamine, Say, co-chairmen, Nakasone, Suzuki, Marumoto.

H.B. No. 2649, H.D. 2 (S.D. 2):

Representatives Herkes, Yonamine, Menor, Say, co-chairmen, Moses.

H.B. No. 2655, H.D. 1 (S.D. 2):

Representatives Say, Herkes, Cachola, co-chairmen, Ito, White, Aiona, Meyer.

In accordance therewith, the President appointed Senators Taniguchi, Baker, Fukunaga, co-chairmen, Ihara, Kawamoto, McCartney as managers on the part of the Senate at such conference.

H.B. No. 2660 (S.D. 1):

Representatives Kawakami, chairman, Suzuki, Meyer.

In accordance therewith, the President appointed Senators D. Ige, Metcalf, Baker, Fukunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2666, H.D. 1 (S.D. 1):

Representatives Tom, chairman, Lee, Yamane, Yoshinaga, Thielen.

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

H.B. No. 2667, H.D. 1 (S.D. 1):

Representatives Tom, chairman, Hiraki, Yamane, Thielen.

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

H.B. No. 2670, H.D. 2 (S.D. 1):

Representatives Santiago, Menor, co-chairmen, Cachola, Stegmaier, Ward.

In accordance therewith, the President appointed Senators Ige, D., Metcalf, co-chairmen, Kanno, Levin, Slom as managers on the part of the Senate at such conference.

H.B. No. 2671, H.D. 2 (S.D. 1):

Representatives Menor, Kawakami, co-chairmen, Chang, Yoshinaga, Pendleton.

In accordance therewith, the President appointed Senators Ige, D., Metcalf, Baker, Fukunaga, co-chairmen, Kanno, Slom as managers on the part of the Senate at such conference.

H.B. No. 2672, H.D. 1 (S.D. 1):

Representatives Menor, chairman, Herkes, Yamane, Aiona.

In accordance therewith, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2675, H.D. 2 (S.D. 1):

Representatives Menor, Say, co-chairmen, Abinsay, Herkes, Meyer.

In accordance therewith, the President appointed Senators Ige, D., Metcalf, co-chairmen, Kanno as managers on the part of the Senate at such conference.

H.B. No. 2680, H.D. 2 (S.D. 1):

Representatives Stegmaier, Say, co-chairmen, Kawakami, Morita, Moses.

H.B. No. 2693, H.D. 1 (S.D. 1):

Representatives Stegmaier, chairman, Morita, Takai, Tarnas, Moses.

H.B. No. 2701, H.D. 2 (S.D. 1):

Representatives Herkes, Menor, Tom, co-chairmen, Ahu Isa, Whalen.

In accordance therewith, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2702, H.D. 2 (S.D. 2):

Representatives Menor, Herkes, Yoshinaga, Say, co-chairmen, Fox.

In accordance therewith, the President appointed Senators Ige, D., Metcalf, Fukunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2710, H.D. 1 (S.D. 1):

Representatives Say, chairman, Ito, Kanoho, Marumoto.

In accordance therewith, the President appointed Senators Baker, Fukunaga, co-chairmen, Chun Oakland, Fernandes Salling, Ige, M., Ihara, Iwase, Kawamoto, Levin, McCartney, Tam, Taniguchi, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2711, H.D. 1 (S.D. 1):

Representatives Ito, chairman, Abinsay, Fox.

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

H.B. No. 2714, H.D. 2 (S.D. 1):

Representatives Tom, White, co-chairmen, Hamakawa, Yamane, Ward.

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

H.B. No. 2734 (S.D. 1):

Representatives Tom, chairman, Hiraki, Jones, Yamane, Thielen.

H.B. No. 2749, H.D. 1 (S.D. 1):

Representatives Say, chairman, Goodenow, Kawakami, Suzuki, Meyer.

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

H.B. No. 2750, H.D. 1 (S.D. 1):

Representatives Say, chairman, Abinsay, Ahu Isa, Chang, Goodenow, Hamakawa, Ito, Kahikina, Kanoho, Kawakami, Nakasone, Suzuki, White, Fox, Marumoto, Meyer, Ward.

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

H.B. No. 2758, H.D. 1 (S.D. 2):

Representatives Say, chairman, Nakasone, Suzuki, White, Ward.

H.B. No. 2760, H.D. 1 (S.D. 2):

Representatives Yonamine, Nakasone, co-chairmen, Case, Suzuki, Marumoto.

H.B. No. 2761 (S.D. 1):

Representatives Yonamine, Nakasone, co-chairmen, Case, Suzuki, Marumoto.

H.B. No. 2762, H.D. 1 (S.D. 1):

Representatives Kawakami, chairman, Chang, Kanoho, Meyer.

In accordance therewith, the President appointed Senators D. Ige, Metcalf, Fukunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2765, H.D. 1 (S.D. 1):

Representatives Say, chairman, Nakasone, Suzuki, White, Ward.

H.B. No. 2774 (S.D. 1):

Representatives Tom, chairman, Herkes, Jones, Yamane, Thielen.

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

H.B. No. 2776, H.D. 1 (S.D. 2):

Representatives Tom, chairman, Jones, Lee, Yamane, Whalen.

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

H.B. No. 2778 (S.D. 1):

Representatives Suzuki, chairman, Kahikina, Ward.

H.B. No. 2779 (S.D. 1):

Representatives Tom, chairman, Hiraki, Lee, Yamane, Pendleton.

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

H.B. No. 2780 (S.D. 1):

Representatives Tom, chairman, Jones, Lee, Yamane, Thielen.

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

H.B. No. 2786, H.D. 2 (S.D. 2):

Representatives Tom, White, co-chairmen, Hamakawa, Herkes, Fox.

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

H.B. No. 2793 (S.D. 1):

Representatives Arakaki, Say, co-chairmen, Kawakami, Saiki, McDermott.

H.B. No. 2800 (S.D. 1):

Representatives Suzuki, chairman, Kanoho, White, Meyer.

In accordance therewith, the President appointed Senators Baker, Fukunaga, co-chairmen, Chun Oakland, Levin, Taniguchi, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2801, H.D. 1 (S.D. 1):

Representatives Arakaki, Kawakami, co-chairmen, Kahikina, Saiki, McDermott.

H.B. No. 2803 (S.D. 2):

Representatives Yonamine, Say, co-chairmen, Nakasone, Suzuki, Marumoto.

H.B. No. 2823, H.D. 1 (S.D. 1):

Representatives Menor, Tom, Say, co-chairmen, Yamane, Aiona.

In accordance therewith, the President appointed Senators Ige, D., Metcalf, co-chairmen, Kanno, Levin, Slom as managers on the part of the Senate at such conference.

H.B. No. 2837, H.D. 1 (S.D. 2):

Representatives Stegmaier, Tom, co-chairmen, Morita, Yamane, Halford.

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

Representatives Santiago, Kawakami, co-chairmen, Ahu Isa, Saiki, McDermott.

H.B. No. 2843, H.D. 1 (S.D. 2):

Representatives Santiago, Tom, co-chairmen, Hiraki, Kahikina, Pendleton.

H.B. No. 2844, H.D. 1 (S.D. 1):

Representatives Santiago, Menor, Kawakami, co-chairmen, Meyer.

H.B. No. 2846, H.D. 1 (S.D. 1):

Representatives Tom, chairman, Herkes, Jones, Yamane, Whalen.

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

H.B. No. 2847, H.D. 2 (S.D. 2):

Representatives Yoshinaga, Tom, co-chairmen, Garcia, Herkes, Thielen.

H.B. No. 2852, H.D. 2 (S.D. 2):

Representatives Santiago, Menor, co-chairmen, Lee, Saiki, Aiona.

H.B. No. 2855, H.D. 1 (S.D. 1):

Representatives Santiago, Menor, co-chairmen, Arakaki, Lee, Pendleton.

H.B. No. 2858, H.D. 2 (S.D. 2):

Representatives Santiago, Kawakami, co-chairmen, White, Meyer.

H.B. No. 2862, H.D. 2 (S.D. 2):

Representatives Santiago, Kawakami, co-chairmen, Ito, Kahikina, McDermott.

H.B. No. 2866 (S.D. 1):

Representatives Yonamine, Tom, co-chairmen, Takumi, Yamane, Moses.

H.B. No. 2869, H.D. 1 (S.D. 1):

Representatives Menor, chairman, Case, Cachola, Saiki, Aiona.

H.B. No. 2870 (S.D. 2):

Representatives Yonamine, Menor, Nakasone, co-chairmen, Case, Pendleton.

H.B. No. 2871 (S.D. 1):

Representatives Yonamine, chairman, Hiraki, Takumi, Moses.

H.B. No. 2872, H.D. 1 (S.D. 1):

Representatives Tom, White, co-chairmen, Abinsay, Yamane, Fox.

H.B. No. 2878, H.D. 1 (S.D. 1):

Representatives Tarnas, Tom, co-chairmen, Yoshinaga, Yamane, Whalen.

In accordance therewith, the President appointed Senators Taniguchi, chairman, Levin, McCartney, Tanaka, Slom as managers on the part of the Senate at such conference.

H.B. No. 2888, H.D. 2 (S.D. 1):

Representatives Tom, White, co-chairmen, Yoshinaga, Fox.

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

H.B. No. 2889, H.D. 1 (S.D. 1):

Representatives Tom, chairman, Jones, Lee, Yamane, Whalen.

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

H.B. No. 2892, H.D. 1 (S.D. 1):

Representatives Nakasone, chairman, Ahu Isa, Kanoho, Marumoto.

H.B. No. 2909, H.D. 2 (S.D. 1):

Representatives Jones, Kanoho, co-chairmen, Chang, Herkes, Halford.

In accordance therewith, the President appointed Senators Taniguchi, Baker, Fukunaga, co-chairmen, Iwase, Levin, Slom as managers on the part of the Senate at such conference.

H.B. No. 2912, H.D. 1 (S.D. 1):

Representatives Kawakami, chairman, Ahu Isa, Chang, Suzuki, Ward.

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

H.B. No. 2921, H.D. 1 (S.D. 1):

Representatives Tom, chairman, Jones, Yamane, Yoshinaga, Whalen.

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

H.B. No. 2932 (S.D. 1):

Representatives Tom, chairman, Jones, Lee, Yamane, Whalen.

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

H.B. No. 2935 (S.D. 1):

Representatives Tom, chairman, Case, Yamane, Yoshinaga, Whalen.

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

H.B. No. 2941, H.D. 1 (S.D. 1):

Representatives Tom, chairman, Herkes, Hiraki, Lee, Whalen.

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

H.B. No. 2957, H.D. 2 (S.D. 1):

Representatives Hamakawa, Kanoho, co-chairmen, Goodenow, Meyer.

In accordance therewith, the President appointed Senators Taniguchi, Baker, co-chairmen, Chumbley, Iwase, Slom as managers on the part of the Senate at such conference.

H.B. No. 2958, H.D. 1 (S.D. 1):

Representatives Nakasone, chairman, Ito, Kanoho, Fox.

H.B. No. 2985, H.D. 1 (S.D. 1):

Representatives Jones, Say, co-chairmen, Abinsay, Chang, Fox.

In accordance therewith, the President appointed Senators Taniguchi, Kanno, Baker, co-chairmen, Ihara, Metcalf, Slom as managers on the part of the Senate at such conference.

H.B. No. 2990, H.D. 2 (S.D. 2):

Representatives Jones, Say, co-chairmen, Abinsay, Hamakawa, Whalen.

In accordance therewith, the President appointed Senators Taniguchi, Iwase, Baker, Fukunaga, co-chairmen, Ihara, Kawamoto, McCartney as managers on the part of the Senate at such conference.

H.B. No. 2992, H.D. 2 (S.D. 1):

Representatives Tom, White, co-chairmen, Ahu Isa, Goodenow, Thielen.

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

H.B. No. 2998, H.D. 2 (S.D. 2):

Representatives Hiraki, Hamakawa, Tarnas, Say, co-chairmen, Marumoto.

H.B. No. 3005, H.D. 2 (S.D. 1):

Representatives Arakaki, Kawakami, co-chairmen, Goodenow, Kahikina, McDermott.

H.B. No. 3010 (S.D. 2):

Representatives Tom, chairman, Case, Jones, Yamane, Whalen.

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

H.B. No. 3021, H.D. 1 (S.D. 1):

Representatives Santiago, Say, co-chairmen, Arakaki, Kahikina, Ward.

H.B. No. 3022, H.D. 2 (S.D. 1):

Representatives Garcia, Ito, co-chairmen, Abinsay, Saiki, Kawanakoa.

H.B. No. 3024 (S.D. 1):

Representatives Arakaki, Say, co-chairmen, Kawakami, Santiago, Ward.

H.B. No. 3027, H.D. 2 (S.D. 1):

Representatives Arakaki, Tom, Kawakami, co-chairmen, Saiki, McDermott.

H.B. No. 3028, H.D. 1 (S.D. 2):

Representatives Arakaki, Kawakami, co-chairmen, Abinsay, Stegmaier, Ward.

H.B. No. 3033, H.D. 2 (S.D. 2):

Representatives Garcia, Say, co-chairmen, Chang, Saiki, Marumoto.

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

H.B. No. 3059 (S.D. 1):

Representatives Yonamine, chairman, Case, Suzuki, Moses.

H.B. No. 3065, H.D. 2 (S.D. 2):



Representatives Tom, Say, co-chairmen, Suzuki, Yamane, Whalen.

H.B. No. 3082, H.D. 1 (S.D. 1):

Representatives Hiraki, Tom, co-chairmen, Jones, Takumi, Moses.

H.B. No. 3130, H.D. 1 (S.D. 1):

Representatives Tom, chairman, Herkes, Jones, Yamane, Whalen.

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

H.B. No. 3132, H.D. 1 (S.D. 1):

Representatives Yonamine, chairman, Case, Nakasone, Suzuki, Moses.

H.B. No. 3138, H.D. 1 (S.D. 1):

Representatives Takamine, chairman, Goodenow, Hamakawa, Morihara, Meyer.

H.B. No. 3167, H.D. 1 (S.D. 1):

Representatives Stegmaier, chairman, Morita, Takai, Tarnas, Halford.

H.B. No. 3185, H.D. 1 (S.D. 1):

Representatives Hiraki, Tom, co-chairmen, Jones, Takumi, Moses.

H.B. No. 3192, H.D. 1 (S.D. 1):

Representatives Tom, chairman, Herkes, Lee, Yamane, Thielen.

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

H.B. No. 3199, H.D. 2 (S.D. 1):

Representatives Yonamine, Say, co-chairmen, Nakasone, Suzuki, Marumoto.

H.B. No. 3200, H.D. 1 (S.D. 2):

Representatives Yonamine, Say, co-chairmen, Case, Nakasone, Suzuki, Fox, Moses.

H.B. No. 3247, H.D. 1 (S.D. 1):

Representatives Ito, chairman, Chang, Goodenow, Kanoho, Fox.

H.B. No. 3248, H.D. 1 (S.D. 1):

Representatives Chang, chairman, Abinsay, Ahu Isa, Kanoho, Meyer.

H.B. No. 3252 (S.D. 1):

Representatives Tom, chairman, Herkes, Hiraki, Yamane, Pendleton.

H.B. No. 3257, H.D. 2 (S.D. 1):

Representatives Yonamine, Tom, co-chairmen, Case, Yamane, Pendleton.

H.B. No. 3281, H.D. 1 (S.D. 1):

Representatives Menor, chairman, Cachola, Garcia, Lee, Aiona.

H.B. No. 3289, H.D. 1 (S.D. 1):

Representatives Cachola, Tom, co-chairmen, Herkes, White, Fox.

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

H.B. No. 3302, H.D. 2 (S.D. 2):

Representatives Morihara, Menor, Tom, co-chairmen, Takai, Halford.

H.B. No. 3361, H.D. 3 (S.D. 2):

Representatives Arakaki, Tom, Kawakami, co-chairmen, Lee, Meyer.

H.B. No. 3367, H.D. 1 (S.D. 1):

Representatives Cachola, Morihara, Chang, co-chairmen, Ahu Isa, Halford.

H.B. No. 3403, H.D. 2 (S.D. 1):

Representatives Jones, Tom, co-chairmen, Abinsay, Yamane, Whalen.

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

H.B. No. 3437, H.D. 2 (S.D. 2):

Representatives Menor, Say, co-chairmen, Cachola, Kanoho, Aiona.

In accordance therewith, the President appointed Senators Ige, D., Metcalf, Baker, co-chairmen, Levin, Solomon, Slom as managers on the part of the Senate at such conference.

H.B. No. 3443, H.D. 1 (S.D. 2):

Representatives Herkes, Chang, co-chairmen, Ito, Suzuki, Fox.

In accordance therewith, the President appointed Senators Taniguchi, Baker, Fukunaga, co-chairmen, Chumbley, Slom as managers on the part of the Senate at such conference.

H.B. No. 3446 (S.D. 2):

Representatives Arakaki, Santiago, Abinsay, co-chairmen, Chang, Ward.

H.B. No. 3453, H.D. 2 (S.D. 1):

Representatives Kawakami, chairman, Ahu Isa, Hamakawa, Marumoto.

H.B. No. 3457, H.D. 2 (S.D. 2):

Representatives Tarnas, Kawakami, co-chairmen, Hamakawa, Morihara, Meyer.

In accordance therewith, the President appointed Senators Taniguchi, Baker, co-chairmen, Levin, McCartney, Slom as managers on the part of the Senate at such conference.

H.B. No. 3468, H.D. 2 (S.D. 2):

Representatives Santiago, Kawakami, co-chairmen, Nakasone, Saiki, Ward.

H.B. No. 3489, H.D. 2 (S.D. 2):

Representatives Hiraki, Abinsay, co-chairmen, Kanoho, Takumi, Fox.

H.B. No. 3527, H.D. 1 (S.D. 2):

Representatives Yoshinaga, Kanoho, co-chairmen, Chang, Goodenow, Meyer.

In accordance therewith, the President appointed Senators Taniguchi, Tanaka, Baker, Fukunaga, co-chairmen, Levin, Slom as managers on the part of the Senate at such conference.

H.B. No. 3528, H.D. 1 (S.D. 2):

Representatives Yonamine, Tom, co-chairmen, Nakasone, Yamane, Marumoto.

H.B. No. 3553 (S.D. 1):

Representatives Tom, chairman, Herkes, Jones, Yamane, Whalen.

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

H.B. No. 3568, H.D. 1 (S.D. 1):

Representatives Menor, Tom, co-chairmen, Case, Lee, Whalen.

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

H.B. No. 3581, H.D. 1 (S.D. 1):

Representatives Hiraki, Tom, co-chairmen, Case, Yamane, Moses.

H.B. No. 3613, H.D. 2 (S.D. 2):

Representatives Menor, Kawakami, co-chairmen, Hamakawa, Saiki, Pendleton.

In accordance therewith, the President appointed Senators Ige, D., Metcalf, Fukunaga, co-chairmen, Kanno, Levin as managers on the part of the Senate at such conference.

H.B. No. 3625, H.D. 3 (S.D. 2):

Representatives Say, Jones, co-chairmen, Chang, Kanoho, Whalen.

In accordance therewith, the President appointed Senators Taniguchi, Baker, Fukunaga, co-chairmen, Ihara, Kawamoto, Levin, McCartney, Anderson as managers on the part of the Senate at such conference.

Hse. Com. No. 378, informing the Senate that the Speaker on April 21, 1998, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 379, S.D. 2 (H.D. 2):

Representatives Yoshinaga, Kanoho, co-chairmen, Chang, Goodenow, Meyer.

S.B. No. 632, S.D. 2 (H.D. 3):

Representatives Hiraki, Tom, Nakasone, co-chairmen, Yamane, Moses.

S.B. No. 682, S.D. 2 (H.D. 1):

Representatives Menor, Tom, co-chairmen, Lee, Yamane, Aiona.

S.B. No. 705, S.D. 2 (H.D. 1):

Representatives Tom, White, co-chairmen, Ahu Isa, Herkes, Marumoto.

S.B. No. 719, S.D. 2 (H.D. 2):

Representatives Tom, Say, co-chairmen, Herkes, Ito, Pendleton.

S.B. No. 720, S.D. 2 (H.D. 2):

Representatives Tom, White, co-chairmen, Kanoho, Yoshinaga, Whalen.

S.B. No. 721, S.D. 1 (H.D. 2):

Representatives Tom, Kawakami, co-chairmen, Suzuki, Yamane, Whalen.

S.B. No. 760 (H.D. 2):

Representatives Stegmaier, Say, co-chairmen, Goodenow, Santiago, Fox.

S.B. No. 1065, S.D. 1 (H.D. 1):

Representatives Tom, chairman, Case, Hiraki, Yamane, Thielen.

S.B. No. 1122, S.D. 1 (H.D. 1):

Representatives Yoshinaga, Kanoho, co-chairmen, Goodenow, Hamakawa, Meyer.

S.B. No. 1273, S.D. 1 (H.D. 2):

Representatives Tom, White, co-chairmen, Ahu Isa, Lee, Fox.

S.B. No. 1309, S.D. 1 (H.D. 2):

Representatives Tom, White, co-chairmen, Abinsay, Yoshinaga, Ward.

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

Representatives Tom, White, co-chairmen, Abinsay, Yoshinaga, Ward.

S.B. No. 1362 (H.D. 1):

Representatives Menor, chairman, Case, Garcia, Lee, Whalen.

S.B. No. 1465 (H.D. 1):

Representatives Yonamine, Say, co-chairmen, Case, Nakasone, Marumoto.

S.B. No. 1469, S.D. 1 (H.D. 1):

Representatives Kanoho, chairman, Ahu Isa, Hamakawa, Nakasone, Marumoto.

S.B. No. 1559, S.D. 2 (H.D. 3):

Representatives Yoshinaga, Tom, Goodenow, co-chairmen, Hamakawa, Meyer.

S.B. No. 1597, S.D. 1 (H.D. 2):

- Representatives Tarnas, Tom, co-chairmen, Goodenow, Jones, Pendleton.
- S.B. No. 1601, S.D. 1 (H.D. 2):
- Representatives Tarnas, Tom, co-chairmen, Goodenow, Jones, Pendleton.
- S.B. No. 1638, S.D. 1 (H.D. 1):
- Representatives Say, chairman, Suzuki, Meyer.
- S.B. No. 1946, S.D. 1 (H.D. 2):
- Representatives Santiago, Menor, co-chairmen, Case, Kahikina, Aiona.
- S.B. No. 2025, S.D. 2 (H.D. 2):
- Representatives Jones, Tom, Abinsay, co-chairmen, Chang, Meyer.
- S.B. No. 2026, S.D. 1 (H.D. 1):
- Representatives Ahu Isa, chairman, Abinsay, Ito, Fox.
- S.B. No. 2037, S.D. 1 (H.D. 2):
- Representatives Menor, Say, co-chairmen, Cachola, Hamakawa, Marumoto.
- S.B. No. 2056, S.D. 1 (H.D. 1):
- Representatives Yoshinaga, chairman, Garcia, Goodenow, Morihara, Meyer.
- S.B. No. 2063, S.D. 2 (H.D. 1):
- Representatives Say, chairman, Chang, Nakasone, Fox.
- S.B. No. 2078, S.D. 1 (H.D. 3):
- Representatives Cachola, Tarnas, Nakasone, co-chairmen, Chang, Ward.
- S.B. No. 2092, S.D. 1 (H.D. 1):
- Representatives Yoshinaga, Say, co-chairmen, Goodenow, Kanoho, Thielen.
- S.B. No. 2099, S.D. 2 (H.D. 1):
- Representatives Hiraki, Tom, co-chairmen, Jones, Yonamine, Marumoto.
- S.B. No. 2132, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Garcia, Lee, Saiki, Aiona.
- S.B. No. 2135, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Cachola, Lee, Saiki, Aiona.
- S.B. No. 2136, S.D. 1 (H.D. 1):
- Representatives Menor, Tom, co-chairmen, Cachola, Yamane, Pendleton.
- S.B. No. 2180, S.D. 1 (H.D. 1):
- Representatives Hiraki, Menor, Tom, co-chairmen, Takumi, Moses.
- S.B. No. 2204, S.D. 2 (H.D. 2):
- Representatives Menor, Say, co-chairmen, Nakasone, Yoshinaga, Marumoto.
- S.B. No. 2207, S.D. 2 (H.D. 2):
- Representatives Morihara, Say, co-chairmen, Goodenow, Takai, Tarnas, Halford, Moses.
- S.B. No. 2211, S.D. 2 (H.D. 1):
- Representatives Stegmaier, Say, co-chairmen, Kahikina, Kawakami, Morita.
- S.B. No. 2213, S.D. 2 (H.D. 2):
- Representatives Yonamine, Menor, Say, co-chairmen, Nakasone, Suzuki, Marumoto, Ward.
- S.B. No. 2249, S.D. 1 (H.D. 2):
- Representatives Garcia, Tom, Ito, co-chairmen, Saiki, Kawanakao.
- S.B. No. 2253, S.D. 1 (H.D. 1):
- Representatives Tom, Garcia, co-chairmen, Yamane, Whalen.
- S.B. No. 2254, S.D. 2 (H.D. 2):
- Representatives Tom, Ito, co-chairmen, White, Yamane, Fox.
- S.B. No. 2256, S.D. 1 (H.D. 1):
- Representatives Takamine, chairman, Hamakawa, Morihara, Thielen.
- S.B. No. 2259, S.D. 1 (H.D. 1):
- Representatives Say, Cachola, co-chairmen, Chang, Kanoho, Kawakami, Suzuki.
- S.B. No. 2292, S.D. 1 (H.D. 1):
- Representatives Say, chairman, Kawakami, Suzuki, Marumoto.
- S.B. No. 2297, S.D. 2 (H.D. 1):
- Representatives Menor, Tom, co-chairmen, Lee, Yamane, Aiona.
- S.B. No. 2326, S.D. 1 (H.D. 2):
- Representatives Yonamine, Menor, Say, co-chairmen, Case, Pendleton.
- S.B. No. 2334, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Cachola, Lee, Saiki, Aiona.
- S.B. No. 2338, S.D. 2 (H.D. 2):
- Representatives Menor, Say, co-chairmen, Goodenow, Lee, Fox.
- S.B. No. 2345, S.D. 1 (H.D. 1):
- Representatives Yoshinaga, chairman, Goodenow, Morihara, Tarnas, Meyer.
- S.B. No. 2346, S.D. 2 (H.D. 2):
- Representatives Santiago, Menor, Kawakami, co-chairmen, Meyer.
- S.B. No. 2349, S.D. 1 (H.D. 2):

- Representatives Yoshinaga, Kanoho, co-chairmen, Goodenow, Thielen.  
S.B. No. 2350, S.D. 1 (H.D. 2):
- Representatives Yoshinaga, Say, co-chairmen, Goodenow, Morihara, Thielen.  
S.B. No. 2363, S.D. 1 (H.D. 1):
- Representatives Say, chairman, Kanoho, White, Meyer.  
S.B. No. 2386, S.D. 2 (H.D. 2):
- Representatives Yonamine, Menor, Say, co-chairmen, Nakasone, Marumoto.  
S.B. No. 2389, S.D. 1 (H.D. 2):
- Representatives Santiago, Tom, co-chairmen, Kawakami, Yamane, McDermott.  
S.B. No. 2399, S.D. 2 (H.D. 2):
- Representatives Tom, Say, co-chairmen, Abinsay, Yamane, Whalen.  
S.B. No. 2402, S.D. 1 (H.D. 2):
- Representatives Tom, White, co-chairmen, Abinsay, Lee, Fox.  
S.B. No. 2411, S.D. 2 (H.D. 1):
- Representatives Menor, Tom, co-chairmen, Herkes, Saiki, Pendleton.  
S.B. No. 2413, S.D. 2 (H.D. 2):
- Representatives Yoshinaga, Tarnas, Say, co-chairmen, Goodenow, Meyer.  
S.B. No. 2414, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Case, Garcia, Lee, Pendleton.  
S.B. No. 2454, S.D. 1 (H.D. 2):
- Representatives Yonamine, Nakasone, co-chairmen, Suzuki, Takumi, Moses.  
S.B. No. 2460, S.D. 2 (H.D. 2):
- Representatives Santiago, Menor, Tom, co-chairmen, Lee, Ward.  
S.B. No. 2469, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Cachola, Herkes, Lee, Aiona.  
S.B. No. 2495, S.D. 1 (H.D. 1):
- Representatives Yonamine, chairman, Case, Nakasone, Suzuki, Moses.  
S.B. No. 2554, S.D. 1 (H.D. 1):
- Representatives Menor, Tom, co-chairmen, Case, Lee, Whalen.  
S.B. No. 2557, S.D. 1 (H.D. 1):
- Representatives Tom, Say, co-chairmen, White, Yamane, Whalen.  
S.B. No. 2559, S.D. 2 (H.D. 1):
- Representatives Yonamine, Nakasone, co-chairmen, Suzuki, Moses.  
S.B. No. 2564, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Cachola, Lee, Yamane, Aiona.  
S.B. No. 2575, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Cachola, Lee, Yoshinaga, Whalen.  
S.B. No. 2580, S.D. 1 (H.D. 1):
- Representatives Stegmaier, chairman, Morita, Takai, Tarnas, Moses.  
S.B. No. 2581 (H.D. 1):
- Representatives Menor, Tom, Kawakami, co-chairmen, Chang, Meyer.  
S.B. No. 2582, S.D. 1 (H.D. 2):
- Representatives Menor, Tom, Say, co-chairmen, Yamane, Marumoto.  
S.B. No. 2586, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Herkes, Yamane, Aiona.  
S.B. No. 2588, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Cachola, Herkes, Lee, Aiona.  
S.B. No. 2602, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Cachola, Herkes, Lee, Aiona.  
S.B. No. 2610, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Cachola, Herkes, Lee, Aiona.  
S.B. No. 2618, S.D. 1 (H.D. 1):
- Representatives Santiago, Arakaki, Kawakami, co-chairmen, Kahikina, McDermott.  
S.B. No. 2619, S.D. 1 (H.D. 1):
- Representatives Menor, Tom, co-chairmen, Lee, Yamane, Pendleton.  
S.B. No. 2624, S.D. 2 (H.D. 2):
- Representatives Arakaki, Kawakami, co-chairmen, Kahikina, Saiki, Ward.  
S.B. No. 2625, S.D. 1 (H.D. 2):
- Representatives Stegmaier, Say, co-chairmen, Kawakami, Morita, Fox.  
S.B. No. 2633, S.D. 1 (H.D. 1):
- Representatives Menor, Say, co-chairmen, Cachola, Suzuki, Marumoto.  
S.B. No. 2644, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Case, Lee, Saiki, Pendleton.

- S.B. No. 2655, S.D. 1 (H.D. 1):  
Representatives Hiraki, Tom, co-chairmen, Takumi, Yoshinaga, Thielen.
- S.B. No. 2689, S.D. 2 (H.D. 2):  
Representatives Yonamine, Say, co-chairmen, Nakasone, Marumoto.
- S.B. No. 2697, S.D. 1 (H.D. 1):  
Representatives Tom, chairman, Herkes, Lee, Yamane, Whalen.
- S.B. No. 2717, S.D. 1 (H.D. 1):  
Representatives Tom, chairman, Herkes, Yamane, Yoshinaga, Whalen.
- S.B. No. 2757, S.D. 1 (H.D. 1):  
Representatives Yoshinaga, chairman, Garcia, Goodenow, Kanoho, Thielen.
- S.B. No. 2759, S.D. 2 (H.D. 1):  
Representatives Tom, chairman, Case, Jones, Yamane, Thielen.
- S.B. No. 2761, S.D. 2 (H.D. 2):  
Representatives Hiraki, Menor, co-chairmen, Lee, Takumi, Moses.
- S.B. No. 2768, S.D. 1 (H.D. 2):  
Representatives Yonamine, Menor, Nakasone, co-chairmen, Suzuki, Moses.
- S.B. No. 2770, S.D. 2 (H.D. 2):  
Representatives Jones, Menor, Tom, co-chairmen, Abinsay, Halford.
- S.B. No. 2774, S.D. 3 (H.D. 1):  
Representatives Say, chairman, Nakasone, Suzuki, White, Ward.
- S.B. No. 2782 (H.D. 2):  
Representatives Tom, Kawakami, co-chairmen, Hamakawa, Yamane, Ward.
- S.B. No. 2786 (H.D. 1):  
Representatives Tom, chairman, Herkes, Lee, Yamane, Whalen.
- S.B. No. 2803, S.D. 2 (H.D. 2):  
Representatives Herkes, Say, co-chairmen, Ahu Isa, Ito, Aiona.
- S.B. No. 2805, S.D. 1 (H.D. 1):  
Representatives Menor, Tom, co-chairmen, Case, Jones, Pendleton.
- S.B. No. 2816, S.D. 2 (H.D. 1):  
Representatives Yonamine, Say, co-chairmen, Nakasone, Suzuki, Marumoto.
- S.B. No. 2820 (H.D. 1):  
Representatives Menor, Tom, Kawakami, co-chairmen, Hamakawa, Whalen.
- S.B. No. 2821 (H.D. 1):  
Representatives Menor, chairman, Cachola, Lee, Yoshinaga, Aiona.
- S.B. No. 2822, S.D. 1 (H.D. 1):  
Representatives Menor, chairman, Garcia, Lee, Saiki, Pendleton.
- S.B. No. 2823, S.D. 1 (H.D. 1):  
Representatives Menor, chairman, Cachola, Case, Yoshinaga, Pendleton.
- S.B. No. 2829 (H.D. 1):  
Representatives Menor, chairman, Case, Garcia, Saiki, Pendleton.
- S.B. No. 2832, S.D. 2 (H.D. 1):  
Representatives Menor, Tom, co-chairmen, Saiki, Yamane, Whalen.
- S.B. No. 2833 (H.D. 1):  
Representatives Menor, chairman, Garcia, Lee, Saiki, Aiona.
- S.B. No. 2835, S.D. 1 (H.D. 2):  
Representatives Menor, Tom, Say, co-chairmen, Ahu Isa, Aiona.
- S.B. No. 2836, S.D. 1 (H.D. 1):  
Representatives Menor, Tom, co-chairmen, Herkes, Yamane, Thielen.
- S.B. No. 2838, S.D. 1 (H.D. 1):  
Representatives Menor, chairman, Garcia, Herkes, Saiki, Whalen.
- S.B. No. 2842 (H.D. 1):  
Representatives Menor, chairman, Herkes, Saiki, Yamane, Whalen.
- S.B. No. 2846, S.D. 2 (H.D. 2):  
Representatives Santiago, Tom, co-chairmen, Hiraki, Kahikina, Pendleton.
- S.B. No. 2849, S.D. 1 (H.D. 1):  
Representatives Tom, Say, co-chairmen, Herkes, Jones, Yamane, Fox, Whalen.
- S.B. No. 2850, S.D. 2 (H.D. 2):  
Representatives Yoshinaga, Tom, co-chairmen, Garcia, Herkes, Thielen.
- S.B. No. 2852, S.D. 1 (H.D. 2):  
Representatives Yoshinaga, Kanoho, co-chairmen, Goodenow, Ito, Meyer.
- S.B. No. 2866, S.D. 1 (H.D. 1):  
Representatives Santiago, Kahikina, co-chairmen, Ito, Stegmaier, McDermott.
- S.B. No. 2874, S.D. 2 (H.D. 2):

- Representatives Arakaki, Kawakami, co-chairmen, Kahikina, Santiago, Ward.  
S.B. No. 2884, S.D. 1 (H.D. 1):
- Representatives Yonamine, Tom, co-chairmen, Takumi, Yamane, Moses.  
S.B. No. 2887, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Cachola, Case, Saiki, Aiona.  
S.B. No. 2889, S.D. 1 (H.D. 1):
- Representatives Yonamine, chairman, Hiraki, Takumi, Moses.  
S.B. No. 2914, S.D. 1 (H.D. 2):
- Representatives Hiraki, Menor, Tom, co-chairmen, Takumi, Moses.  
S.B. No. 2922, S.D. 1 (H.D. 2):
- Representatives Say, Menor, co-chairmen, Kanoho, Nakasone, Meyer.  
S.B. No. 2957, S.D. 2 (H.D. 1):
- Representatives Tom, chairman, Herkes, Lee, Yamane, Whalen.  
S.B. No. 2966, S.D. 2 (H.D. 2):
- Representatives Tom, White, co-chairmen, Abinsay, Herkes, Fox.  
S.B. No. 2970, S.D. 1 (H.D. 3):
- Representatives Yoshinaga, Cachola, Say, co-chairmen, Chang, Meyer.  
S.B. No. 2981, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Garcia, Lee, Saiki, Aiona.  
S.B. No. 2983, S.D. 2 (H.D. 2):
- Representatives Tom, Say, co-chairmen, Abinsay, Jones, Marumoto.  
S.B. No. 2987, S.D. 2 (H.D. 3):
- Representatives Arakaki, Santiago, Tom, Kawakami, co-chairmen, Meyer.  
S.B. No. 3000, S.D. 2 (H.D. 2):
- Representatives Yonamine, Say, co-chairmen, Nakasone, Suzuki, Marumoto.  
S.B. No. 3002, S.D. 2 (H.D. 1):
- Representatives Arakaki, Tom, Kawakami, co-chairmen, Kahikina, McDermott.  
S.B. No. 3004, S.D. 1 (H.D. 1):
- Representatives Say, chairman, Goodenow, Suzuki, Marumoto.  
S.B. No. 3006 (H.D. 1):
- Representatives Suzuki, chairman, Nakasone, Fox.  
S.B. No. 3007, S.D. 1 (H.D. 2):
- Representatives Herkes, Say, co-chairmen, Ahu Isa, Kanoho, Meyer.  
S.B. No. 3015, S.D. 2 (H.D. 1):
- Representatives Say, chairman, Goodenow, Kawakami, Suzuki, Meyer.  
S.B. No. 3018 (H.D. 1):
- Representatives Menor, chairman, Case, Lee, Yoshinaga, Whalen.  
S.B. No. 3024, S.D. 1 (H.D. 1):
- Representatives Jones, Say, co-chairmen, Abinsay, Chang, Ward.  
S.B. No. 3025, S.D. 1 (H.D. 1):
- Representatives Jones, Say, co-chairmen, Abinsay, Chang, Ward.  
S.B. No. 3035, S.D. 2 (H.D. 2):
- Representatives Arakaki, Kawakami, co-chairmen, Goodenow, Kahikina, McDermott.  
S.B. No. 3043, S.D. 2 (H.D. 2):
- Representatives Tom, Say, co-chairmen, Ito, Yamane, Whalen.  
S.B. No. 3076, S.D. 1 (H.D. 1):
- Representatives Arakaki, Santiago, Kawakami, co-chairmen, Kahikina, Ward.  
S.B. No. 3094, S.D. 2 (H.D. 2):
- Representatives Hiraki, Menor, co-chairmen, Nakasone, Yamane, Whalen.  
S.B. No. 3105, S.D. 1 (H.D. 1):
- Representatives Menor, Tom, co-chairmen, Herkes, Yamane, Aiona.  
S.B. No. 3113, S.D. 1 (H.D. 1):
- Representatives Menor, chairman, Lee, Saiki, Yoshinaga, Aiona.  
S.B. No. 3114, S.D. 2 (H.D. 2):
- Representatives Arakaki, Kawakami, co-chairmen, Abinsay, Santiago, McDermott.  
S.B. No. 3137, S.D. 1 (H.D. 2):
- Representatives Hiraki, Menor, Tom, co-chairmen, Takumi, Moses.  
S.B. No. 3141, S.D. 1 (H.D. 1):
- Representatives Say, co-chairmen, Nakasone, White, Meyer.  
S.B. No. 3143, S.D. 1 (H.D. 2):
- Representatives Menor, Say, co-chairmen, Nakasone, Yamane, Marumoto.  
S.B. No. 3159, S.D. 2 (H.D. 1):
- Representatives Menor, chairman, Case, Garcia, Lee, Whalen.  
S.B. No. 3213, S.D. 2 (H.D. 1):

Representatives Menor, Say, co-chairmen, Cachola, Ito, Aiona.

S.B. No. 3220, S.D. 1 (H.D. 2):

Representatives Arakaki, Kawakami, co-chairmen, Abinsay, Santiago, Ward.

S.B. No. 3228, S.D. 1 (H.D. 1):

Representatives Tom, chairman, Jones, Lee, Yamane, Whalen.

S.B. No. 3230, S.D. 1 (H.D. 1):

Representatives Garcia, Say, co-chairmen, Hamakawa, Saiki, Kawanakoa.

S.B. No. 3248, S.D. 2 (H.D. 2):

Representatives Santiago, Kawakami, co-chairmen, Ahu Isa, Hamakawa, Marumoto.

**STANDING COMMITTEE REPORTS**

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3389) recommending that the Senate advise and consent to the nominations of the following:

DIANNE L. Y. MERRITT to the Board of Taxation Review, First Taxation District (Oahu), in accordance with Gov. Msg. No. 268;

EUGENE F. SIMON to the Board of Taxation Review, Second Taxation District (Maui County), in accordance with Gov. Msg. No. 269;

BERT M. WAGATSUMA to the Board of Taxation Review, Third Taxation District (Hawai'i), in accordance with Gov. Msg. No. 270; and

JOSE R. S. DIOGO and SANDRA L. HOWATT to the Board of Taxation Review, Fourth Taxation District (Kauai), in accordance with Gov. Msg. No. 271.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3389 and Gov. Msg. Nos. 268, 269, 270 and 271 was deferred until Wednesday, April 22, 1998.

Senators Tanaka and Taniguchi for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3390) recommending that H.C.R. No. 43 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO REQUIRE THAT THE IMPORTATION OF ALL AGRICULTURAL PRODUCTS INTO HAWAII HAVE A DESIGNATION OF COUNTRY OR ORIGIN AND A CERTIFICATION OF INSPECTION BASED ON UNITED STATES DEPARTMENT OF AGRICULTURE STANDARDS," was adopted.

Senators Tanaka and Taniguchi for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3391) recommending that H.C.R. No. 46, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 46, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ACTION PLAN TO PROMOTE HAWAII-GROWN AND HAWAII-MADE AGRICULTURAL PRODUCTS," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3392) recommending that H.C.R. No. 226, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 226, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF PARKS AND RECREATION AND PRIVATE ORGANIZATIONS TO ASSIST THE PHILIPPINE CENTENNIAL CELEBRATION COORDINATING COMMITTEE/HAWAI'I," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3393) recommending that H.C.R. No. 232, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 232, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ADVISORY COMMITTEE ON PESTICIDES TO DETERMINE THE FEASIBILITY OF REQUIRING STATE AGENCIES TO IMPLEMENT INTEGRATED PEST MANAGEMENT PROGRAMS," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3394) recommending that H.C.R. No. 240, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 240, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE ORGANIC INDUSTRY AS AN AGRICULTURAL COMMODITY GROUP," was referred to the Committee on Ways and Means.

**ORDER OF THE DAY**

**ADVISE AND CONSENT**

Stand. Com. Rep. No. 3383 (Gov. Msg. No. 142):

Senator Tanaka moved that Stand. Com. Rep. No. 3383 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nomination of THOMAS P. WHITEMORE to the Board of Directors, Natural Energy Laboratory of Hawai'i Authority, terms to expire June 30, 1998 and June 30, 2002, seconded by Senator Taniguchi.

At this time, Senator Taniguchi rose in support of Gov. Msg. Nos. 142, 193 and 196 as follows:

"Mr. President, with regard to Gov. Msg. Nos. 142, 193 and 196, your Committee on Economic Development has reviewed the qualifications of these nominees and finds them fully qualified and willing to serve in their respective positions."

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

Ayes, 22. Noes, none. Excused, 3 (Ihara, Kawamoto, Levin).

Stand. Com. Rep. No. 3384 (Gov. Msg. No. 193):

Senator Tanaka moved that Stand. Com. Rep. No. 3384 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nominations of GEORGE R. COATES and ELTON S. USHIO to the Aquatic Life and Wildlife Advisory Committee, County of Kauai, terms to expire June 30, 2002, seconded by Senator Taniguchi.

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

Ayes, 22. Noes, none. Excused, 3 (Ihara, Kawamoto, Levin).

Stand. Com. Rep. No. 3385 (Gov. Msg. No. 196):

Senator Tanaka moved that Stand. Com. Rep. No. 3385 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nominations of RICHARD L. HUMPHREYS and ANTHONY RUTLEDGE to the Convention Center Authority, terms to expire June 30, 2002, seconded by Senator Taniguchi.

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

Ayes, 22. Noes, none. Excused, 3 (Ihara, Kawamoto, Levin).

Stand. Com. Rep. No. 3386 (Gov. Msg. No. 242):

Senator Chumbley moved that Stand. Com. Rep. No. 3386 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nominations of ALFRED K. BEAVER, Sr., as Chairperson, Hawai'i Paroling Authority, term to expire June 30, 2001, seconded by Senator Matsunaga.

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

Ayes, 22. Noes, none. Excused, 3 (Ihara, Kawamoto, Levin).

Stand. Com. Rep. No. 3387 (Gov. Msg. Nos. 227 and 228):

Senator Chumbley moved that Stand. Com. Rep. No. 3387 be received and placed on file, seconded by Senator Matsunaga and carried.

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

CARL R. ANDERSON and LYNETTE R. CRUZ to the Correctional Industries Advisory Committee, terms to expire June 30, 2002 (Gov. Msg. No. 227);

CALVIN K. MURASHIGE and JACQUELINE K. MURAI to the Defender Council, terms to expire June 30, 1999 (Gov. Msg. No. 228); and

PAMELA E. TAMASHIRO to the Defender Council, term to expire June 30, 2002 (Gov. Msg. No. 228),

seconded by Senator Matsunaga.

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

Ayes, 22. Noes, none. Excused, 3 (Ihara, Kawamoto, Levin).

Senator Taniguchi, for the Committee on Economic Development, requested a waiver to Senate Rule 20 on H.C.R. No. 220, and the Chair granted the waiver.

Senator Chun Oakland, for the Committee on Human Resources, requested a waiver of the 72-hour Notice of a Public Hearing on H.C.R. Nos. 50, 88, 119, 121, 139, 141 and 225, and the Chair granted the waiver.

### RECONSIDERATION OF ACTION TAKEN

S.B. No. 2697, S.D. 1 (H.D. 1):

Senator Chumbley 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. 2697, S.D. 1, seconded by Senator Matsunaga and carried.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 2697, S.D. 1, seconded by Senator Matsunaga.

Senator Chumbley then noted:

"Mr. President and members, this measure deals with the concurrent jurisdiction of the courts. The interested parties, the family courts, the circuit courts, the prosecutors, have all reached consensus and your Committee on Judiciary agrees, and therefore we recommend the adoption."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2697, S.D. 1, and S.B. No. 2697, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS," was placed on the calendar for Final Reading on Wednesday, April 22, 1998.

### APPOINTMENT OF CONFEREES

H.B. No. 1647, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1647, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Fukunaga, co-chairmen, Levin, Taniguchi, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1649, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1649, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Matsunaga, Chumbley, Baker, Fukunaga, co-chairmen, Sakamoto, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2967, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2967, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, Tanaka, co-chairmen, McCartney, Slom as managers on the part of the Senate at such conference.



**ADJOURNMENT**

At 12:02 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 22, 1998.

## FIFTY-THIRD DAY

Wednesday, April 22, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Dale Vallejo-Sanderson, New Hope Christian Fellowship, after which the Roll was called showing all Senators present with the exception of Senator Bunda who was excused.

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

The following introductions were made to the members of the Senate:

Senator Tam introduced Mr. Chew Leong Wong, Mr. Lester Wong, Mr. and Mrs. Benny Sacro, and Mr. and Mrs. George Young who represent the Lin Yee Chung Association, guardian of the Manoa Chinese Cemetery.

Senator Matsunaga introduced Joseph Onosai and commended him on being honored as one of the Ten Outstanding Young Americans by the United States Junior Chamber of Commerce.

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:01 o'clock p.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 322 to 326) were read by the Clerk and were placed on file:

Gov. Msg. No. 322, dated March 17, 1998, transmitting the 1997 Annual Report of the Medical Claims Conciliation Panel and The Design Professional Conciliation Panel, pursuant to Sections 672-12 and 671-20, HRS.

Gov. Msg. No. 323, dated March 11, 1998, transmitting the Vital Statistics Report, 1996, prepared by the Department of Health.

Gov. Msg. No. 324, dated April 14, 1998, transmitting the Report of the Waikiki Planning Working Group, prepared by the Department of Business, Economic Development and Tourism; and the Office of Planning.

Gov. Msg. No. 325, advising the Senate of the withdrawal of the nomination of RAY MOORE from the Credit Union Advisory Board, under Gov. Msg. No. 197, dated March 18, 1998.

In compliance with Gov. Msg. No. 325, the nomination listed under Gov. Msg. No. 197 was returned.

Gov. Msg. No. 326, advising the Senate of the withdrawal of the nomination of PETER L. FRITZ from the State Advisory Council on Rehabilitation, under Gov. Msg. No. 316, dated April 20, 1998.

In compliance with Gov. Msg. No. 326, the nomination listed under Gov. Msg. No. 316 was returned.

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 27 and 28) were read by the Clerk and were placed on file:

Dept. Com. No. 27, from the State Auditor dated April 15, 1998, transmitting the following reports: "Audit of the Implementation of the Child Support Enforcement Agency's Information System," (Report No. 98-12); and "Analysis of a Proposal to Expand the Regulation of Real Estate Appraisers and Appraisals," (Report No. 98-12).

Dept. Com. No. 28, from the State Auditor dated April 16, 1998, transmitting a report, "Financial Audit of the Department of Human Services," (Report No. 98-14).

## STANDING COMMITTEE REPORTS

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3395) recommending that the Senate advise and consent to the nomination of ROCKNE C. FREITAS to the Hawaiian Homes Commission, in accordance with Gov. Msg. No. 205.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3395 and Gov. Msg. No. 205 was deferred until Thursday, April 23, 1998.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3396) recommending that the Senate advise and consent to the nomination of WILMA NOELANI N. JOY to the Molokai Irrigation System Water Users Advisory Board, in accordance with Gov. Msg. No. 208.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3396 and Gov. Msg. No. 208 was deferred until Thursday, April 23, 1998.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3397) recommending that the Senate advise and consent to the nominations of STEVEN LEE MONTGOMERY, Ph.D., FRANK A. TRUSDELL and LINDA W. PRATT to the Natural Area Reserves System Commission, in accordance with Gov. Msg. No. 209.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3397 and Gov. Msg. No. 209 was deferred until Thursday, April 23, 1998.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3398) recommending that the Senate advise and consent to the nomination of WALTER H. KUPAU to the Hawai'i Community Development Authority, in accordance with Gov. Msg. No. 231.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3398 and Gov. Msg. No. 231 was deferred until Thursday, April 23, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3399) recommending that the Senate advise and consent to the nominations of EDITH C. PASCUA and WALTER L. ORNELLAS to the Civil Defense Advisory Council, in accordance with Gov. Msg. No. 195.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3399 and Gov. Msg. No. 195 was deferred until Thursday, April 23, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3400) recommending that H.C.R.

No. 30, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 30, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SUBMIT A STATE OF HAWAII APPLICATION TO THE UNITED STATES SECRETARY OF TRANSPORTATION TO AUTHORIZE FOREIGN AIR CARRIERS TO CONDUCT CERTAIN EXPANDED CARGO TRANSFER ACTIVITIES AT INTERNATIONAL AIRPORTS IN THE STATE OF HAWAII," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 3401) recommending that H.C.R. No. 90, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 90, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONTINUED SUPPORT BY HAWAII'S CONGRESSIONAL DELEGATION ON LEGISLATION AND OTHER ACTION TO PROVIDE EQUITY TO FILIPINO-AMERICAN VETERANS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES OR JOINED THE PHILIPPINE SCOUTS BEFORE OCTOBER 6, 1945," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 3402) recommending that H.C.R. No. 149, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 149, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE FEDERAL AVIATION ADMINISTRATION, THE U.S. SENATE COMMITTEE ON COMMERCE SCIENCE AND TRANSPORTATION AND THE U.S. HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO PROMOTE ACTIONS TO ENSURE HAWAII'S ROLE AS A TEST SITE IN THE FLIGHT 2000 DEMONSTRATION PROJECT," was adopted.

Senators Levin and Fernandes Salling, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3403) recommending that H.C.R. No. 11, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 11, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ASSESS MENTAL HEALTH SERVICES AND TO PROVIDE NEEDED SERVICES FOR CHILDREN UNDER FIVE YEARS OF AGE AS EARLY AS POSSIBLE," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3404) recommending that H.C.R. No. 20, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 20, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF HEALTH TO CONTINUE TO MONITOR LOCAL ADHERENCE TO CENTERS FOR DISEASE CONTROL GUIDELINES AND TO ENCOURAGE PROFESSIONAL ORGANIZATIONS TO EDUCATE THE MEDICAL

COMMUNITY ON IMPROPER PRESCRIPTION PRACTICES," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3405) recommending that H.C.R. No. 35, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 35, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A RURAL HEALTH PLAN FOR THE ISLAND OF HAWAII," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3406) recommending that H.C.R. No. 67, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 67, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3407) recommending that H.C.R. No. 147 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HEALTH SYSTEMS CORPORATION TO DETERMINE AND RECOMMEND TO THE LEGISLATURE THE NECESSARY STEPS TO ENHANCE THE CORPORATION'S ABILITY TO NEGOTIATE CONTRACTS THAT DETERMINE THE REIMBURSABLE COSTS FOR MEDICAL SERVICES," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3408) recommending that H.C.R. No. 155 be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A NEEDS ASSESSMENT OF FAMILIES WHO PROVIDE HOME CARE TO THEIR FAMILY MEMBER WITH A DEVELOPMENTAL DISABILITY AND DEVELOP A PLAN TO ADDRESS THOSE NEEDS," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand Com. Rep. No. 3409) recommending that H.C.R. No. 244, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 244, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO UNDERTAKE STUDIES OF HEPATITIS C INCIDENCE AND PREVALENCE WITHIN SELECTED POPULATIONS IN HAWAII," was referred to the Committee on Ways and Means.

**ORDER OF THE DAY****ADVISE AND CONSENT**

Stand. Com. Rep. No. 3389 (Gov. Msg. Nos. 268, 269, 270 and 271):

Senator Baker moved that Stand. Com. Rep. No. 3389 be received and placed on file, seconded by Senator Fukunaga and carried.

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

DIANNE L. Y. MERRITT to the Board of Taxation Review, First Taxation District (Oahu), term to expire June 30, 2002 (Gov. Msg. No. 268);

EUGENE F. SIMON to the Board of Taxation Review, Second Taxation District (Maui County), term to expire June 30, 2002 (Gov. Msg. No. 269);

BERT M. WAGATSUMA to the Board of Taxation Review, Third Taxation District (Hawai'i), term to expire June 30, 2002 (Gov. Msg. No. 270);

JOSE R. S. DIOGO to the Board of Taxation Review, Fourth Taxation District (Kauai), term to expire June 30, 1999 (Gov. Msg. No. 271); and

SANDRA L. HOWATT to the Board of Taxation Review, Fourth Taxation District (Kauai), term to expire June 30, 2002 (Gov. Msg. No. 271),

seconded by Senator Fukunaga.

Senator Baker rose in support of the nominees as follows:

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

"Mr. President, your Committee on Ways and Means reviewed the nominees' qualifications and found them to possess the skills and dedication necessary to fulfill their responsibilities on the Board of Taxation Review. We are confident that they will be assets to the board and ask our colleagues to support the nominations of Dianne Merritt from Oahu, Eugene Simon from Maui County, Bert Wagatsuma from Hawaii County, Sandra Howatt from Kauai, and Jose Diogo from Kauai County.

"Thank you, Mr. President."

Senator Metcalf then requested a conflict ruling as follows:

"Mr. President, I rise to declare a potential conflict. Mr. Wagatsuma is my accountant and also served as my campaign treasurer."

The Chair ruled that Senator Metcalf was not in conflict.

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

Ayes, 23. Noes, none. Excused, 2 (Bunda, Iwase).

**FINAL READING**

S.B. No. 2697, S.D. 1, H.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2697, S.D. 1, and S.B. No. 2697, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE COURTS,"

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

Ayes, 23. Noes, none. Excused, 2 (Bunda, Iwase).

**RE-REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

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

House Concurrent Resolution	Referred to:
No. 71	Committee on Ways and Means
No. 107	Committee on Ways and Means
No. 151, H.D. 1	Committee on Ways and Means

**RECONSIDERATION OF ACTIONS TAKEN**

S.B. No. 2132, S.D. 1 (H.D. 1):

Senator Kawamoto 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. 2132, S.D. 1, seconded by Senator Sakamoto and carried.

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2132, S.D. 1, seconded by Senator Sakamoto.

Senator Kawamoto noted:

"Mr. President, S.B. No. 2132 includes limited liability for liquor licensing for sale of liquor by registered educational and charitable non-profit organizations for off-premises consumption at fund-raising events."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2132, S.D. 1, and S.B. No. 2132, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," was placed on the calendar for Final Reading on Thursday, April 23, 1998.

S.B. No. 2180, S.D. 1 (H.D. 1):

Senator Kawamoto 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. 2180, S.D. 1, seconded by Senator Sakamoto and carried.

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2180, S.D. 1, seconded by Senator Sakamoto.

Senator Kawamoto noted:

"Mr. President, S.B. No. 2180 deals with the motor carriers relating to unlawful operations."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2180, S.D. 1, and S.B. No. 2180, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," was placed on the calendar for Final Reading on Thursday, April 23, 1998.

S.B. No. 2914, S.D. 1 (H.D. 2):

Senator Kawamoto 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. 2914, S.D. 1, seconded by Senator Sakamoto and carried.

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 2914, S.D. 1, seconded by Senator Sakamoto.

Senator Kawamoto noted:

"Mr. President, S.B. No. 2914 deals with commercial driver licensing and allows the reactivation of expired commercial drivers' licenses."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2914, S.D. 1, and S.B. No. 2914, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," was placed on the calendar for Final Reading on Thursday, April 23, 1998.

S.B. No. 3094, S.D. 2 (H.D. 2):

Senator Kawamoto 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. 3094, S.D. 2, seconded by Senator Sakamoto and carried.

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 3094, S.D. 2, seconded by Senator Sakamoto.

Senator Kawamoto noted:

"Mr. President, S.B. No. 3094, S.D.1, H.D. 2, is relating to motor vehicles, inter-island shipping of vehicles being allowed, and having flexibility in requiring documentation."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3094, S.D. 2, and S.B. No. 3094, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was placed on the calendar for Final Reading on Thursday, April 23, 1998.

S.B. No. 3204 (H.D. 2):

Senator Kawamoto 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. 3204, seconded by Senator Sakamoto and carried.

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 3204, seconded by Senator Sakamoto.

Senator Kawamoto noted:

"Mr. President, S.B. No. 3204, H.D. 2, is relating to tracking devices and amends the tracking device of bait vehicles and provides the definition of 'bait vehicle.'"

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3204 and S.B. No. 3204, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRACKING DEVICES," was placed on the calendar for Final Reading on Thursday, April 23, 1998.

S.B. No. 705, S.D. 2 (H.D. 1):

Senator Kanno 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. 705, S.D. 2, seconded by Senator Chun Oakland and carried.

Senator Kanno moved that the Senate agree to the amendments proposed by the House to S.B. No. 705, S.D. 2, seconded by Senator Chun Oakland.

Senator Kanno then noted:

"Mr. President, S.B. No. 705, S.D. 2, provides the Judiciary with a number of exempt positions -- four law clerks and one secretary. The amendments made to this by the House were technical and nonsubstantive."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 705, S.D. 2, and S.B. No. 705, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS FOR THE JUDICIARY," was placed on the calendar for Final Reading on Thursday, April 23, 1998.

S.B. No. 1465 (H.D. 1):

Senator Kanno 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. 1465, seconded by Senator Chun Oakland and carried.

Senator Kanno moved that the Senate agree to the amendments proposed by the House to S.B. No. 1465, seconded by Senator Chun Oakland.

Senator Kanno noted:

"Mr. President, S.B. No. 1465 provides access to the health fund of ERS records for the purpose of disbursing medicare Part B reimbursements, and the amendments were also technical and nonsubstantive."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1465 and S.B. No. 1465, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," was placed on the calendar for Final Reading on Thursday, April 23, 1998.

Senator Taniguchi, for the Committee on Economic Development, requested a waiver of the 72-hour Notice of a Public Hearing on Gov. Msg. No. 311, and the Chair granted the waiver.

Senator D. Ige, for the Committee on Commerce, Consumer Protection, and Information Technology, requested a waiver of the 72-hour Notice of a Public Hearing on H.C.R. No. 117, and Gov. Msg. Nos. 288 and 290, and the Chair granted the waiver.

Senator Tam, for the Committee on Education, requested a waiver of the Required Hours of Notice of a Public Hearing on H.C.R. Nos. 82 and 163, and the Chair granted the waiver.

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

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

"First of all, I would like to thank and congratulate the co-chairs of Ways and Means for a very well done informational hearing yesterday on the merits comparing the Senate's budget with the House budget and the people that they had testify. I thought they did a very good job and I hope that the community learned from that.

"Secondly, the good Senator from Mililani was on a television program last night explaining again the Senate alternatives to tax increases. Unfortunately, neither the governor nor any representative from the governor nor any representative from all of the organizations that are lobbying us for a tax increase agreed to appear on that television program, so unfortunately from that standpoint the public did not get

everything that they needed. But we thank the good Senator from Mililani.

"In addition to that, Mr. President, we read now that the deputy attorney general who has continued to investigate Hawaii's petroleum industry for many years now indicates that the latest study will cost the taxpayers an additional \$2 million or more, and will last five years. I doubt that the deputy attorney general will be in that position five years from now, and I think that we could better use our funds rather than continuing to study and never doing anything in our community.

"And finally, Mr. President, I note with sadness that our largest and oldest laundry and dry cleaning firm has had to lay off one-third of its workforce, losing a contract, a military contract, to a firm from Texas. And for the good Senator from God's country, who apparently has left to go to God's country, I just wanted to note for the record that the local firm was, and is, unionized and that didn't seem to stop the outside competition. And that leads me to say to my colleagues again, we have to do more than try to pass project labor agreements. We have to improve our business climate, which means tax reduction, regulatory reform, privatization and other options in this community, if we are truly going to be able to compete and if we're not going to continue to lose the best and brightest from our community.

"Thank you, Mr. President."

Senator Metcalf also rose on a point of personal privilege and said:

"If I may correct the good Senator from Hawaii Kai, the attorney general indicated that the \$2.5 million price tag would be the cost of prosecuting an antitrust litigation case in house. They also indicated in testimony before the committee that they are looking at the feasibility of out-sourcing the case on a contingency fee basis to a private legal firm that would save the state considerable sums of money.

"Thank you."

Senator Anderson then rose and said:

"Mr. President, I think this is more of a point of clarification than a point of personal privilege.

"I did catch the deputy attorney general's interview, if you would call it that, from the CPI Committee, and I did hear him cross-examined. One of the things that bothered me is that he said this was very needed because it was going to take Texaco and others getting back to the old days. Well, it just so happens that the first person they ever had delivering gas for Texaco used to be with A&B, and then the gentleman went to work as a truck driver for Texaco, who had no dealers at all and were very glad to start getting dealers.

"So when they got back to the old days, they weren't a company that had a lot of dealerships. They came in with nothing. They started taking away business from other people. And that's how any business starts. You become competitive. So when they're talking about getting back to the way it was, that's the way it was. I guess they want to get back to having nobody.

"So, thank you very much. Just a little bit of clarification."

Senator M. Ige, rising on a point of personal privilege, then said:

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

"Mr. President, this morning we had a very enlightening informational meeting on the criticisms of the auditor's report on the QUEST program, the financial audit. It was quite a

depressing type of situation. I think we have a prime example of what government should not be. One of the Senators said that he's been asking the same questions since 1994 and getting the same answers today to those questions. The question I have is, really, when is enough, enough?

"And, Mr. President, if I may read from the auditor, some of her quotes taken out of her testimony: 'Despite the repeated findings communicated in its annual audit reports, the department has not' -- has not -- 'made the changes that could save taxpayers millions of dollars annually. These deficiencies have resulted in the department not collecting more than 40 million of accumulated overpayments. It failed to adequately pursue over 5 million in receivables. It failed to timely execute 41 current medicaid providers.'

"Mr. President, I believe that what I'd like to do is ask the governor. There's enough information here for the governor to set up a task force and become personally involved in this situation. I believe it's time for attention to be given to a very, very serious problem. This issue cannot fall on deaf ears, Mr. President. As the auditor said, and another quote is that 'Our concern is not only of the amounts involved, but the trend' -- the trend -- 'that may be developing.'

"The buck may stop at the department level, but, Mr. President, as one of the co-chairs of the Committee on Government Operations and Housing, I believe it's a part of my responsibility to speak up when I believe there is wrong in government or there's irresponsible actions in government. Whether that message is popular or not, I believe that it's my responsibility as one of the co-chairs to inform this body of a wrong doing. But most importantly, I believe we owe it to the people of this state, the taxpayers, the hard-working families of this state, on a program that is reserved for the most deserved in our community.

"Mr. President, let me just close by giving you a quote that the auditor gave and end it there. 'In the three years that the QUEST demonstration project has existed, premiums receivable have jumped from 382,000 in three years to 4.46 million to 5 million' -- 5 million in three years. 'This system does not meet year 2000 requirements.'

"The quote that I'd like to end with, Mr. President, is that 'Overpayments that become uncollectable rob valuable resources from other state programs and from individuals in need of financial support.'

"Mr. President, I hope the governor would take my words to heart and seriously look into this very wrong situation.

"Thank you."

Senator Slom rose again on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege, just to follow up on the good Senator from Kaneohe.

"As you know, I spoke about the Department of Human Services yesterday and the overpayments and the erroneous payments, and I appreciate the remarks of the good Senator, but I would just add one thing. Here again, we're talking about having a task force or a study, and what we're really seeing is a lack of leadership and a lack of ability for people to change their attitudes and be held accountable.

"So the answer is not another task force. The answer is to remove the person that refuses to make these changes and to have real leadership. That's where it all starts; that's where it's going to end.

"Thank you, Mr. President."

**APPOINTMENT AND DISCHARGE  
OF CONFEREES**

S.B. No. 760 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 760, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, Aki, Fukunaga, co-chairmen, Ige, D., McCartney, Slom as managers on the part of the Senate at such conference.

S.B. No. 2063, S.D. 2 (H.D. 1):

The President appointed Senator Kawamoto as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2063, S.D. 2.

S.B. No. 2207, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2207, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Aki, Tam, Fukunaga, Baker, co-chairmen, Iwase, McCartney, Slom as managers on the part of the Senate at such conference.

S.B. No. 2211, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2211, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, Aki, Baker, co-chairmen, Iwase, McCartney, Solomon, Slom as managers on the part of the Senate at such conference.

S.B. No. 2580, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2580, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, Aki, co-chairmen, Ige, M., Iwase, Slom as managers on the part of the Senate at such conference.

S.B. No. 2625, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2625, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, Aki, Baker, Fukunaga, co-chairmen, Fernandes Salling, Ige, D., Ige, M., McCartney, Anderson as managers on the part of the Senate at such conference.

S.B. No. 2803, S.D. 2 (H.D. 2):

The President appointed Senator Ihara as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2803, S.D. 2.

H.B. No. 92, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 92, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 503, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 503, H.D. 2,

and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Matsunaga, co-chairmen, Sakamoto, Anderson as managers on the part of the Senate at such conference.

H.B. No. 867, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 867, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Aki, Tam, Baker, Fukunaga, co-chairmen, McCartney as managers on the part of the Senate at such conference.

H.B. No. 1815, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1815, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Baker, Fukunaga, co-chairmen, Metcalf, Taniguchi, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1824, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1824, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Chun Oakland, Kanno, Baker, Fukunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1830, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1830, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Baker, co-chairmen, Chun Oakland, Anderson as managers on the part of the Senate at such conference.

H.B. No. 1966, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1966, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Kanno, Baker, Fukunaga, co-chairmen, Kawamoto, Sakamoto, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2331, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2331, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Bunda, Ige, M., Ige, D., Metcalf, co-chairmen, Kanno, Matsunaga, Slom as managers on the part of the Senate at such conference.

H.B. No. 2332, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2332, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, Chumbley, Matsunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2357, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2357, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto,

Chumbley, Matsunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2358, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2358, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, Chumbley, Matsunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2361, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2361, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, Baker, co-chairmen, Tam, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2366, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2366, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, Baker, Fukunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2426, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2426, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Ige, D., Metcalf, Fukunaga, co-chairmen, Kanno, Slom as managers on the part of the Senate at such conference.

H.B. No. 2496, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2496, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Kanno, Chumbley, Matsunaga, Baker, Fukunaga, co-chairmen, Bunda, Metcalf, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2498, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2498, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Chumbley, Matsunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2552, H.D. 1 (S.D. 3):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2552, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Baker, Fukunaga, co-chairmen, McCartney, Metcalf as managers on the part of the Senate at such conference.

H.B. No. 2558, H.D. 1 (S.D. 1):

The President discharged Senators Taniguchi and Tanaka as co-chairmen and appointed them as managers, and appointed Senator Kawamoto as an additional manager on the part of the Senate at the conference to be held for the consideration of the amendments proposed by the Senate to H.B. No. 2558, H.D. 1.

H.B. No. 2560, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2560, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Aki, Tam, Fukunaga, Baker, co-chairmen, Ihara, Iwase, McCartney, Slom as managers on the part of the Senate at such conference.

H.B. No. 2563 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2563, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, Aki, Baker, Fukunaga, co-chairmen, Ige, M., McCartney, Slom as managers on the part of the Senate at such conference.

H.B. No. 2564, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2564, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, Aki, Baker, Fukunaga, co-chairmen, Ige, D., McCartney, Slom as managers on the part of the Senate at such conference.

H.B. No. 2567, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2567, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Sakamoto, Kawamoto, Baker, Fukunaga, co-chairmen, Levin, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2596 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2596, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, co-chairmen, Kanno, Slom as managers on the part of the Senate at such conference.

H.B. No. 2598, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2598, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Chumbley, Matsunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2613, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2613, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2614 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2614, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Fukunaga, co-chairmen, Metcalf, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2648, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2648, H.D. 2, and the request for a conference on the subject matter thereof,



the President appointed Senators Kanno, Chun Oakland, Baker, Fukunaga, co-chairmen, Ihara, Metcalf as managers on the part of the Senate at such conference.

H.B. No. 2680, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2680, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, Aki, Baker, Fukunaga, co-chairmen, Ige, D., McCartney, Slom as managers on the part of the Senate at such conference.

H.B. No. 2693, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2693, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, Aki, co-chairmen, Ige, M., Slom as managers on the part of the Senate at such conference.

H.B. No. 2734 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2734, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2758, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2758, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Chun Oakland, Kanno, Fukunaga, Baker, co-chairmen, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2760, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2760, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Fukunaga, Baker, co-chairmen, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2761 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2761, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Baker, co-chairmen, Ige, M., Anderson as managers on the part of the Senate at such conference.

H.B. No. 2765, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2765, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Fukunaga, Baker, co-chairmen, Ihara, Iwase, Kawamoto as managers on the part of the Senate at such conference.

H.B. No. 2778 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2778 and the request for a conference on the subject matter thereof, the President appointed Senators Baker, Fukunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2793 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2793 and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Fukunaga, co-chairmen, Kawamoto, Matsunaga, Taniguchi, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2801, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2801, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Fukunaga, co-chairmen, Kawamoto, Matsunaga, McCartney, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2803 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2803, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Baker, Fukunaga, co-chairmen, Metcalf, Taniguchi, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2837, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2837, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, Aki, Matsunaga, Chumbley, co-chairmen, Ige, M., McCartney, Slom as managers on the part of the Senate at such conference.

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

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2842, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Fernandes Salling, Levin, Baker, Fukunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2843, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2843, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Chumbley, Matsunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2844, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2844, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Ige, D., Metcalf, co-chairmen, Chun Oakland, Slom as managers on the part of the Senate at such conference.

H.B. No. 2847, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2847, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Chumbley, Matsunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2852, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2852, H.D. 2,

and the request for a conference on the subject matter thereof, the President appointed Senators Fernandes Salling, Levin, Metcalf, Ige, D., Baker, Fukunaga, co-chairmen, Chun Oakland, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2855, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2855, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2858, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2858, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Fukunaga, Baker, co-chairmen, Chun Oakland, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2862, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2862, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Baker, Fukunaga, co-chairmen, Chun Oakland, Ihara, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2866 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2866, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, co-chairmen, Metcalf, Sakamoto, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2869, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2869, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, co-chairmen, Fukunaga, Metcalf, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2870 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2870, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Fukunaga, co-chairmen, Metcalf, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2871 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2871, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, co-chairmen, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2872, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2872, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, co-

chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2892, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2892, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, Fukunaga, co-chairmen, Taniguchi, Slom as managers on the part of the Senate at such conference.

H.B. No. 2958, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2958, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Bunda, Ige, M., Fukunaga, Baker, co-chairmen, Kawamoto, McCartney, Anderson as managers on the part of the Senate at such conference.

H.B. No. 2998, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2998, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, Iwase, Taniguchi, Baker, Fukunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 3005, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3005, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Bunda, Ige, M., Fukunaga, co-chairmen, Chun Oakland, Ihara, Levin, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3021, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3021, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Fernandes Salling, Levin, Baker, Fukunaga, co-chairmen, Chun Oakland, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3022, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3022, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Kanno, Fukunaga, co-chairmen, Metcalf, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3024 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3024, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Kanno, Baker, co-chairmen, Metcalf as managers on the part of the Senate at such conference.

H.B. No. 3027, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3027, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Kanno, Baker, Fukunaga, co-chairmen, Ige, M., Metcalf, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3028, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3028, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Kanno, Baker, co-chairmen, Sakamoto, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3059 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3059, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, Kanno, Chun Oakland, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 3065, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3065, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Baker, Fukunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3082, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3082, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, Matsunaga, Chumbley, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 3132, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3132, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, co-chairmen, Fukunaga, Kawamoto, Metcalf, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3138, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3138, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, Iwase, co-chairmen, Taniguchi, Slom as managers on the part of the Senate at such conference.

H.B. No. 3167, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3167, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Tam, Aki, co-chairmen, Ige, M., Slom as managers on the part of the Senate at such conference.

H.B. No. 3185, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3185, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, Chumbley, Matsunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3199, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3199, H.D. 2, and the request for a conference on the subject matter thereof,

the President appointed Senators Kanno, Chun Oakland, Ige, M., Bunda, Baker, Fukunaga, co-chairmen, Metcalf, Sakamoto, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3200, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3200, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Baker, Fukunaga, co-chairmen, Ihara, Metcalf, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3247, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3247, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, Baker, co-chairmen, Taniguchi, Slom as managers on the part of the Senate at such conference.

H.B. No. 3248, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3248, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, Fukunaga, co-chairmen, Ige, M., Slom as managers on the part of the Senate at such conference.

H.B. No. 3252 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3252, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, Chumbley, Matsunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 3257, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3257, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Kawamoto, Sakamoto, Chumbley, Matsunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3281, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3281, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, co-chairmen, Matsunaga, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3302, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3302, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Aki, Tam, Ige, D., Metcalf, co-chairmen, Ige, M., Levin, Slom as managers on the part of the Senate at such conference.

H.B. No. 3361, H.D. 3 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3361, H.D. 3, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, Kanno, Chumbley, Matsunaga, Baker, co-chairmen, Sakamoto,

Anderson as managers on the part of the Senate at such conference.

H.B. No. 3367, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3367, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Aki, Tam, Levin, Baker, co-chairmen, Chun Oakland, Solomon, Slom as managers on the part of the Senate at such conference.

H.B. No. 3446 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3446 and the request for a conference on the subject matter thereof, the President appointed Senators Ige, M., Bunda, Levin Fernandes Salling, Baker, Fukunaga, co-chairmen, Ihara, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3453, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3453, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, Fernandes Salling, Baker, Fukunaga, co-chairmen, Chun Oakland, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3468, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3468, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Fernandes Salling, Levin, Baker, Fukunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3489, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3489, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, Taniguchi, Tanaka, Baker, co-chairmen, Tam, Slom as managers on the part of the Senate at such conference.

H.B. No. 3528, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3528, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, Chun Oakland, Chumbley, Matsunaga, co-chairmen, Ihara, McCartney, Anderson as managers on the part of the Senate at such conference.

H.B. No. 3581, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3581, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, Kawamoto, Chumbley, Matsunaga, co-chairmen, Slom as managers on the part of the Senate at such conference.

#### ADJOURNMENT

At 12:22 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 23, 1998.

## FIFTY-FOURTH DAY

Thursday, April 23, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Shugen Komagata, Wahiawa Ryusenji Soto Mission, after which the Roll was called showing all Senators present.

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

The following introductions were made to the members of the Senate:

Senators Solomon and Anderson, in celebrating the 20th Annual Bankoh Na Wahine O Ke Kai, a 41-mile canoe race for women from Molokai to Oahu, introduced the following coordinators of the event: Hannie Anderson, Haunani Olds, and Carlene Ornellas.

Senator Metcalf, on behalf of President Mizuguchi, in honoring the late Jack Lord, star of "Hawaii Five-0," as an "Ambassador of Hawaii," introduced his wife, Marie Lord and co-star Mr. Kam Fong. Mrs. Lord was accompanied by Ms. Mela Geronimo.

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 o'clock p.m.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 379 to 389) were read by the Clerk and were placed on file:

Hse. Com. No. 379, informing the Senate that the Speaker on April 21, 1998, appointed Representative Menor as an additional co-chairman, and Representative Moses as an additional manager on the part of the House at the conference on H.B. No. 92, H.D. 2, S.D. 1.

Hse. Com. No. 380, informing the Senate that the Speaker on April 23, 1998, discharged Representative Kahikina as a co-chairman and appointed Representative Santiago as a co-chairman on the part of the House at the conference on H.B. No. 1830, H.D. 1, S.D. 1.

Hse. Com. No. 381, informing the Senate that the Speaker on April 21, 1998, appointed Representative Menor as an additional co-chairman and Representative Ward as an additional manager on the part of the House at the conference on H.B. No. 2648, H.D. 2, S.D. 1.

Hse. Com. No. 382, informing the Senate that the Speaker on April 22, 1998, appointed Representative Ahu Isa as an additional manager on the part of the House at the conference on H.B. No. 2655, H.D. 1, S.D. 2.

Hse. Com. No. 383, informing the Senate that the Speaker on April 21, 1998, appointed Representative Menor as a co-chairman on the part of the House at the conference on H.B. No. 2660, S.D. 1.

Hse. Com. No. 384, informing the Senate that the Speaker on April 21, 1998, appointed Representative Menor as a co-chairman on the part of the House at the conference on H.B. No. 2762, H.D. 1, S.D. 1.

Hse. Com. No. 385, informing the Senate that the Speaker on April 21, 1998, appointed Representative Say as a co-chairman and Representative Fox as an additional manager on the part of the House at the conference on H.B. No. 2846, H.D. 1, S.D. 1.

Hse. Com. No. 386, informing the Senate that the House inadvertently omitted Representative Suzuki as a manager on the part of the House at the conference on H.B. No. 2892, H.D. 1, S.D. 1.

Hse. Com. No. 387, informing the Senate that the Speaker on April 21, 1998, discharged Representative Lee as a manager and appointed Representative Santiago as an additional co-chairman on the part of the House at the conference on H.B. No. 3361, H.D. 3, S.D. 2.

Hse. Com. No. 388, informing the Senate that the Speaker on April 21, 1998, appointed Representative Santiago as an additional manager on the part of the House at the conference on H.B. No. 3453, H.D. 2, S.D. 1.

Hse. Com. No. 389, informing the Senate that the Speaker on April 22, 1998, appointed Representative Santiago as an additional co-chairman and Representative Meyer as an additional manager on the part of the House at the conference on H.B. No. 3625, H.D. 3, S.D. 2.

## STANDING COMMITTEE REPORTS

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3410) recommending that the Senate advise and consent to the nominations of CHRISTOPHER H. MAI, M.D., NEAL JUN SHIKUMA, M.D., and KEVIN K. LUI, O.D., to the Medical Advisory Board, in accordance with Gov. Msg. No. 233.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3410 and Gov. Msg. No. 233 was deferred until Monday, April 27, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3411) recommending that H.C.R. No. 102, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 102, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO RESOLVE THE PROBLEMS WITH THE HONOLULU SYMPHONY AND WORK TOWARDS AN AMICABLE SETTLEMENT OF BOOKING DATES," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3412) recommending that H.C.R. No. 60, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 60, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONSTRUCTION OF A MULTI-PURPOSE SPORTS AND RECREATION COMPLEX IN HILO," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3413) recommending that H.C.R. No. 162, H.D. 1, as

amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 162, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE WAIKIKI YACHT CLUB'S ALOHA RACING CHALLENGE TO THE ROYAL NEW ZEALAND YACHT SQUADRON FOR AMERICA'S CUP XXX," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3414) recommending that H.C.R. No. 241, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection, and Information Technology.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 241, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PETROLEUM ADVISORY COUNCIL TO STUDY GASOLINE PRICES AND HAWAII'S GASOLINE MARKET," was referred to the Committee on Commerce, Consumer Protection, and Information Technology.

Senators D. Ige and Metcalf, jointly with Senators Fernandes Salling and Levin, for the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, presented a joint report (Stand Com. Rep. No. 3415) recommending that H.C.R. No. 53, H.D. 1 be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 53, H.D. 1, entitled: "HOUSE 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 referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 3416) recommending that H.C.R. No. 83, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 83, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CUSTOMS SERVICE AND THE UNTIED STATES IMMIGRATION AND NATURALIZATION SERVICE TO SEEK OUT AND ASSESS TECHNOLOGIES THAT WILL EXPEDITE THE CUSTOMS AND IMMIGRATION CLEARANCE PROCESS AT THE HONOLULU INTERNATIONAL AIRPORT," was referred to the Committee on Ways and Means.

Senators Fernandes Salling and Levin, jointly with Senators D. Ige and Metcalf, for the Committee on Health and Environment and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand Com. Rep. No. 3417) recommending that H.C.R. No. 223, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 223, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF MANDATORY

HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH AND SUBSTANCE ABUSE," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, jointly with Senators Fernandes Salling and Levin, for the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Health and Environment, presented a joint report (Stand Com. Rep. No. 3418) recommending that H.C.R. No. 14, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 14, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY, AND A SEPARATE STUDY TO ANALYZE THE PROBABLE EFFECT OF THE PROPOSED REGULATORY LANGUAGE CHANGE FOR PHYSICIAN ASSISTANTS CONTAINED IN SENATE BILL NO. 3234 (1998)," was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### ADVISE AND CONSENT

Stand. Com. Rep. No. 3395 (Gov. Msg. No. 205):

Senator Iwase moved that Stand. Com. Rep. No. 3395 be received and placed on file, seconded by Senator Solomon and carried.

Senator Iwase then moved that the Senate advise and consent to the nomination of ROCKNE C. FREITAS to the Hawaiian Homes Commission, term to expire June 30, 2002, seconded by Senator Solomon.

At this time, Senator Solomon rose to speak in support as follows:

"Mr. President, I'm speaking in support and urging my colleagues to vote in the affirmative. Your Water, Land, and Hawaiian Affairs Committee interviewed the nominees and we want to thank them very much for serving Hawaii. These nominees do serve without personal compensation. Many of these nominees are reappointments and we felt that they have done a credible job. So we would recommend confirmation.

"Thank you."

Senator McCartney rose in support of Gov. Msg. No. 205 as follows:

"Mr. President, I'd like to submit some written remarks in support of Gov. Msg. No. 205 on Rockne C. Freitas for insertion into the Journal."

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

"Mr. President, I speak in support of the nominee and believe he will continue to serve the public and the Hawaiian people with passion and integrity."

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

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

Stand. Com. Rep. No. 3396 (Gov. Msg. No. 208):

Senator Iwase moved that Stand. Com. Rep. No. 3396 be received and placed on file, seconded by Senator Solomon and carried.

Senator Iwase then moved that the Senate advise and consent to the nomination of WILMA NOELANI N. JOY to the Molokai Irrigation System Water Users Advisory Board, term to expire June 30, 2001, seconded by Senator Solomon.

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

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

Stand. Com. Rep. No. 3397 (Gov. Msg. No. 209):

Senator Iwase moved that Stand. Com. Rep. No. 3397 be received and placed on file, seconded by Senator Solomon and carried.

Senator Iwase then moved that the Senate advise and consent to the nominations to the Natural Area Reserves System Commission of the following:

STEVEN LEE MONTGOMERY, Ph.D., term to expire June 30, 2000;

FRANK A. TRUSDELL, term to expire June 30 2001; and

LINDA W. PRATT, term to expire June 30, 2002,

seconded by Senator Solomon.

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

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

Stand. Com. Rep. No. 3398 (Gov. Msg. No. 231):

Senator Iwase moved that Stand. Com. Rep. No. 3398 be received and placed on file, seconded by Senator Solomon and carried.

Senator Iwase then moved that the Senate advise and consent to the nomination of WALTER H. KUPAU to the Hawai'i Community Development Authority, term to expire June 30, 2002, seconded by Senator Solomon.

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

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

Stand. Com. Rep. No. 3399 (Gov. Msg. No. 195):

Senator Kawamoto moved that Stand. Com. Rep. No. 3399 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations of EDITH C. PASCUA and WALTER L. ORNELLAS to the Civil Defense Advisory Council, terms to expire June 30, 2002, seconded by Senator Sakamoto.

Senator Kawamoto rose in support of the nominees as follows:

"Mr. President, your Committee on Transportation and Intergovernmental Affairs reviewed Gov. Msg. No. 195, nominees Edith C. Pascua and Walter L. Ornellas, and we found the two nominees to be qualified in the jobs they are about to take. We thank them for volunteering to be part of the Civil Defense Advisory Council, and we urge all our colleagues to vote in the affirmative for these nominees.

"Thank you."

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

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

#### FINAL READING

S.B. No. 705, S.D. 2, H.D. 1:

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 705, S.D. 2, and S.B. No. 705, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS FOR THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1465, H.D. 1:

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1465 and S.B. No. 1465, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2132, S.D. 1, H.D. 1:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2132, S.D. 1, and S.B. No. 2132, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2180, S.D. 1, H.D. 1:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2180, S.D. 1, and S.B. No. 2180, S.D. 1, H.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 (Taniguchi).

S.B. No. 2914, S.D. 1, H.D. 2:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2914, S.D. 1, and S.B. No. 2914, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 3094, S.D. 2, H.D. 2:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3094, S.D. 2, and S.B. No. 3094, S.D. 2, H.D. 2, 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 (Taniguchi).

S.B. No. 3204, H.D. 2:

On motion by Senator Kawamoto, seconded by Senator Sakamoto and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3204 and S.B. No. 3204, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRACKING DEVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Senator Baker, for the Committee on Ways and Means, requested a waiver of the Required Hours of Notice of a Public Hearing on the following resolutions:

S.R. No. 18;  
H.C.R. No. 9;  
H.C.R. No. 11;  
H.C.R. No. 14;  
H.C.R. No. 20;  
H.C.R. No. 24;  
H.C.R. No. 26;  
H.C.R. No. 30;  
H.C.R. No. 35;  
H.C.R. No. 36;  
H.C.R. No. 38;  
H.C.R. No. 46;  
H.C.R. No. 48;  
H.C.R. No. 50;  
H.C.R. No. 53;  
H.C.R. No. 60;  
H.C.R. No. 67;  
H.C.R. No. 80;  
H.C.R. No. 83;  
H.C.R. No. 88;  
H.C.R. No. 90;  
H.C.R. No. 102;  
H.C.R. No. 107;  
H.C.R. No. 112;  
H.C.R. No. 114;  
H.C.R. No. 116;  
H.C.R. No. 117;  
H.C.R. No. 119;  
H.C.R. No. 120;  
H.C.R. No. 121;  
H.C.R. No. 139;  
H.C.R. No. 141;  
H.C.R. No. 147;  
H.C.R. No. 155;  
H.C.R. No. 162;  
H.C.R. No. 163;  
H.C.R. No. 197;  
H.C.R. No. 202;  
H.C.R. No. 212;  
H.C.R. No. 213;  
H.C.R. No. 223;  
H.C.R. No. 225;  
H.C.R. No. 226;  
H.C.R. No. 240;  
H.C.R. No. 242; and  
H.C.R. No. 244,

and the Chair granted the waiver.

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

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

"First, Mr. President, on a point of information, I'd like you to confirm if it is true that our Ways and Means Committee will

be going to conference this evening to go over the first pass on the state budget."

The President replied:

"At 7:30 this evening."

Senator Solomon continued:

"In that case, Mr. President, I feel that it's appropriate to make these remarks.

"First, Mr. President, I'd like to commend our Ways and Means Committee chairwomen for their time and effort in focussing on what has to be done for Hawaii. I would like to thank them for holding firm as to our Senate position on not increasing the GET tax.

"However, Mr. President, again I would like to offer to you our bi-partisan plan that we offered to this body for consideration. We feel it is a viable solution to the many, many challenges that we face in order to revitalize our economy. We feel that we still can accomplish our goals without raising the general excise tax, and at the same time help stimulate Hawaii's economy. We would like to continue to work with the members of the Ways and Means Committee and to encourage them to embrace our position. I would like to remind this body that as part of the attachment we did include a digest on what our proposal included which would be to reduce individual income tax bracket rates over a four year period.

"I don't want to go through it step by step because you do have a copy of it in the office, and if you'd like another copy we'd be very happy to send it over.

"Our plan also embraced many of the House cuts, but we understand that they are to be negotiated, so we leave that in the hands of the committee. However, we would like to go on record, Mr. President, that we would be available at any time if those of the majority would like to discuss the plan with us as to how we could get it working to create a better economic base for Hawaii. We feel that that's our goal as we come close to the end of this legislative session, and also to be able to provide the services that we desperately need in education, health care, human services, and the list goes on and on.

"So with that, Mr. President, we stand ready to participate in this process because we feel very, very strongly that the Senate is in a good position. It's just a matter of us being able to negotiate our differences and come up with a plan that will work for all of us.

"Thank you."

Senator Slom also rose on a point of personal privilege and said:

"Mr. President, I, too, rise on a point of personal privilege.

"Just to follow up on some of the comments made by the good Senator from Hamakua/Hilo. I think it is important that we remember that we have several plans that are available and additional ammunition for our Ways and Means Committee. This point is being brought home because I'm sure that my colleagues, like myself, are getting hundreds of phone calls a day now, in a well orchestrated move from the Hawaii Government Employees' Association -- their members, public workers, their employees and retirees.

"And, Mr. President, I try to speak to everyone who calls my office, anyone who has a question, and I've found that they are extremely not knowledgeable about, first of all, all 60 proposals in the ERTF that they are calling on us to support. And in talking about the tax proposals, specifically the general excise tax, I note that most of them still continue to confuse our general excise gross income tax with sales taxes that they may



have encountered on the mainland. In addition to that, most of them will say very clearly that they want us to raise the taxes so that we can, in fact, continue to pay their salaries and their retirement while thousands of people in the private sector have already lost their jobs. So I think there is a real educational process that needs to be done, Mr. President.

"In addition to that, I try to explain to the people that call me that as the legislative auditor has pointed out quite clearly, there is a tremendous amount of waste in the mismanagement by three primary departments in our state -- the Departments of Human Services, Health, and Transportation. The overpayments, the erroneous payments, the lost payments, the fraudulent payments have actually gone up to and included over \$100 million. So if, in fact, we are forced to look for additional sources of revenue, we might look to having these departments being held responsible and to collect the money that was erroneously paid.

"And I guess what the bottom line on all of this is, Mr. President, is that we continue to support the good efforts of our Ways and Means Committee. But we want to make sure that they, as well as the public, know that there is a bi-partisan plan here -- one that will work, one that will revitalize our economy because it goes to more than just looking at taxes, it looks at the structural reforms necessary.

"Thank you, Mr. President."

Senator Kanno rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"Harriet Bouslog, noted labor lawyer and civil libertarian, passed away this past Saturday at the age of 85. In a remarkable legal career spanning five decades of the most tumultuous period in the history of Hawaii, Harriet Bouslog was actively involved and a focal point in the labor and civil libertarian movements.

"She moved to Hawaii in 1939, and in 1941 was admitted to practice law in Hawaii. In the aftermath of World War II, the ILWU had organized Hawaii's sugar plantation workers, but hundreds of workers had been arrested and faced 20-year jail terms for picketing. On their behalf, Harriet Bouslog launched an attack on the constitutionality of Hawaii's 1850 Unlawful Assembly and Riot statute under which the workers had been charged. In 1947, a panel of three federal judges of the Ninth Circuit Court of Appeals in San Francisco ruled in Bouslog's favor and declared the Hawai'i laws unconstitutional. The plantation workers went free.

"Bouslog expended all of her energies on the protection of the workers of Hawaii, working tirelessly, flying island to island to keep them out of jail for exercising their constitutional right to organize and to express their grievances over working conditions.

"As a result of these efforts, the ILWU was given a chance to take root and grow, and with its growth, the union and its members fully exercised their political rights as citizens, and democracy became a reality in Hawaii. An economic and social revolution had been accomplished in Hawaii by processes of law and reason rather than by violence, on no small measure as the result of Bouslog's tireless work on behalf of Hawaii's working people.

"Bouslog represented not only the ILWU, but also the poor and under-represented citizens of the Territory, creating an informal legal aid society long before the legal aid society was formally created. Whether people realize it or not, every citizen of this state has been affected by the work done by Harriet Bouslog.

"Mr. President, I would like to request that the Senate adjourn today on a rising vote and observe a moment of silence for the late Harriet Bouslog."

#### RE-REFERRAL OF SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

Senate Bill Referred to:

No. 2625, S.D. 1, H.D. 2 Committee on Education, then to the Committee on Ways and Means

#### RE-REFERRAL OF HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill Referred to:

No. 2649, H.D. 2, S.D. 2 Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means

#### APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 2056, S.D. 1 (H.D. 1):

The President appointed Senator Taniguchi as an additional co-chairman, and Senator McCartney as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2056, S.D. 1.

S.B. No. 2135, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2135, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, D., Metcalf, co-chairmen, Slom as managers on the part of the Senate at such conference.

H.B. No. 2490, H.D. 3 (S.D. 1):

The President discharged Senator D. Ige as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2490, H.D. 3.

H.B. No. 2649, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2649, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kawamoto, Sakamoto, Baker, Fukunaga, Taniguchi, co-chairmen, Ihara, Kanno, Anderson as managers on the part of the Senate at such conference.

#### STANDING COMMITTEE REPORTS

On motion by Senator Ihara, seconded by Senator Slom and carried unanimously, the Senate authorized the adoption of standing committee reports recommending that House concurrent resolutions be referred to committees of last referral. In consequence thereof, and subsequent to its recessing at 12:20 o'clock p.m., the Senate took the following actions:

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3419) recommending that H.C.R. No. 9, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R.

No. 9, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3420) recommending that H.C.R. No. 112 be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE BUSINESS ALOHA TEAM PROGRAM TO ASSIST INDIVIDUAL BUSINESSES IN CREATING AND RETAINING JOBS WITHIN THE STATE," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3421) recommending that H.C.R. No. 202, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 202, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF AGRICULTURE TO CONVENE A SERIES OF MEETINGS TO ASSESS AND RECOMMEND SOLUTIONS REGARDING LAND TENURE AND FINANCING TO ASSIST HAWAII'S AGRICULTURAL DEVELOPMENT," was referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3422) recommending that H.C.R. No. 220, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 220, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT 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 referred to the Committee on Ways and Means.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand Com. Rep. No. 3423) recommending that H.C.R. No. 242, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 242, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PROGRAM TO REVITALIZE THE AGRICULTURE INDUSTRY BY PROMOTING THE CONSUMPTION OF HAWAII-GROWN PRODUCTS AND HAWAII-PROCESSED FOODS ON DESIGNATED DAYS," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3424) recommending

that H.C.R. No. 55, H.D. 1, as amended in S.D. 1, be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 55, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REPORTS OF THE STATUS OF EFFORTS TO PROMOTE FAIRNESS AND EQUITY FOR FILIPINO-AMERICANS AND OTHER UNDER-REPRESENTED GROUPS," was referred to the Committee on Judiciary.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3425) recommending that H.C.R. No. 213, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 213, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII, IN COOPERATION WITH THE LEEWARD DISTRICT OFFICE OF THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO STUDY AND REPORT ON THE FEASIBILITY OF UTILIZING THE FORMER SHERATON MAKAHA INN AS AN EDUCATIONAL, TRAINING, CONFERENCE, AND OUTREACH FACILITY," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3426) recommending that H.C.R. No. 50, H.D. 2, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 50, H.D. 2, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO FORMULATE A NEW QUEST DISTRIBUTION METHODOLOGY," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3427) recommending that H.C.R. No. 38, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 38, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A STATE POLICY FOR IMPROVING THE WELL-BEING OF CHILDREN, YOUTH, AND FAMILIES," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3428) recommending that H.C.R. No. 139, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A STATE CONFERENCE ON THE FUTURE ROLE OF THE RESIDENTIAL CARE HOME INDUSTRY IN HAWAII," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3429) recommending that H.C.R. No. 120, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 120, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE COMMITTEE ON EARLY CHILDHOOD EDUCATION AND CARE," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3430) recommending that H.C.R. No. 163, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 163, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE BIG ISLAND'S YOUTH LEADERSHIP DEMONSTRATION PROJECT BE ALLOWED TO USE GENERAL FUNDS IN A MANNER THAT WOULD GENERATE ADDITIONAL SOURCES OF REVENUE TO FINANCIALLY SUSTAIN FUTURE STUDENT PROGRAMS," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3431) recommending that H.C.R. No. 36, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3432) recommending that H.C.R. No. 88, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 88, H.D. 1, S.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 AND FINANCIAL AUDIT OF THE SCHOOL-TO-WORK OPPORTUNITIES SYSTEM," was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, jointly with Senators Tanaka and Taniguchi, for the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, presented a joint report (Stand Com. Rep. No. 3433) recommending that H.C.R. No. 21, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 21, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING LEASE REISSUANCE FOR SUBMERGED LANDS FOR BOAT MOORING FACILITIES AT THE WAIKIKI YACHT CLUB AND HAWAII YACHT CLUB, AND THE MARINE FUEL FACILITY SITUATED AT THE ALA WAI SMALL BOAT HARBOR PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES," was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, jointly with Senators Kawamoto and Sakamoto, for the Committee on Water, Land, and Hawaiian Affairs and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand Com. Rep. No. 3434) recommending that H.C.R. No. 69, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 69, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE COASTAL ZONE MANAGEMENT PROGRAM, THE DEPARTMENT OF THE NAVY, THE DEPARTMENT OF THE ARMY, THE DEPARTMENT OF THE AIR FORCE, THE DEPARTMENT OF THE INTERIOR MINERALS MANAGEMENT SERVICE, AND THE UNITED STATES ARMY CORPS OF ENGINEERS TO PLAN AND IMPLEMENT BEACH RESTORATION AND NOURISHMENT PROJECTS IN HAWAII," was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, jointly with Senators Tanaka and Taniguchi, for the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, presented a joint report (Stand Com. Rep. No. 3435) recommending that H.C.R. No. 103, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and 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 referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand Com. Rep. No. 3436) recommending that H.C.R. No. 135, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 135, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOMELANDS TO CREATE AND OVERSEE A FORUM REGARDING THE ISSUE OF AN ELECTED HAWAIIAN HOMES COMMISSION," was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand Com. Rep. No. 3437) recommending that H.C.R. No. 143, H.D. 3, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 143, H.D. 3, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN UPDATE OF THE 1991 AUDITOR'S STUDY ON DEPARTMENT OF HAWAIIAN HOME LANDS ENTITLEMENTS," was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand Com. Rep. No. 3438) recommending that H.C.R. No. 156, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 156, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO IDENTIFY, COMPILER, AND SUMMARIZE AVAILABLE DEMOGRAPHIC DATA ON NATIVE HAWAIIANS," was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, jointly with Senators Tanaka and Taniguchi, for the Committee on Water, Land, and Hawaiian Affairs and the Committee on Economic Development, presented a joint report (Stand Com. Rep. No. 3439) recommending that H.C.R. No. 177, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 177, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE IMPLEMENTATION OF THE AUDITOR'S RECOMMENDATIONS OF THE MANAGEMENT OF MAUNA KEA AND THE MAUNA KEA SCIENCE RESERVE," was referred to the Committee on Ways and Means.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand Com. Rep. No. 3440) recommending that H.C.R. No. 245, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 245, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE WITHDRAWAL OF LAND FROM THE OPERATION OF GOVERNOR'S EXECUTIVE ORDER NO. 1529, DATED OCTOBER 1, 1952, TO THE CITY AND COUNTY OF HONOLULU, BOARD OF WATER SUPPLY AND THE TRANSFER OF CERTAIN PUBLIC LANDS AT KALAWAHINE, HONOLULU, OAHU, TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 3441) recommending that H.C.R. No. 26, H.D. 2, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 26, H.D. 2, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REVIEW HAWAII'S IMPAIRED DRIVING STATUTES AND TO MAKE RECOMMENDATIONS FOR UNIFORM STATUTORY CONSTRUCTION," was referred to the Committee on Ways and Means.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand Com. Rep. No. 3442) recommending that H.C.R. No. 80, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE, CIVIL DEFENSE DIVISION TO CONDUCT A STUDY ON THE AVAILABILITY AND CONDITION OF HURRICANE-RESISTANT PUBLIC SHELTERS WITHIN EACH COUNTY," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators Kawamoto and Sakamoto, for the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand Com. Rep. No. 3443) recommending that H.C.R. No. 24, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and

H.C.R. No. 24, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE U.S. CONGRESS, THE PRESIDENT OF THE UNITED STATES, AND THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT THE HAWAII CONGRESSIONAL DELEGATION'S EFFORT TO AMEND THE SOCIAL SECURITY ACT TO INCREASE HAWAII'S FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP)," was referred to the Committee on Ways and Means

Senators Chun Oakland and Kanno, jointly with Senators Kawamoto and Sakamoto, for the Committee on Human Resources and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand Com. Rep. No. 3444) recommending that H.C.R. No. 141 be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO RESTORE FOOD STAMP BENEFITS TO LEGAL, NONCITIZEN IMMIGRANTS," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand Com. Rep. No. 3445) recommending that H.C.R. No. 225, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 225, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS STRATEGIES FOR ORGANIZING THE VARIOUS FORMS OF RESIDENTIAL CARE PROVIDERS," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, jointly with Senators Chun Oakland and Kanno, for the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Human Resources, presented a joint report (Stand Com. Rep. No. 3446) recommending that H.C.R. No. 119, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 119, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A TASK FORCE AND REQUESTING A STUDY AND REPORT ON A NEW HEALTH CARE ASSURANCE PROGRAM," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Kanno, jointly with Senators D. Ige and Metcalf, for the Committee on Human Resources and the Committee on Commerce, Consumer Protection, and Information Technology, presented a joint report (Stand Com. Rep. No. 3447) recommending that H.C.R. No. 121 be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CHILDREN'S HEALTH INSURANCE PROGRAM PLANNING COMMITTEE TO DEVELOP UNIVERSAL HEALTH COVERAGE FOR ALL OF HAWAII'S CHILDREN," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3448) recommending that H.C.R. No. 197, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R.

No. 197, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF EDUCATION TO ADDRESS THE TEACHER SHORTAGE AND TEACHER TRAINING NEEDS," was referred to the Committee on Ways and Means.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand Com. Rep. No. 3449) recommending that H.C.R. No. 212, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 212, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION, THE UNIVERSITY OF HAWAII, AND THE PRIVATE SECTOR TO DEVELOP PARTNERSHIPS, TO PROVIDE ADDITIONAL SUPPORT FOR EDUCATION THROUGH CURRICULUM DEVELOPMENT AND RELATED TRAINING OPPORTUNITIES," was referred to the Committee on Ways and Means.

Senators D. Ige and Metcalf, jointly with Senators Kawamoto and Sakamoto, for the Committee on Commerce, Consumer Protection, and Information Technology and the Committee on Transportation and Intergovernmental Affairs, presented a joint report (Stand Com. Rep. No. 3450) recommending that H.C.R. No. 117, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 117, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF MOTOR VEHICLE INSURANCE PREMIUM REDUCTIONS FOR DIVER'S EDUCATION COURSE GRADUATES," was referred to the Committee on Ways and Means.

#### ADJOURNMENT

At 8:00 o'clock p.m., the Senate adjourned until 11:30 o'clock a.m., Monday, April 27, 1998, on a rising vote and a moment of silence in memory of the late Ms. Harriet Bouslog.

## FIFTY-FIFTH DAY

Monday, April 27, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Francine Gries, OSF, Executive Director of Sister Maureen Kaleher Hospice Center, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-Fourth Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 327 to 333) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 327, submitting for consideration and consent, the nomination of ARTEMIO C. BAXA to the office of 2nd Judge, Circuit Court of the Second Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was referred to the Committee on Judiciary.

Gov. Msg. No. 328, dated April 16, 1998, transmitting the 1997 State Energy Resources Coordinator's Annual Report, prepared by the Department of Business, Economic Development, and Tourism pursuant to Section 196-4, HRS, was placed on file.

Gov. Msg. No. 329, dated April 20, 1998, transmitting the 1996-1997 Annual Report prepared by the Hawaii Housing Authority pursuant to Chapter 356, HRS, was placed on file.

Gov. Msg. No. 330, dated April 20, 1998, transmitting corrections to the Annual Report of the Executive Office on Aging, which was transmitted on February 2, 1998, was placed on file.

Gov. Msg. No. 331, dated April 21, 1998, transmitting a report, "Promoting Hawaii-Made Products," prepared by the Department of Business, Economic Development, and Tourism, Business Development and Marketing Division, in response to H.C.R. No. 40 (1997), was placed on file.

Gov. Msg. No. 332, advising the Senate of the withdrawal of the nomination of DAWN MARIE from the Board of Massage Therapy, under Gov. Msg. No. 281, dated March 14, 1998, was placed on file.

In compliance with Gov. Msg. No. 332, the nomination listed under Gov. Msg. No. 281 was returned.

Gov. Msg. No. 333, informing the Senate that on April 23, 1998, he signed the following bills into law:

Senate Bill No. 2740 as Act 24, entitled: "RELATING TO TRUSTS";

Senate Bill No. 2913 as Act 25, entitled: "RELATING TO HIGHWAY SAFETY";

House Bill No. 3317 as Act 26, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 3020 as Act 27, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED";

Senate Bill No. 3215 as Act 28, entitled: "RELATING TO ANIMAL IMPORTATION"; and

House Bill No. 2895 as Act 29, entitled: "RELATING TO RIDING BICYCLES ON ROADWAYS,"

was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 390 to 397) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 390, informing the Senate that the Speaker on April 23, 1998, discharged Representative Cachola and appointed Representative Yoshinaga as a manager on the part of the House at the conference on H.B. No. 2362, H.D. 1, S.D. 1, was placed on file.

Hse. Com. No. 391, informing the Senate that pursuant to the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3088, S.D. 1, and the request for a conference on the subject matter of said amendments, the Speaker on April 23, 1998, appointed Representatives Yonamine, Tom, co-chairmen, Nakasone, Yamane, Marumoto as managers on the part of the House for the consideration of said amendments, was placed on file.

Hse. Com. No. 392, informing the Senate that the Speaker on April 23, 1998, discharged Representative Case and appointed Representative Lee as a manager on the part of the House at the conference on S.B. No. 2887, S.D. 1, H.D. 1, was placed on file.

Hse. Com. No. 393, returning S.B. No. 1081, S.D. 1, which passed Third Reading in the House of Representatives on April 23, 1998, was placed on file.

Hse. Com. No. 394, returning S.C.R. No. 34, S.D. 1, which was adopted by the House of Representatives on April 23, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 34, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER," was deferred until Tuesday, April 28, 1998.

Hse. Com. No. 395, returning S.C.R. No. 159, which was adopted by the House of Representatives on April 23, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 159, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE OKINAWAN CENTENNIAL CELEBRATION COMMISSION BY EXECUTIVE ORDER," was deferred until Tuesday, April 28, 1998.

Hse. Com. No. 396, informing the Senate that the House inadvertently added Representative Santiago as a manager instead of as a co-chairman on the part of the House at the conference on H.B. No. 3453, H.D. 2, S.D. 1, was placed on file.

Hse. Com. No. 397, informing the Senate that the Speaker on April 24, 1998, appointed Representatives Yoshinaga and McDermott as additional managers on the part of the House at the conference on H.B. No. 3302, H.D. 2, S.D. 2, was placed on file.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:13 o'clock p.m.

### STANDING COMMITTEE REPORTS

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3451) recommending that the Senate advise and consent to the nominations of STANLEY S. INKYO and HARUO SHIGEZAWA to the Procurement Policy Board, in accordance with Gov. Msg. No. 210.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3451 and Gov. Msg. No. 210 was deferred until Tuesday, April 28, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3452) recommending that the Senate advise and consent to the nomination of RONALD N. HIRANO to the Board of Trustees, Deferred Compensation Plan, in accordance with Gov. Msg. No. 198.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3452 and Gov. Msg. No. 198 was deferred until Tuesday, April 28, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3453) recommending that the Senate advise and consent to the nominations of WINIFRED N. ODO, WENDELL P. K. SILVA, CHRIS J. KANAZAWA and ARTHUR W. MARTIN to the Policy Advisory Board for Elder Affairs, in accordance with Gov. Msg. No. 201.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3453 and Gov. Msg. No. 201 was deferred until Tuesday, April 28, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3454) recommending that the Senate advise and consent to the nominations of ALBERT S. NISHIMURA, GLENN K. Y. HONG, MURRAY TOWILL, WILLIAM T. HONJIYO, WILLIAM ROY JOHNSON, RICHARD E. MEIERS, BRUCE A. COPPA, JAMES L. WALTER, LYNNE E. WOODS, ALBERT S. NISHIMURA, MAHANA WILCOX, LOIS HASEGAWA, THERESIA C. MCMURDO, TARA LULANI MCKENZIE and KATHRYN K. INKINEN to the Hawai'i School-to-Work Opportunities Executive Council, in accordance with Gov. Msg. No. 203.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3454 and Gov. Msg. No. 203 was deferred until Tuesday, April 28, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3455) recommending that the Senate advise and consent to the nominations of KENNETH I. CRAW, NORMITA F. FENN and JAMES T. SATO to the Civil Service Commission, in accordance with Gov. Msg. No. 225.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3455 and Gov. Msg. No. 225 was deferred until Tuesday, April 28, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3456) recommending that the Senate advise and consent to the nominations of FRED C. HOLSCHUH, M.D., RUTH ELLEN LINDENBERG, MILDRED R. TANABE, Dr. P.H., GINGER STRAWN, M. VICTOR GEMINIANI, KATHLEEN E. HASEGAWA, DEBRA K. SHIMIZU, CLAIRE WOODS,

SANDRA K. MEEHAN, MARION F. POIRIER and ESETA A. ULU to the General Assistance Advisory Council, in accordance with Gov. Msg. No. 255.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3456 and Gov. Msg. No. 255 was deferred until Tuesday, April 28, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3457) recommending that the Senate advise and consent to the nominations of CHARLENE T. GOO, GLENN K. MURANAKA, EILEEN WACHI, JAMES G. WESTLAKE, RICHARD T. HASHIMOTO, SUSAN AU DOYLE, ALAN GARSON, Ed.D., CHARLES KAWAKAMI, EDWARD M. BOUGHTON, WAYNE H. KISHIDA, JOHN J. K. LEE and M. WINONA CABRAL WHITMAN to the Hawai'i Workforce Development Council, in accordance with Gov. Msg. No. 273.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3457 and Gov. Msg. No. 273 was deferred until Tuesday, April 28, 1998.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3458) recommending that H.C.R. No. 17, as amended in S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 17, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION COMMISSION BY EXECUTIVE ORDER," was adopted.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3459) recommending that H.C.R. No. 74 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING STATE CONTROL OVER INSURANCE LEGISLATION," was adopted.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3460) recommending that H.C.R. No. 84 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL STATE EMPLOYEES TO USE THE WORD 'ALOHA' AS AN OFFICIAL GREETING WHEN MEETING THE PUBLIC OR ANSWERING PHONE CALLS FROM THE PUBLIC," was adopted, with Senator Ige, M., voting "No."

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3461) recommending that H.C.R. No. 9, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 9, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3462) recommending that H.C.R. No. 11, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 11, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF

HEALTH TO ASSESS MENTAL HEALTH SERVICES AND TO PROVIDE NEEDED SERVICES FOR CHILDREN UNDER FIVE YEARS OF AGE AS EARLY AS POSSIBLE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3463) recommending that H.C.R. No. 20, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 20, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF HEALTH TO CONTINUE TO MONITOR LOCAL ADHERENCE TO CENTERS FOR DISEASE CONTROL GUIDELINES AND TO ENCOURAGE PROFESSIONAL ORGANIZATIONS TO EDUCATE THE MEDICAL COMMUNITY ON IMPROPER PRESCRIPTION PRACTICES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3464) recommending that H.C.R. No. 26, H.D. 2, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 26, H.D. 2, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REVIEW HAWAII'S IMPAIRED DRIVING STATUTES AND TO MAKE RECOMMENDATIONS FOR UNIFORM STATUTORY CONSTRUCTION," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3465) recommending that H.C.R. No. 30, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 30, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SUBMIT A STATE OF HAWAII APPLICATION TO THE UNITED STATES SECRETARY OF TRANSPORTATION TO AUTHORIZE FOREIGN AIR CARRIERS TO CONDUCT CERTAIN EXPANDED CARGO TRANSFER ACTIVITIES AT INTERNATIONAL AIRPORTS IN THE STATE OF HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3466) recommending that H.C.R. No. 35, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 35, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A RURAL HEALTH PLAN FOR THE ISLAND OF HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3467) recommending that H.C.R. No. 36 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE BIENNIAL REVIEW OF THE COMPENSATION PLANS AND THE COSTS THEREOF," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3468) recommending that H.C.R. No. 46, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and

H.C.R. No. 46, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN ACTION PLAN TO PROMOTE HAWAII-GROWN AND HAWAII-MADE AGRICULTURAL PRODUCTS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3469) recommending that H.C.R. No. 53, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 53, H.D. 1, entitled: "HOUSE 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 adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3470) recommending that H.C.R. No. 60, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 60, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONSTRUCTION OF A MULTI-PURPOSE SPORTS AND RECREATION COMPLEX IN HILO," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3471) recommending that H.C.R. No. 80 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE, CIVIL DEFENSE DIVISION TO CONDUCT A STUDY ON THE AVAILABILITY AND CONDITION OF HURRICANE-RESISTANT PUBLIC SHELTERS WITHIN EACH COUNTY," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3472) recommending that H.C.R. No. 83, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 83, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CUSTOMS SERVICE AND THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE TO SEEK OUT AND ASSESS TECHNOLOGIES THAT WILL EXPEDITE THE CUSTOMS AND IMMIGRATION CLEARANCE PROCESS AT THE HONOLULU INTERNATIONAL AIRPORT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3473) recommending that H.C.R. No. 107 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF JUROR FEES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3474) recommending that H.C.R. No. 112 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 112, entitled: "HOUSE CONCURRENT



RESOLUTION REQUESTING THE ESTABLISHMENT OF THE BUSINESS ALOHA TEAM PROGRAM TO ASSIST INDIVIDUAL BUSINESSES IN CREATING AND RETAINING JOBS WITHIN THE STATE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3475) recommending that H.C.R. No. 114, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 114, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ISSUE A PERMIT FOR A PILOT DEMONSTRATION OPEN OCEAN AQUACULTURE PROJECT TO THE UNIVERSITY OF HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3476) recommending that H.C.R. No. 117, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 117, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF MOTOR VEHICLE INSURANCE PREMIUM REDUCTIONS FOR DIVER'S EDUCATION COURSE GRADUATES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3477) recommending that H.C.R. No. 119, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 119, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A TASK FORCE AND REQUESTING A STUDY AND REPORT ON A NEW HEALTH CARE ASSURANCE PROGRAM," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3478) recommending that H.C.R. No. 120, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 120, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE COMMITTEE ON EARLY CHILDHOOD EDUCATION AND CARE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3479) recommending that H.C.R. No. 121 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CHILDREN'S HEALTH INSURANCE PROGRAM PLANNING COMMITTEE TO DEVELOP UNIVERSAL HEALTH COVERAGE FOR ALL OF HAWAII'S CHILDREN," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3480) recommending that H.C.R. No. 139 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A STATE CONFERENCE ON THE FUTURE ROLE OF THE RESIDENTIAL CARE HOME INDUSTRY IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3481) recommending that H.C.R. No. 141 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO RESTORE FOOD STAMP BENEFITS TO LEGAL, NONCITIZEN IMMIGRANTS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3482) recommending that H.C.R. No. 147 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HEALTH SYSTEMS CORPORATION TO DETERMINE AND RECOMMEND TO THE LEGISLATURE THE NECESSARY STEPS TO ENHANCE THE CORPORATION'S ABILITY TO NEGOTIATE CONTRACTS THAT DETERMINE THE REIMBURSABLE COSTS FOR MEDICAL SERVICES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3483) recommending that H.C.R. No. 155 be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A NEEDS ASSESSMENT OF FAMILIES WHO PROVIDE HOME CARE TO THEIR FAMILY MEMBER WITH A DEVELOPMENTAL DISABILITY AND DEVELOP A PLAN TO ADDRESS THOSE NEEDS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3484) recommending that H.C.R. No. 163, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 163, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE BIG ISLAND'S YOUTH LEADERSHIP DEMONSTRATION PROJECT BE ALLOWED TO USE GENERAL FUNDS IN A MANNER THAT WOULD GENERATE ADDITIONAL SOURCES OF REVENUE TO FINANCIALLY SUSTAIN FUTURE STUDENT PROGRAMS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3485) recommending that H.C.R. No. 162, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 162, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE WAIKIKI YACHT CLUB'S ALOHA RACING CHALLENGE TO THE ROYAL NEW ZEALAND YACHT SQUADRON FOR AMERICA'S CUP XXX," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3486) recommending that H.C.R. No. 197, H.D. 1, S.D. 1, be adopted.

Senator McCartney moved that H.C.R. No. 197, H.D. 1, S.D. 1, be adopted, seconded by Senator Slom.

Senator M. Ige then requested that his vote be cast "Aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, the report of the Committee was adopted and H.C.R. No. 197, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF EDUCATION TO ADDRESS THE TEACHER SHORTAGE AND TEACHER TRAINING NEEDS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3487) recommending that H.C.R. No. 212, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 212, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION, THE UNIVERSITY OF HAWAII, AND THE PRIVATE SECTOR TO DEVELOP PARTNERSHIPS, TO PROVIDE ADDITIONAL SUPPORT FOR EDUCATION THROUGH CURRICULUM DEVELOPMENT AND RELATED TRAINING OPPORTUNITIES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3488) recommending that H.C.R. No. 213, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 213, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII, IN COOPERATION WITH THE LEEWARD DISTRICT OFFICE OF THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO STUDY AND REPORT ON THE FEASIBILITY OF UTILIZING THE FORMER SHERATON MAKAHA INN AS AN EDUCATIONAL, TRAINING, CONFERENCE, AND OUTREACH FACILITY," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3489) recommending that H.C.R. No. 223, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 223, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF MANDATORY HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH AND SUBSTANCE ABUSE," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3490) recommending that H.C.R. No. 226, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 226, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF PARKS AND RECREATION AND PRIVATE ORGANIZATIONS TO ASSIST THE PHILIPPINE CENTENNIAL CELEBRATION COORDINATING COMMITTEE/HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3491) recommending that H.C.R. No. 240, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 240, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE ORGANIC INDUSTRY AS AN AGRICULTURAL COMMODITY GROUP," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3492) recommending that H.C.R. No. 242, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 242, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A PROGRAM TO REVITALIZE THE AGRICULTURE INDUSTRY BY PROMOTING THE CONSUMPTION OF HAWAII-GROWN PRODUCTS AND HAWAII-PROCESSED FOODS ON DESIGNATED DAYS," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3493) recommending that H.C.R. No. 244, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 244, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO UNDERTAKE STUDIES OF HEPATITIS C INCIDENCE AND PREVALENCE WITHIN SELECTED POPULATIONS IN HAWAII," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3494) recommending that S.R. No. 18, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 18, S.D. 1, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF 'OLELO: THE CORPORATION FOR COMMUNITY TELEVISION," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3495) recommending that H.C.R. No. 14, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 14, H.D. 1, S.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY, AND A SEPARATE STUDY TO ANALYZE THE PROBABLE EFFECT OF THE PROPOSED REGULATORY LANGUAGE CHANGE FOR PHYSICIAN ASSISTANTS CONTAINED IN SENATE BILL NO. 3234 (1998)," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3496) recommending that H.C.R. No. 24, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 24, H.D. 1, S.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE U.S. CONGRESS, THE PRESIDENT OF THE UNITED STATES, AND THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUPPORT THE HAWAII CONGRESSIONAL DELEGATION'S EFFORT TO AMEND THE SOCIAL SECURITY ACT TO INCREASE HAWAII'S FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP)," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3497) recommending that H.C.R. No. 38, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 38, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A STATE POLICY FOR IMPROVING THE WELL-BEING OF CHILDREN, YOUTH, AND FAMILIES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3498) recommending that H.C.R. No. 48, H.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 48, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION INVITING THE CHILDREN'S MILLENNIUM CONFERENCE TO HONOLULU IN OCTOBER 1999," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3499) recommending that H.C.R. No. 50, H.D. 2, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 50, H.D. 2, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO FORMULATE A NEW QUEST DISTRIBUTION METHODOLOGY," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3500) recommending that H.C.R. No. 67, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 67, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENDORSING THE EFFORTS OF THE ALA WAI CANAL WATERSHED, WATER QUALITY IMPROVEMENT PROJECT AND THE COMMUNITY ADVISORY COMMITTEE'S EFFORTS IN DEVELOPING COMMUNITY-BASED STAKEHOLDER STEWARDSHIP FOR THE ENHANCEMENT AND PROTECTION OF THE ALA WAI CANAL WATERSHED," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3501) recommending that H.C.R. No. 88, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 88, H.D. 1, S.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 AND FINANCIAL AUDIT OF THE SCHOOL-TO-WORK OPPORTUNITIES SYSTEM," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3502) recommending that H.C.R. No. 90, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 90, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONTINUED SUPPORT BY HAWAII'S CONGRESSIONAL DELEGATION TO PROVIDE FILIPINO-AMERICAN VETERANS WHO SERVED HONORABLY IN ACTIVE-DUTY STATUS UNDER USAFFE, OR WITHIN THE PHILIPPINE ARMY, THE PHILIPPINE SCOUTS, OR

RECOGNIZED GUERRILLA UNITS BETWEEN SEPTEMBER 1, 1939 AND DECEMBER 31, 1946, WITH THE SAME VETERANS BENEFITS AS PERSONS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES OR JOINED THE PHILIPPINE SCOUTS BEFORE OCTOBER 6, 1945," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3503) recommending that H.C.R. No. 102, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 102, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO RESOLVE THE PROBLEMS WITH THE HONOLULU SYMPHONY AND WORK TOWARDS AN AMICABLE SETTLEMENT OF BOOKING DATES," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3504) recommending that H.C.R. No. 116, as amended in S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 116, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE GOVERNOR TO INITIATE A PARTNERSHIP WITH THE NATIONAL PERFORMANCE REVIEW," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3505) recommending that H.C.R. No. 202, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 202, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF AGRICULTURE TO CONVENE A SERIES OF MEETINGS TO ASSESS AND RECOMMEND SOLUTIONS REGARDING LAND TENURE AND FINANCING TO ASSIST HAWAII'S AGRICULTURAL DEVELOPMENT," was adopted.

Senators Baker and Fukunaga, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3506) recommending that H.C.R. No. 225, H.D. 1, S.D. 1, be adopted.

On motion by Senator McCartney, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 225, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS STRATEGIES FOR ORGANIZING THE VARIOUS FORMS OF RESIDENTIAL CARE PROVIDERS," was adopted.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3507) recommending that H.C.R. No. 235, H.D. 1, as amended in S.D. 1, be adopted.

Senator Levin moved that H.C.R. No. 235, H.D. 1, S.D. 1, be adopted, seconded by Senator Chun Oakland.

Senator Sakamoto rose in opposition and said:

"Mr. President, I rise in objection to that reso.

"I guess there are several matters. First, as I read the title, 'Relating to lead acid battery recycling, citizen suits to enforce endangered species laws, and unisex toilet facilities for persons requiring assistance,' is confusing. I think most of the other resos, I don't know about all, the title says what it does and what it proposes to do. And these are three separate subjects.

They're not even related. So I object to using the reso process in this manner. That's my first objection.

"Secondly, as I read the part related to endangered species, one of the 'whereas' clauses stated 'without additional enforcement tools,' and it goes on to say we aren't able to enforce the current laws. Mr. President, I don't believe we need more enforcement tools. I believe we need better enforcement. We need better cooperation. I think we need to better work together. Then it went on to say that it was going to study the literature on frivolous law suits, burdensome costs, fees, other things. This body has refused to hear the issue of tort reform in committee, Mr. President. People say there's been a two-year study, but why should a special interest then say, well let's carve out looking at frivolous law suits just for us, just for this particular issue.

"I think we have a problem when we want to deal with an issue looking at it in a myopic sense. I think we as a body, we as a Legislature, owe the constituents to deal with issues that are on a broad basis, broad basis. And I think issues like unisex toilets is a very important human issue. So I'm not speaking against the people who need to assist somebody else in the toilet, but is this an issue of more importance than tort reform and frivolous law suits and burdensome costs that are driving businesses out of this state, that are keeping businesses from coming to the state, keeping people from having hope, Mr. President.

"I don't think the issue this session is only general excise tax. The issue is about how to give the people hope and this kind of measure is not the way to give people hope, Mr. President."

Senator Iwase also rose in opposition and said:

"Mr. President, I will also be voting 'no' on the resolution, but for a different reason than the previous speaker.

"As I understand it, this issue was just brought to my attention, as it initially came out, it was relating to lead acid batteries. If I'm incorrect, then maybe the co-chair can correct me, but that was the title. And we've added, as the Senator from Moanalua pointed out, two other totally, wholly, unrelated subject matters into a 'Christmas tree' resolution.

"As I understand the process, Mr. President, if we're going to make this kind of drastic surgery to resolutions, we ought to notice the public of our intent and the actions we are going to take. We had in our committee a resolution, H.C.R. No. 177. We were going to gut the resolution, which we did, to wholly unrelated subjects, which we did, but we noticed in our notice of hearing to the public that the committee will hold decision-making on H.C.R. No. 177, no testimony will be accepted, the committee intends to replace the contents of the resolution with the title and the language of the S.C.R. that we utilized. And if we are truly concerned about receiving public comments on our actions, we ought to notify the public of what our actions are going to be.

"In this case, as in other cases that I've spoken about, I find that the procedures were not really complied with either in letter or spirit or intent, and therefore, I have to cast a 'no' vote for that procedural reason.

"Thank you."

Senator Levin rose to support the measure and said:

"Mr. President, I rise to speak in favor of the resolution.

"I really appreciate the comments from the Senator from Moanalua and he has pointed out a paragraph, a 'whereas' clause on page 2 of the resolution which probably does overstate the position and should have been more neutral. It deals with finding that additional enforcement tools are

necessary to effectively protect the environment. We should have, in hindsight, indicated that is an issue that is on the table.

"I would point out to my colleagues that the language in the resolution was suggested by the Legislative Reference Bureau to assure that we would not be overly burdening them, and that they feel the kind of study that's being requested would be valuable.

"I also want to assure my colleagues that all issues that are in this resolution were heard by the Health Committee. We had separate resolutions which passed the committee, I believe unanimously and without objection. We have incorporated those resolutions here because along the way they fell through various cracks. We have also gotten support from the other committees to which they would have been referred the first time around.

"So I hope for your support. Thank you."

Senator Iwase responded:

"Mr. President, just in response.

"The resolution that we put into H.C.R. No. 177, as the Senator from the Big Island, falls into the category of one that was lost in the cracks and we were informed that this was the procedure that we had to follow. We found the resolution and we took the time to look for a resolution that was moving, we had passed previously, a Senate concurrent resolution, a companion resolution over in the House, a House companion is in our committee, we took this resolution and put in S.C.R. No. 61. We noticed it. That's the procedure that we were told that we should follow. I agree with that procedure. I have no dispute with that procedure.

"In closing, Mr. President, I would like to emphasize, again, that this is not the first time. I know we're at the end of session. I know there's a crunch. I've been here eight years and I know we've got to do all kinds of things that we've got to do in order to get good legislation out. But this is another example, I think, of perhaps forgetting that rules exist for the purpose of doing something. And we ought to stop and reflect and see what we're doing and not have 'Christmas tree' bills, and not have 'Christmas tree' resolutions. And if we're going to really talk publicly about collaboration and public input, then we ought to live the words that we speak.

"Thank you."

At 12:22 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:28 o'clock p.m.

Senator Solomon rose to speak against the measure and said:

"Mr. President, I also will be voting 'no.' I had a community get-together this past weekend and many, many of my senior citizens came forward and asked me to please support the unisex toilet facilities for persons requiring assistance. And of course, I'm very much in support of that concept and I shared with them that I would be very pleased to vote for that resolution once it comes to the floor. Unfortunately, Mr. President, I cannot for the reasons that were stated by the Senator from Mililani.

"Mr. President, why is it that rules change in this body? For some committees we're told that we have to follow a certain procedure and for other committees it's okay not to follow. I've noticed this happening early in the session when we had a dispute on this floor regarding rules and how they were applicable to various committees in terms of our procedures. It's mind-boggling as we come to the end of our session and I'm wondering, is this going to be happening with the budget and everything else that's before us, and even on items that are

now in conference committees? Are different committees going to be given special prerogatives and other committees not as they negotiate positions. Exactly what are we able to do to make the decisions that are necessary to push our Senate positions forward.

"And, Mr. President, I don't know if it's you, or the Majority Leaders or whom is responsible, but I really would like to state for the record, by memo or however we're handling it, that these kinds of procedures will have to cease if we are expected, as co-chairmen, to move forward.

"And with that, Mr. President, these are my reasons and I will be voting 'no.'

"Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted and H.C.R. No. 235, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO LEAD ACID BATTERY RECYCLING, CITIZEN SUITS TO ENFORCE ENDANGERED SPECIES LAWS, AND UNISEX TOILET FACILITIES FOR PERSONS REQUIRING ASSISTANCE," was adopted, on the following showing of Ayes and Noes:

Ayes, 15. Noes, 9 (Aki, Anderson, Bunda, Fernandes Salling, Ige, M., Iwase, Sakamoto, Slom, Solomon). Excused, 1 (Tanaka).

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3508) recommending that the Senate advise and consent to the nominations of FREDERICK R. WARSHAUER and MARIE PATRICIA MORIN, Ph.D., to the Endangered Species Recovery Committee, in accordance with Gov. Msg. No. 137.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3508 and Gov. Msg. No. 137 was deferred until Tuesday, April 28, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3509) recommending that the Senate advise and consent to the nomination of TODD K. INAFUKU to the Drug Product Selection Board, in accordance with Gov. Msg. No. 229.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3509 and Gov. Msg. No. 229 was deferred until Tuesday, April 28, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3510) recommending that the Senate advise and consent to the nomination of JOHN MCNEIL to the Hawai'i County Subarea Health Planning Council, in accordance with Gov. Msg. No. 261.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3510 and Gov. Msg. No. 261 was deferred until Tuesday, April 28, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3511) recommending that the Senate advise and consent to the nominations of GERALDINE L. MASUNAGA, ROBERT K. OVERLOCK, M.D., DAVID M. NELSON, M.D., THOMAS A. VEATCH, RANDOLPH K. M. WONG, M.D., and LINDA W. WONG to the Emergency Medical Services Advisory Committee, in accordance with Gov. Msg. No. 278.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3511 and Gov. Msg. No. 278 was deferred until Tuesday, April 28, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3512) recommending that the Senate advise and consent to the nomination of ELIZABETH KENT to the Commission to Promote Uniform Legislation, in accordance with Gov. Msg. No. 319.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3512 and Gov. Msg. No. 319 was deferred until Tuesday, April 28, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3513) recommending that the Senate advise and consent to the nominations of the following:

HERMAN T. ANDAYA, JR., and NORRIE THOMPSON to the Board of Registration, Island of Oahu, in accordance with Gov. Msg. No. 300;

DAVID M. VIEIRA SR., and JEANNE E. YAGI to the Board of Registration, Island of Hawai'i, in accordance with Gov. Msg. No. 301;

JOY F. HIRAOKA to the Board of Registration, Kauai and Niihau, in accordance with Gov. Msg. No. 302; and

HARRIETTE L. HOLT to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, in accordance with Gov. Msg. No. 303.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3513 and Gov. Msg. Nos. 300, 301, 302 and 303 was deferred until Tuesday, April 28, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3514) recommending that the Senate advise and consent to the nomination of PAULA CHUN to the Criminal Injuries Compensation Commission, in accordance with Gov. Msg. No. 253.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3514 and Gov. Msg. No. 253 was deferred until Tuesday, April 28, 1998.

## ORDER OF THE DAY

### ADVISE AND CONSENT

Stand. Com. Rep. No. 3410 (Gov. Msg. No. 233):

Senator Kawamoto moved that Stand. Com. Rep. No. 3410 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations of CHRISTOPHER H. MAI, M.D., NEAL JUN SHIKUMA, M.D., and KEVIN K. LUI, O.D., to the Medical Advisory Board, terms to expire June 30, 2002, seconded by Senator Sakamoto.

Senator Kawamoto rose in support and said:

"Mr. President, your Committee on Transportation and Intergovernmental Affairs has reviewed and considered the qualifications of all the nominees and we urge this Senate body to confirm these individuals to the Medical Advisory Board."

Senator Matsunaga requested a conflict ruling as follows:

"Mr. President, I have a potential conflict. Mr. Kevin Lui is my optometrist."

The Chair ruled that Senator Matsunaga was not in conflict.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ige, M., Tanaka).

#### ADOPTION OF HOUSE CONCURRENT RESOLUTIONS

H.C.R. No. 21, H.D. 1:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 21, H.D. 1, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

On motion by Senator Iwase, seconded by Senator Solomon and carried, H.C.R. No. 21, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING LEASE REISSUANCE FOR SUBMERGED LANDS FOR BOAT MOORING FACILITIES AT THE WAIKIKI YACHT CLUB AND HAWAII YACHT CLUB, AND THE MARINE FUEL FACILITY SITUATED AT THE ALA WAI SMALL BOAT HARBOR PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES," was adopted.

H.C.R. No. 69, H.D. 1:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 69, H.D. 1, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

On motion by Senator Iwase, seconded by Senator Solomon and carried, H.C.R. No. 69, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE COASTAL ZONE MANAGEMENT PROGRAM, THE DEPARTMENT OF THE NAVY, THE DEPARTMENT OF THE ARMY, THE DEPARTMENT OF THE AIR FORCE, THE DEPARTMENT OF THE INTERIOR MINERALS MANAGEMENT SERVICE, AND THE UNITED STATES ARMY CORPS OF ENGINEERS TO PLAN AND IMPLEMENT BEACH RESTORATION AND NOURISHMENT PROJECTS IN HAWAII," was adopted.

H.C.R. No. 135, H.D. 1:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 135, H.D. 1, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

On motion by Senator Iwase, seconded by Senator Solomon and carried, H.C.R. No. 135, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOMELANDS TO CREATE AND OVERSEE A FORUM REGARDING THE ISSUE OF AN ELECTED HAWAIIAN HOMES COMMISSION," was adopted.

H.C.R. No. 143, H.D. 3:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 143, H.D. 3, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

On motion by Senator Iwase, seconded by Senator Solomon and carried, H.C.R. No. 143, H.D. 3, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN UPDATE OF THE 1991 AUDITOR'S STUDY ON DEPARTMENT OF HAWAIIAN HOME LANDS ENTITLEMENTS," was adopted.

H.C.R. No. 156, S.D. 1:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 156, S.D. 1, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

On motion by Senator Iwase, seconded by Senator Solomon and carried, H.C.R. No. 156, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO IDENTIFY, COMPILE, AND SUMMARIZE AVAILABLE DEMOGRAPHIC DATA ON NATIVE HAWAIIANS," was adopted.

H.C.R. No. 177, H.D. 1, S.D. 1:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 177, H.D. 1, S.D. 1, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

On motion by Senator Iwase, seconded by Senator Solomon and carried, H.C.R. No. 177, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE IMPLEMENTATION OF THE AUDITOR'S RECOMMENDATIONS OF THE MANAGEMENT OF MAUNA KEA AND THE MAUNA KEA SCIENCE RESERVE," was adopted.

H.C.R. No. 245, H.D. 1:

Senator Baker, for the Committee on Ways and Means, requested that the referral of H.C.R. No. 245, H.D. 1, to the Committee on Ways and Means be waived, and the Chair granted the waiver.

On motion by Senator Iwase, seconded by Senator Solomon and carried, H.C.R. No. 245, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE WITHDRAWAL OF LAND FROM THE OPERATION OF GOVERNOR'S EXECUTIVE ORDER NO. 1529, DATED OCTOBER 1, 1952, TO THE CITY AND COUNTY OF HONOLULU, BOARD OF WATER SUPPLY AND THE TRANSFER OF CERTAIN PUBLIC LANDS AT KALAWAHINE, HONOLULU, OAHU, TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," was adopted.

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2874, S.D. 2 (H.D. 2):

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. 2874, S.D. 2, seconded by Senator Kanno and carried.

Senator Chun Oakland moved that the Senate agree to the amendments proposed by the House to S.B. No. 2874, S.D. 2, seconded by Senator Kanno.

Senator Chun Oakland noted:

"Mr. President, S.B. No. 2874, S.D. 2, H.D. 2, clarifies the role of the Department of Human Services with regard to abused and neglected children. Your Senate Committee on Human Resources concurs with these changes."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2874, S.D. 2, and S.B. No. 2874, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," was placed on the calendar for Final Reading on Tuesday, April 28, 1998.

S.B. No. 3002, S.D. 2 (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. 3002, S.D. 2, seconded by Senator Kanno and carried.

Senator Chun Oakland moved that the Senate agree to the amendments proposed by the House to S.B. No. 3002, S.D. 2, seconded by Senator Kanno.

Senator Chun Oakland then noted:

"Mr. President, on S.B. No. 3002, S.D. 2, H.D. 1, the purpose of this Senate bill is to enable the Department of Human Services to impose civil or administrative penalties against health maintenance organizations under contract with the department for specific violations of law or contract. The House has amended this bill further to allow DHS to impose a civil or administrative penalty against any health plan under contract with DHS. Your Senate Committee on Human Resources concurs with this amendment."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3002, S.D. 2, and S.B. No. 3002, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE," was placed on the calendar for Final Reading on Tuesday, April 28, 1998.

#### ADJOURNMENT

At 12:36 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 28, 1998.

## FIFTY-SIXTH DAY

Tuesday, April 28, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:48 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mrs. Ann Dusseault, National Baha'i Center, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-Fifth Day.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 398 to 431) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 398, returning S.C.R. No. 9, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 9, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," was deferred until Wednesday, April 29, 1998.

Hse. Com. No. 399, returning S.C.R. No. 19, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 19, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MEDICAL FOODS FOR THE TREATMENT OF INHERITED METABOLIC DISEASES," was deferred until Wednesday, April 29, 1998.

Hse. Com. No. 400, returning S.C.R. No. 25, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

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, April 29, 1998.

Hse. Com. No. 401, returning S.C.R. No. 28, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 28, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR POST-MASTECTOMY BREAST RECONSTRUCTION SURGERY," was deferred until Wednesday, April 29, 1998.

Hse. Com. No. 402, returning S.C.R. No. 48, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 48, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR EARLY INTERVENTION SERVICES," was deferred until Wednesday, April 29, 1998.

Hse. Com. No. 403, returning S.C.R. No. 59, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 59, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," was deferred until Wednesday, April 29, 1998.

Hse. Com. No. 404, returning S.C.R. No. 71, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 71, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPORT AN AIRCRAFT CARRIER AT PEARL HARBOR, HAWAII," was deferred until Wednesday, April 29, 1998.

Hse. Com. No. 405, returning S.C.R. No. 81, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 81, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENTS OF TRANSPORTATION, ACCOUNTING AND GENERAL SERVICES, AND LAND AND NATURAL RESOURCES TO REQUIRE PRIVATE CONTRACTORS TO HAUL AWAY GREEN WASTE TO COMPOSTING COMPANIES AND ENCOURAGING STATE AGENCIES AND DEPARTMENTS TO PURCHASE HAWAII-MANUFACTURED COMPOST AND SOIL AMENDMENT IN BULK," was deferred until Wednesday, April 29, 1998.

Hse. Com. No. 406, returning S.C.R. No. 90, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

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, April 29, 1998.

Hse. Com. No. 407, returning S.C.R. No. 121, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 121, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE NEGOTIATED SETTLEMENT TO BE FILED IN THE FEDERAL DISTRICT COURT OF PROVIDENCE, RHODE ISLAND FOR THE REPATRIATION OF THE SACRED KI'I LA'AU," was deferred until Wednesday, April 29, 1998.

Hse. Com. No. 408, returning S.C.R. No. 137, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.



By unanimous consent, action on S.C.R. No. 137, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONSIDER THE PROPOSALS OF THE ECONOMIC REVITALIZATION TASK FORCE THAT ALL PUPILS GRADUATING FROM HIGH SCHOOL BEGINNING WITH THE 2000 SCHOOL YEAR SHALL BE COMPETENT IN LANGUAGES OTHER THAN ENGLISH AND SHALL ALSO BE COMPUTER LITERATE," was deferred until Wednesday, April 29, 1998.

Hse. Com. No. 409, returning S.C.R. No. 146, S.D. 2, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 146, S.D. 2, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT, FINANCIAL, AND PROGRAM AUDIT FOCUSING ON DECISION-MAKING PROCESSES OF THE CHILD PROTECTIVE SERVICES," was deferred until Wednesday, April 29, 1998.

Hse. Com. No. 410, returning S.C.R. No. 153, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 153, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON EXISTING REGULATIONS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA," was deferred until Wednesday, April 29, 1998.

Hse. Com. No. 411, returning S.C.R. No. 154, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

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, April 29, 1998.

Hse. Com. No. 412, returning S.C.R. No. 191, S.D. 2, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 191, S.D. 2, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND CITY AND COUNTY OF HONOLULU TO WORK 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 deferred until Wednesday, April 29, 1998.

Hse. Com. No. 413, returning S.C.R. No. 190, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 190, S.D. 1, H.D. 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND THE CITY AND COUNTY OF HONOLULU TO ESTABLISH A BANNER WELCOME PROGRAM FOR THE STREET LAMPPOSTS FRONTING THE HAWAII CONVENTION CENTER MAIN ENTRANCE," was deferred until Wednesday, April 29, 1998.

Hse. Com. No. 414, returning S.C.R. No. 200, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, in an amended form, was placed on file.

By unanimous consent, action on S.C.R. No. 200, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO PROMPTLY REVIEW MATERIAL RELEVANT TO THE 'LAP DANCING' CASES AND EXERCISE APPROPRIATE REMEDIAL OPTIONS," was deferred until Wednesday, April 29, 1998.

Hse. Com. No. 415, returning S.C.R. No. 12, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 416, returning S.C.R. No. 31, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 417, returning S.C.R. No. 64, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 418, returning S.C.R. No. 80, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 419, returning S.C.R. No. 123, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 420, returning S.C.R. No. 128, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 421, returning S.C.R. No. 132, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 422, returning S.C.R. No. 140, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 423, returning S.C.R. No. 147, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 424, returning S.C.R. No. 161, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 425, returning S.C.R. No. 172, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 426, returning S.C.R. No. 180, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 427, returning S.C.R. No. 184, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 428, returning S.C.R. No. 192, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 429, returning S.C.R. No. 196, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 430, returning S.C.R. No. 207, S.D. 1, which was adopted by the House of Representatives on April 27, 1998, was placed on file.

Hse. Com. No. 431, informing the Senate that the Speaker on April 27, 1998, appointed Representative Garcia as an additional co-chairman and Representative Kawanakoa as an

additional manager on the part of the House at the conference on H.B. No. 2843, H.D. 1, S.D. 2, was placed on file.

### STANDING COMMITTEE REPORTS

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3515) recommending that the Senate advise and consent to the nominations of the following:

JAMES H. HATTAWAY, D.C., and DOROTHY K. ONO to the State Board of Chiropractic Examiners, in accordance with Gov. Msg. No. 288; and

ROBERT A. BAYSA, D.D.S., DENNIS N. ISHIMOTO, MELISSA PAVLICEK and JANET M. Y. PRIMIANO to the Board of Dental Examiners, in accordance with Gov. Msg. No. 290.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3515 and Gov. Msg. Nos. 288 and 290 was deferred until Wednesday, April 29, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3516) recommending that the Senate advise and consent to the nominations of the following:

MICHAEL JOHN BOTHA to the Pest Control Board, in accordance with Gov. Msg. No. 282; and

PAULINE A. MASHIMA and JAMES T. YATES, Ph.D., to the Board of Speech Pathology and Audiology, in accordance with Gov. Msg. No. 283.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3516 and Gov. Msg. Nos. 282 and 283 was deferred until Wednesday, April 29, 1998.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3517) recommending that the Senate advise and consent to the nominations of OLIVER K. FERNANDEZ, LIBERTA L. H. ALBAO, LOUISE M. BUSH and LEIGHTON R. TSEU to the King Kamehameha Celebration Commission, in accordance with Gov. Msg. No. 280.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3517 and Gov. Msg. No. 280 was deferred until Wednesday, April 29, 1998.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3518) recommending that the Senate advise and consent to the nomination of DORIS M. CHING, Ed.D., to the Western Interstate Commission for Higher Education (WICHE), in accordance with Gov. Msg. No. 285.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3518 and Gov. Msg. No. 285 was deferred until Wednesday, April 29, 1998.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3519) recommending that the Senate advise and consent to the nominations of CATHERINE H. PAYNE, GERVACIO BUENCONSEJO, PETER C. MORTON, SHARON T. NAKAGAWA, TWYLLA-DAWN STEER, EDWIN T. GINOZA and CHERYL M. SHINTANI to the Hawai'i Teacher Standards Board, in accordance with Gov. Msg. No. 204.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3519 and Gov. Msg. No. 204 was deferred until Wednesday, April 29, 1998.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3520) recommending that the Senate advise and consent to the nominations of CARL T. TAKAMURA and KAREN Y. AKA, Ph.D., to the Education Commission of the States, in accordance with Gov. Msg. No. 291.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3520 and Gov. Msg. No. 291 was deferred until Wednesday, April 29, 1998.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3521) recommending that the Senate advise and consent to the nominations of COLBERT M. MATSUMOTO and RUSSELL S. KOKUBUN to the Board of Land and Natural Resources, in accordance with Gov. Msg. No. 206.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3521 and Gov. Msg. No. 206 was deferred until Wednesday, April 29, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3522) recommending that the Senate advise and consent to the nomination of STEPHEN E. SMITH to the Aquatic Life and Wildlife Advisory Committee, County of Maui, in accordance with Gov. Msg. No. 252.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3522 and Gov. Msg. No. 252 was deferred until Wednesday, April 29, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3523) recommending that the Senate advise and consent to the nomination of JOSEPH KALANI KAMANU to the Aquatic Life and Wildlife Advisory Committee, County of Maui, in accordance with Gov. Msg. No. 276.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3523 and Gov. Msg. No. 276 was deferred until Wednesday, April 29, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3524) recommending that the Senate advise and consent to the nominations of GERALD R. CYSEWSKI, Ph.D., PAUL K. BIENFANG, Ph.D., and MICHAEL ALEY to the Hawai'i Aquaculture Advisory Council, in accordance with Gov. Msg. No. 279.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3524 and Gov. Msg. No. 279 was deferred until Wednesday, April 29, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3525) recommending that the Senate advise and consent to the nominations of BENJAMIN K. LINDSEY, AKIRA SAKIMA and RALPH K. ISHIKAWA to the Board of Agriculture, in accordance with Gov. Msg. No. 287.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3525 and Gov. Msg. No. 287 was deferred until Wednesday, April 29, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3526) recommending that the Senate advise and consent to the nominations of JOYCE L. E. KAAIHUE, VINCE G. BAGOYO, JR., DANIEL C. NAVARRO and JANE H. TESTA to the Community-Based Economic Development Advisory Council, in accordance with Gov. Msg. No. 289.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3526 and Gov. Msg. No. 289 was deferred until Wednesday, April 29, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3527) recommending that the Senate advise and consent to the nomination of MICHAEL J. MCGIVERN to the Board of Directors, Hawai'i Strategic Development Corporation, in accordance with Gov. Msg. No. 292.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3527 and Gov. Msg. No. 292 was deferred until Wednesday, April 29, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3528) recommending that the Senate advise and consent to the nominations of LARRY PRICE, Ph.D., CHARLES T. TOGUCHI and SHIGETO HANDA to the Stadium Authority, in accordance with Gov. Msg. No. 304.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3528 and Gov. Msg. No. 304 was deferred until Wednesday, April 29, 1998.

Senators Tanaka and Taniguchi, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 3529) recommending that the Senate advise and consent to the nominations of KENNETH T. KOIKE, RONALD H. KOBAYASHI and ALTON H. MIYAMOTO to the Board of Directors, High Technology Development Corporation, in accordance with Gov. Msg. No. 311.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3529 and Gov. Msg. No. 311 was deferred until Wednesday, April 29, 1998.

#### ORDER OF THE DAY

#### AGREE/DISAGREE

#### MATTERS DEFERRED FROM MONDAY, APRIL 27, 1998

S.C.R. No. 34, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 34, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER," was deferred until Wednesday, April 29, 1998.

S.C.R. No. 159 (H.D. 1):

By unanimous consent, action on S.C.R. No. 159, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE OKINAWAN CENTENNIAL CELEBRATION COMMISSION BY EXECUTIVE ORDER," was deferred until Wednesday, April 29, 1998.

#### FINAL READING

S.B. No. 2874, S.D. 2, H.D. 2:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2874, S.D. 2, and S.B. No. 2874, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3002, S.D. 2, H.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3002, S.D. 2, and S.B. No. 3002, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3451 (Gov. Msg. No. 210):

Senator Bunda moved that Stand. Com. Rep. No. 3451 be received and placed on file, seconded by Senator M. Ige and carried.

Senator Bunda then moved that the Senate advise and consent to the nominations to the Procurement Policy Board of the following:

STANLEY S. INKYO, term to expire June 30, 2001; and

HARUO SHIGEZAWA, term to expire June 30, 2002,

seconded by Senator M. Ige.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3452 (Gov. Msg. No. 198):

Senator Chun Oakland moved that Stand. Com. Rep. No. 3452 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of RONALD N. HIRANO to the Board of Trustees, Deferred Compensation Plan, term to expire June 30, 2002, seconded by Senator Kanno.

At this time, Senator Kanno rose to speak in support of the nominees listed under Gov. Msg. Nos. 198, 201, 203, 224, 255 and 273 as follows:

"Mr. President, I rise to speak in support of the nominees included in Governor's Messages 198, 201, 203, 225, 255 and 273.

"Upon reviewing qualifications of the nominees, your Human Resources Committee finds these individuals qualified for the positions they have been nominated for and recommends that the Senate advise and consent to these nominations.

"Thank you."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3453 (Gov. Msg. No. 201):

Senator Chun Oakland moved that Stand. Com. Rep. No. 3453 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Policy Advisory Board for Elder Affairs of the following:

WINIFRED N. ODO and WENDELL P. K. SILVA, terms to expire June 30, 1999;

CHRIS J. KANAZAWA, term to expire June 30, 2000; and  
ARTHUR W. MARTIN, term to expire June 30, 2001,

seconded by Senator Kanno.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3454 (Gov. Msg. No. 203):

Senator Chun Oakland moved that Stand. Com. Rep. No. 3454 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Hawai'i School-to-Work Opportunities Executive Council of the following:

ALBERT S. NISHIMURA, term to expire June 30, 1998;

GLENN K. Y. HONG, MURRAY TOWILL, WILLIAM T. HONJIYO and WILLIAM ROY JOHNSON, terms to expire June 30, 1999;

RICHARD E. MEIERS, BRUCE A. COPPA and JAMES L. WALTER, terms to expire June 30, 2000; and

LYNNE E. WOODS, ALBERT S. NISHIMURA, MAHANA WILCOX, LOIS HASEGAWA, THERESIA C. MCMURDO, TARA LULANI MCKENZIE and KATHRYN K. INKINEN, terms to expire June 30, 2001,

seconded by Senator Kanno.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3455 (Gov. Msg. No. 225):

Senator Chun Oakland moved that Stand. Com. Rep. No. 3455 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Civil Service Commission of the following:

KENNETH I. CRAW, term to expire June 30, 2000;

NORMITA F. FENN, term to expire June 30, 2001; and

JAMES T. SATO, term to expire June 30, 2002,

seconded by Senator Kanno.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3456 (Gov. Msg. No. 255):

Senator Chun Oakland moved that Stand. Com. Rep. No. 3456 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the General Assistance Advisory Council of the following:

FRED C. HOLSCHUH, M.D., RUTH ELLEN LINDENBERG, MILDRED R. TANABE, Dr. P.H., and GINGER STRAWN, terms to expire June 30, 1999;

M. VICTOR GEMINIANI, KATHLEEN E. HASEGAWA, DEBRA K. SHIMIZU and CLAIRE WOODS, terms to expire June 30, 2000; and

SANDRA K. MEEHAN, MARION F. POIRIER and ESETA A. ULU, terms to expire June 30, 2001,

seconded by Senator Kanno.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3457 (Gov. Msg. No. 273):

Senator Chun Oakland moved that Stand. Com. Rep. No. 3457 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Hawai'i Workforce Development Council of the following:

CHARLENE T. GOO, GLENN K. MURANAKA, EILEEN WACHI and JAMES G. WESTLAKE, terms to expire June 30, 2000;

RICHARD T. HASHIMOTO, SUSAN AU DOYLE, ALAN GARSON, Ed.D., and CHARLES KAWAKAMI, terms to expire June 30, 2001; and

EDWARD M. BOUGHTON, WAYNE H. KISHIDA, JOHN J. K. LEE and M. WINONA CABRAL WHITMAN, terms to expire June 30, 2002,

seconded by Senator Kanno.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3508 (Gov. Msg. No. 137):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3508 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 Endangered Species Recovery Committee of the following:

FREDERICK R. WARSHAUER, term to expire June 30, 1999; and

MARIE PATRICIA MORIN, Ph.D., 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, 25. Noes, none.

Stand. Com. Rep. No. 3509 (Gov. Msg. No. 229):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3509 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 TODD K. INAFUKU to the Drug Product Selection Board, 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, 25. Noes, none.

Stand. Com. Rep. No. 3510 (Gov. Msg. No. 261):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3510 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 JOHN MCNEIL 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, 25. Noes, none.

Stand. Com. Rep. No. 3511 (Gov. Msg. No. 278):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3511 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 Emergency Medical Services Advisory Committee of the following:

GERALDINE L. MASUNAGA, term to expire June 30, 2000;

ROBERT K. OVERLOCK, M.D., term to expire June 30, 2001; and

DAVID M. NELSON, M.D., THOMAS A. VEATCH, RANDOLPH K. M. WONG, M.D., and LINDA W. WONG, terms 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, 25. Noes, none.

Stand. Com. Rep. No. 3512 (Gov. Msg. No. 319):

Senator Chumbley moved that Stand. Com. Rep. No. 3512 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nomination of ELIZABETH KENT to the Commission to Promote Uniform Legislation, term to expire June 30, 2002, seconded by Senator Matsunaga.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3513 (Gov. Msg. Nos. 300, 301, 302 and 303):

Senator Chumbley moved that Stand. Com. Rep. No. 3513 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nominations of the following:

HERMAN T. ANDAYA, JR., to the Board of Registration, Island of Oahu, term to expire June 30, 1999 (Gov. Msg. No. 300);

NORRIE THOMPSON to the Board of Registration, Island of Oahu, term to expire June 30, 2002 (Gov. Msg. No. 300);

DAVID M. VIEIRA SR. to the Board of Registration, Island of Hawai'i, term to expire June 30, 2000 (Gov. Msg. No. 301);

JEANNE E. YAGI to the Board of Registration, Island of Hawai'i, term to expire June 30, 2002 (Gov. Msg. No. 301);

JOY F. HIRAOKA to the Board of Registration, Kauai and Niihau, term to expire June 30, 2002 (Gov. Msg. No. 302); and

HARRIETTE L. HOLT to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, term to expire June 30, 2002 (Gov. Msg. No. 303),

seconded by Senator Matsunaga.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3514 (Gov. Msg. No. 253):

Senator Chumbley moved that Stand. Com. Rep. No. 3514 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate advise and consent to the nomination of PAULA CHUN to the Criminal Injuries Compensation Commission, term to expire June 30, 2002, seconded by Senator Matsunaga.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### RECONSIDERATION OF ACTION TAKEN

S.B. No. 2889, S.D. 1, H.D. I:

Senator Kanno 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. 2889, S.D. 1, seconded by Senator Chun Oakland and carried.

Senator Kanno moved that the Senate agree to the amendments proposed by the House to S.B. No. 2889, S.D. 1, seconded by Senator Chun Oakland.

Senator Kanno noted:

"Mr. President, the purpose of the bill is to streamline government by eliminating the Advisory Committee on Labor and Industrial Relations. The amendments made by the House are technical and nonsubstantive."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2889, S.D. 1, and S.B. No. 2889, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT

OF LABOR AND INDUSTRIAL RELATIONS," was placed on the calendar for Final Reading on Wednesday, April 29, 1998.

Senator Anderson rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"I was watching the television news in the evening and there was a House Concurrent Resolution 103 which pertains to Hale O Lono Harbor in Molokai, and I understood that the resolution was going to die. And I was hoping that we could reconsider.

"One of the main reasons for that particular resolution was because of the deplorable condition at the harbor and the department didn't even know that they got it back. I was a member of the committee when they were told that they were in charge of it again. They did charge fees. I wrote and I have a letter here. I wrote a letter to Mr. Wilson and I asked him for a response on why they were being charged for the different canoe races, the men and women. When he came to the meeting, I told him that the only thing that we've ever received from the department is charges that they are going to do on everything that we do concerning harbors, piers, etc.

"My understanding from the resolution itself and in the meeting that we had was that the department was asked if they would consider a long term lease. And they didn't have any objections at that time. There were three people that came and opposed it out of all of the people that were there. And for some people to say well, what concern is it of yours, as a member of the Association of Hawaiian Civic Clubs I've been involved with Molokai since the early 60's. I have family there. My wife has family there. We have lots of friends. And we've been involved. And as far as canoeing, I do have a conflict of interest. My wife is involved in that. But when we talked to the people that were going to be doing the work, they wanted to know, can the department provide electricity, luas, water, road maintenance, pier repair, other safety measures for boating and fishing. The only thing that I've heard is you've got to work in the community. Well we don't have dollars and cents, that's going to be just you working in the community, and we can be sued. There's all kinds of problems at the harbor, and I think that would help the economy now and in the future.

"The letter that I received from Mr. Wilson said that he gave a verbal, a verbal response that they were not going to charge the canoe clubs for those boats that were moored there. But my understanding is next year they will be charged. Now, let the rest of you understand that these people that do the canoeing are all volunteers. And in order to put this thing together, these are just some of the groups that they have to work with because we're going to have a meeting here. It's the Commanding Officer, Mr. Whipple, of the U.S. Coast Guard, and Marine Safety Officer Mr. Thompson, DLNR, Small Boat Harbors District Manager of DLNR. They have to get together with representatives from Hale Koa Hotel, U.S. Army, the Atlas Submarine people, the catering and beverage managers for the Hilton Hawaiian Village, Mr. Mike Tongg the president of HCRA (Hawaii Canoe Racing Association), the director from Molokai Hoi, and OCRA (Oahu Canoe Racing Association). There's going to be a whole bunch of people that have to put everything together for a race, and Bank of Hawaii is part of it.

"Now, it's not a simple matter and when you're looking at trying to help a small island like Molokai, it's for the tourism people that are involved now. There's hundreds of people. The economy is stimulated at that time, and all of the business community, as well as the residents that we've talked to, were surely in favor of upgrading the pier.

"So those are the reasons that I'm hoping that we could at least have someone reconsider. We did go to the hearing and I do know the three people that were opposed to it, and I don't

think that it's fair when you're looking at a whole community, as I said, we've been there for years. It's not just having a hearing here and some people say, well, 40 people showed up so we're going to kill it. In this particular case, out of everybody that came for it, there were only three that were opposed and we're willing to kill it for three.

"So, those are my concerns and I'm hoping that we would have a little reconsideration for this House concurrent resolution.

"Thank you very much, Mr. President."

Senator Baker responded to the previous speaker as follows:

"Mr. President, it's unfortunate that the good Minority Leader does not have all the history and/or all of the information with regard to this resolution. The whole notion of commercialization of Hale O Lono is quite contentious in the community.

"I did check with the Department of Land and Natural Resources this morning to see if there might be another approach to take care of the concerns I think everyone agrees on -- the need for a management plan for the area, make sure the 'opala is picked up and restroom facilities are available, and ensure the area is safe and accessible to all. However, after discussions with the representatives from the Department of Land and Natural Resources, even if this resolution were to pass, it is clear that those matters would not be taken care of overnight. There are a number of steps that must be taken.

"This area has not been designated as a park. It is considered unencumbered state land. It would have to have a land use designation so a petition to the Land Use Commission will have to be pursued. There would need to be an EIS. A CDUA permit would have to be obtained. There are a number of other provisions that must be followed before anything could be done by the proponents of the resolution. It's a five to six-year process, minimum. I think we need to do something now and we need to do something in a way that's less contentious in the community. That's one of the reasons that as co-chair of Ways and Means I did not waive jurisdiction on this particular measure. Improvement of Hale O Lono harbor is something that we need to work out and it needs to be worked out with the community.

"It's unfortunate that because the hearing was held in Honolulu, many of the people who had concerns, some legitimate concerns, were not able to make the hearing. It also needs to be noted that many of the folks who came out in support were, by and large, employed by a private entity with an interest in developing this area.

"I don't have a problem with many aspects of the resolution or the fact that one of the major land owners on the Island of Molokai came forward seeking to put facilities there. But, commercialization of the area is a problem for a lot of members in the community. And I think the resolution was premature. If we had moved forward with some of the other elements of the planning process first, we could have gotten that community consensus. Now we are going to have to go back and do a lot of damage control, and I think it's unfortunate.

"Yes, Mr. Minority Leader, the canoe race is very important for the community. But, facilities for the canoe race is not the only issue here. We need to build a community consensus on a plan for the area -- all segments of the community need to participate in that process. I hope DLNR and others will come forward to facilitate that community process so appropriate improvements for Hale O Lono can begin.

"Thank you."

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:08 o'clock p.m.

Senator Anderson rose and said:

"Mr. President, very short rebuttal.

"I just want to let the chair of Ways and Means know that it was unfortunate that you weren't there at the particular meeting because the department, I told them, they haven't answered any responses. They were asked, are you in favor of this resolution? And they said yes. Was there any hang-up? They said no. But like anything else we do in this place, it's going to take five years before we can do anything. That's why the state is in the condition it's in today, because we wait for five years.

"And let's tell you another thing. The department has put more people out of business with their new rules and regulations that circumvent every law that we've tried to put in on this floor, because they want to do it. On an environmentalist type of a deal, I can understand environmentalist, but I can't understand putting people out of business. I can't understand them asking for more money for their budget, when in fact they go against everything that we try to do to increase, making sure that we have a budget to work and increase that budget.

"Now, I do know that you are the representative of that particular island, or the Senator, and I do know that they probably went to see you and they have concerns. But every time a department speaks up, everybody crumbles -- oh, we have to discuss this with the department. Well, ladies and gentlemen, the department does what they need to do to make their job easier. And that's why a lot of times they tell us just do this very broad. We'll write the rules and regs to make sure that it works that way.

"Well, I don't think that waiting five years is what we want to do. I believe we have to move on and if they agree to it in a committee and then run through the back door, you folks should turn around and ask the governor to replace that person because that's not fair to you, and it's not fair to your position, and it's not fair to the people who come here and expect us to work on the different issues that they are concerned with.

"Thank you very much, Mr. President."

Senator Solomon rose on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, as a follow-up to the remarks that were made by the previous speakers, yes I was in attendance at the meeting. I think what caused great confusion was that we had DLNR testifying in support of the resolution but we had residents, particularly from the community, that said that DLNR was not in fact in support, that they were supporting a community-based type development. And I think that this is what caused a lot of confusion at the hearing.

"I had a question for Mr. Wilson. He was not in the room. He was standing outside by the rail. He came in at the last moment, after I had requested Mr. Wilson to please come into the hearing room. I asked Mr. Wilson, 'Mr. Wilson, what exactly is the administration's position on this resolution?' And Mr. Wilson reported to the committee, 'We are in support of the resolution.' And then I had further questioned Mr. Wilson, 'Mr. Wilson, why is it that many of the residents from Molokai are testifying that you are actually not, in fact, in support of the resolution but you are in support of their position which is community-based development?' And I think that this is what caused a lot of the confusion.

"Mr. President, I have noticed that in this past session the department heads are not showing up to testify in our

committee hearings, and I'm very much concerned about that. I did express that to you when we had a private meeting. The attorney general doesn't even bother to appear at many of our committee hearings. Mr. Wilson does not even bother to appear at our Water, Land, and Hawaiian Affairs Committee hearings. Mr. Watson may come in once in a while. We have deputies who come in front of our committees that cannot answer questions. The committee members are trying to get these issues resolved. The persons that should be there that can answer the questions, unfortunately, are not there. We get memos after the fact. And sometimes we can't even get the information. I just received a memo regarding Hale O Lono from Representative Tarnas who sent me the information. Evidently, there was a lot of confusion as to when Hale O Lono was transferred from the Department of Transportation over to Small Boat Harbors.

"I think that these are areas, Mr. President, that leadership has to assist the committees on. I think we need leadership to send strong messages to the administration and now that we are in the last phase, it's impossible for us to come up with a reasonable consensus on the issues if we cannot get the information. This is what has been happening with the Water, Land, and Hawaiian Affairs Committee. I cannot speak for the other chairmen, but I think that we are looking to you, Mr. President, for some guidance on this. It makes it very, very difficult when you're discussing controversial issues and have an administration that can't decide where they stand. And this has not been the first time for DLNR. There's been many other issues that DLNR has played this game with the committees and I think that has to cease.

"So, thank you, Mr. President. I just thought I would clarify my impressions as to what had happened there at the hearing."

Senator Iwase also rose on a point of personal privilege and stated:

"Mr. President, I'm rising on a point of personal privilege.

"As co-chair of the Water, Land, and Hawaiian Affairs Committee, I just want to confirm what the previous speakers have said with respect to the representations of DLNR. I wasn't listening totally to what was occurring here but I would hope that the Department of Land and Natural Resources is not now saying that they are not supportive of the resolution because their testimony indicated support of the resolution, and Mike Wilson, in response to questions posed, stated that he was in support of the resolution.

"I just want to briefly, very briefly, tell the members what is exactly before us in the resolution which is in the Ways and Means Committee and we did not amend. The resolution calls for an authorization for DLNR to enter into a lease agreement for the development of the harbor. There is no developer at this point. If this resolution is passed, the department has to go out to public auction and get the right bid and then award the contract.

"The resolution itself included, in amendments from the House, I believe it was 11 conditions which would have to be met as a condition of the development, planning, design, and construction, and included in it is community participation, protection of access, protection of native Hawaiian rights -- there are 11 of them. And in questioning, we asked Mr. Wilson how he would institutionalize those 11 conditions. Would it be at the point of auction? And he said he would be putting it into the notice. It also would be put into the CDUA. It would be put into the lease. Throughout this process, the community based input has to occur. So we thought that with those conditions and with those representations of the department, that this was a resolution which we could move forward, and we did so.

"Again, I repeat that I would hope and I would ask, if the governor has a representative here, that if there is any statement

from the Department of Land and Natural Resources that contradicts their written testimony at the hearing, or the representation of support made by Mr. Wilson, or the promises made by Mr. Wilson that those 11 conditions would be put into the notice of auction, would be included in the negotiations with the developer, would be included in the CDUA, and would be included in the lease document which would be filed and recorded, then I would like a written response from Mr. Wilson to that effect, because it would be contrary to what was stated at the hearing. And I don't think any one of us here wants to sit in a hearing and listen to representation by the department, act on it, and then have the department run around to the back door and say we didn't mean what we said. You can only do that a few times, maybe one time. In the case of, perhaps, this department, that one time has passed. The door is closed on those kinds of foolishness.

"Thank you, Mr. President."

Senator Baker, on a point of personal privilege, then responded:

"Mr. President, I rise on a point of personal privilege to respond to some comments made by previous speakers.

"I do not believe that I said that DLNR had changed their testimony or their position because that was not the case. To set the record straight, I spoke with the deputy. In the beginning of the conversation he said he supported the resolution. I said, yes, I understand that's your testimony. I wanted to know what the practical impact of passing the resolution would be. What the process would be and what the time frame would be. If we're interested in solving a problem of no facilities, that's one set of issues and problems that must be dealt with. If the issue is allowing some commercialization or other development down the road, that's another set of issues and problems.

"And since I do represent the area, I wanted to understand fully what the immediate options might be. Because of the time considerations, I didn't feel like we were going to be given an option to work on the resolution. I recognize that the Committee on Water, Land and Hawaiian Affairs had original jurisdiction and I think they did a good job in looking at the situation and asking the appropriate questions. But, there were other community's concerns that, had Ways and Means been given the opportunity, we would have worked with Water/Land to address those concerns in the second committee. That didn't happen. I think there's time to address the immediate concerns and I appreciate my colleagues' understanding.

"Thank you."

Senator Slom then rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege.

"Yesterday's statistics came out showing personal income growth of the 50 states. And Hawaii was down near the bottom. This time we're only No. 49. The distinction for No. 50 was North Dakota because of the tremendous losses that the wheat farmers have suffered there.

"Also, yesterday we learned that another landmark business, Honolulu Book Shops, had regrettably filed bankruptcy. We'll lose that business and we'll lose additional employees. Something that's not been reported yet is that the restaurant in Royal Hawaiian Shopping Center, Spaghetti Spaghetti, with 45 employees, will voluntarily shut down at the end of May after 11 years in business, not because it's not making money, Mr. President, but because the cost of taxation, regulation, permits, fees, rents, salaries, mandated workers' comp, temporary disability insurance, liability insurance, and all of the costs associated with operating a business and creating employment

and creating income in this community today far exceed the ability to make any kind of income.

"And while these events are going on, we are getting a reputation in the community for spending a great deal of time talking about the importation of live snakes, talking about circus elephants, talking about providing the proper homes for dogs and cats and hares, at a time when the owners of these animals cannot afford to properly either provide or take care of their own homes. And then in addition to that, we find that we're going to spend upwards of a million dollars to take care of orangutans.

"We've not done anything to lower taxes. We've not done anything to implement privatization. We've not done anything to have real regulatory reform. We're adding fees which are taxes. We're adding class C felonies for businesses and employers. We're doing all kinds of things, but they're the wrong kinds of things.

"So in the few remaining days, I beg my colleagues, let's stop monkeying around and let's get back to the priorities where they're supposed to be. The women and men who are entrepreneurs, the women and men who are employees in this community, the women and men who we have not addressed, we've not set the priorities during our legislative session, but there's still time to do it.

"Thank you, Mr. President."

Senator Kawamoto added his remarks on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege.

"I'd just like to address the comments made by my fellow colleague here on my right. I just want to let him know that if the efforts were made also to find jobs for our local people, I think that effort would have helped the small businesses get patronage to go to restaurants to buy their products and to buy their services. We need to look at that. We need to go across the hall and tell those folks across the hall, this is also a part of economic recovery -- providing jobs for our local people.

"I just want to remind you of that, Minority Floor Leader."

## ADJOURNMENT

At 12:25 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 12:00 o'clock noon, Wednesday, April 29, 1998.



## FIFTY-SEVENTH DAY

Wednesday, April 29, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 12:14 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Alan Urasaki, Aiea Hongwanji Mission, after which the Roll was called showing all Senators present with the exception of Senator Iwase who was excused.

The President announced that he had read and approved the Journal of the Fifty-Sixth Day.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 334, advising the Senate of the withdrawal of the nomination of JOHN K. HASHIMOTO from the Island Burial Council, Islands of Kauai and Niihau, under Gov. Msg. No. 294, dated April 15, 1998, was read by the Clerk and was placed on file.

In compliance with Gov. Msg. No. 334, the nomination listed under Gov. Msg. No. 294 was returned.

## HOUSE COMMUNICATION

Hse. Com. No. 432, informing the Senate that the House, on April 27, 1998, reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House bills and has on April 28, 1998, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 2774, S.D. 1;  
H.B. No. 2780, S.D. 1;  
H.B. No. 2858, H.D. 2, S.D. 2;  
H.B. No. 3021, H.D. 1, S.D. 1;  
H.B. No. 3082, H.D. 1, S.D. 1;  
H.B. No. 3185, H.D. 1, S.D. 1; and  
H.B. No. 3581, H.D. 1, S.D. 1,

was read by the Clerk and was placed on file.

## STANDING COMMITTEE REPORTS

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3530) recommending that the Senate advise and consent to the nominations to the Board of Regents, University of Hawai'i, of the following:

CHARLES NAINOA THOMPSON, in accordance with Gov. Msg. No. 243; and

WAYNE KAHO'ONEI PANOKE, EVERETT R. DOWLING and WILLIAM C. BERGIN, D.V.M., MS, in accordance with Gov. Msg. No. 299.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3530 and Gov. Msg. Nos. 243 and 299 was deferred until Thursday, April 30, 1998.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3531) recommending that the Senate advise and consent to the nominations of JOHN M. HARA, PAULA ZOE HELFRICH and RONALD E. BRIGHT to the State Foundation on Culture and the Arts, in accordance with Gov. Msg. No. 307.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3531 and Gov. Msg. No. 307 was deferred until Thursday, April 30, 1998.

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3532) recommending that the Senate advise and consent to the nominations of SHIGEO IWAMOTO and BRIAN T. TAMAMOTO to the Board of Directors, Research Corporation of the University of Hawai'i, in accordance with Gov. Msg. No. 317.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3532 and Gov. Msg. No. 317 was deferred until Thursday, April 30, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3533) recommending that the Senate advise and consent to the nomination of CAROL K. YAMAMOTO to the Labor and Industrial Relations Appeals Board, in accordance with Gov. Msg. No. 232.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3533 and Gov. Msg. No. 232 was deferred until Thursday, April 30, 1998.

At 12:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:20 o'clock p.m.

## ORDER OF THE DAY

## AGREE/DISAGREE

MATTERS DEFERRED FROM  
TUESDAY, APRIL 28, 1998

S.C.R. No. 9, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 9, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," was deferred until Thursday, April 30, 1998.

S.C.R. No. 19, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 19, S.D. 1, H.D. 1, was deferred until later on the calendar.

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 Thursday, April 30, 1998.

S.C.R. No. 28, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 28, S.D. 1, H.D. 1, was deferred until later on the calendar.

S.C.R. No. 34, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 34, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER," was deferred until Thursday, April 30, 1998.

S.C.R. No. 48, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 48, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR EARLY INTERVENTION SERVICES," was deferred until Thursday, April 30, 1998.

S.C.R. No. 59, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 59, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," was deferred until Thursday, April 30, 1998.

S.C.R. No. 71, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 71, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPORT AN AIRCRAFT CARRIER AT PEARL HARBOR, HAWAII," was deferred until Thursday, April 30, 1998.

S.C.R. No. 81, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 81, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENTS OF TRANSPORTATION, ACCOUNTING AND GENERAL SERVICES, AND LAND AND NATURAL RESOURCES TO REQUIRE PRIVATE CONTRACTORS TO HAUL AWAY GREEN WASTE TO COMPOSTING COMPANIES AND ENCOURAGING STATE AGENCIES AND DEPARTMENTS TO PURCHASE HAWAII-MANUFACTURED COMPOST AND SOIL AMENDMENT IN BULK," was deferred until Thursday, April 30, 1998.

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 SUPPORTING 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 Thursday, April 30, 1998.

S.C.R. No. 121, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 121, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE NEGOTIATED SETTLEMENT TO BE FILED IN THE FEDERAL DISTRICT COURT OF PROVIDENCE, RHODE ISLAND FOR THE REPATRIATION OF THE SACRED KI'I LA'AU," was deferred until Thursday, April 30, 1998.

S.C.R. No. 137, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 137, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONSIDER THE PROPOSALS OF THE ECONOMIC REVITALIZATION TASK FORCE THAT ALL PUPILS GRADUATING FROM HIGH SCHOOL BEGINNING WITH THE 2000 SCHOOL YEAR SHALL BE COMPETENT IN LANGUAGES OTHER THAN ENGLISH AND SHALL ALSO BE COMPUTER LITERATE," was deferred until Thursday, April 30, 1998.

S.C.R. No. 146, S.D. 2 (H.D. 1):

By unanimous consent, action on S.C.R. No. 146, S.D. 2, H.D. 1, was deferred until later on the calendar.

S.C.R. No. 153, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 153, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON EXISTING REGULATIONS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA," was deferred until Thursday, April 30, 1998.

S.C.R. No. 154 (H.D. 1):

By unanimous consent, action on S.C.R. No. 154, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE REASONS WHY GASOLINE PRICES CONTINUE TO REMAIN SIGNIFICANTLY HIGHER THAN MAINLAND PRICES," was deferred until Thursday, April 30, 1998.

S.C.R. No. 159 (H.D. 1):

By unanimous consent, action on S.C.R. No. 159, H.D. 1, was deferred until later on the calendar.

S.C.R. No. 190, S.D. 1 (H.D. 2):

By unanimous consent, action on S.C.R. No. 190, S.D. 1, H.D. 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND THE CITY AND COUNTY OF HONOLULU TO ESTABLISH A BANNER WELCOME PROGRAM FOR THE STREET LAMPPOSTS FRONTING THE HAWAII CONVENTION CENTER MAIN ENTRANCE," was deferred until Thursday, April 30, 1998.

S.C.R. No. 191, S.D. 2 (H.D. 1):

By unanimous consent, action on S.C.R. No. 191, S.D. 2, H.D. 1, was deferred until later on the calendar.

S.C.R. No. 200, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 200, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO PROMPTLY REVIEW MATERIAL RELEVANT TO THE 'LAP DANCING' CASES AND EXERCISE APPROPRIATE REMEDIAL OPTIONS," was deferred until Thursday, April 30, 1998.

## FINAL READING

S.B. No. 2889, S.D. 1, H.D. 1:

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2889, S.D. 1, and S.B. No. 2889, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

## ADVISE AND CONSENT

Stand. Com. Rep. No. 3515 (Gov. Msg. No. 288 and 290):

Senator D. Ige moved that Stand. Com. Rep. No. 3515 be received and placed on file, seconded by Senator Metcalf and carried.

Senator D. Ige then moved that the Senate advise and consent to the nominations of the following:

JAMES H. HATTAWAY, D.C., and DOROTHY K. ONO to the State Board of Chiropractic Examiners, terms to expire June 30, 2002 (Gov. Msg. No. 288); and

ROBERT A. BAYSA, D.D.S., DENNIS N. ISHIMOTO, MELISSA PAVLICEK and JANET M. Y. PRIMIANO to the Board of Dental Examiners, terms to expire June 30, 2002 (Gov. Msg. No. 290),

seconded by Senator Metcalf.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3516 (Gov. Msg. Nos. 282 and 283):

Senator D. Ige moved that Stand. Com. Rep. No. 3516 be received and placed on file, seconded by Senator Metcalf and carried.

Senator D. Ige then moved that the Senate advise and consent to the nominations of the following:

MICHAEL JOHN BOTHA to the Pest Control Board, term to expire June 30, 2001 (Gov. Msg. No. 282); and

PAULINE A. MASHIMA and JAMES T. YATES, Ph.D., to the Board of Speech Pathology and Audiology, terms to expire June 30, 2002 (Gov. Msg. No. 283),

seconded by Senator Metcalf.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3517 (Gov. Msg. No. 280):

Senator Aki moved that Stand. Com. Rep. No. 3517 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission of the following:

OLIVER K. FERNANDEZ, term to expire June 30, 2001; and

LIBERTA L. H. ALBAO, LOUISE M. BUSH and LEIGHTON R. TSEU, 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, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3518 (Gov. Msg. No. 285):

Senator Aki moved that Stand. Com. Rep. No. 3518 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nomination of DORIS M. CHING, Ed.D., to the Western Interstate Commission for Higher Education (WICHE), term 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, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3519 (Gov. Msg. No. 204):

Senator Aki moved that Stand. Com. Rep. No. 3519 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nominations to the Hawai'i Teacher Standards Board of the following:

CATHERINE H. PAYNE, terms to expire June 30, 1998 and June 30, 2001; and

GERVACIO BUENCONSEJO, EDWIN T. GINOZA, PETER C. MORTON, SHARON T. NAKAGAWA, CHERYL M. SHINTANI and TWYLLA-DAWN STEER, terms to expire June 30, 2001,

seconded by Senator Tam.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3520 (Gov. Msg. No. 291):

Senator Aki moved that Stand. Com. Rep. No. 3520 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 CARL T. TAKAMURA and KAREN Y. AKA, Ph.D., to the Education Commission of the States, 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, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3521 (Gov. Msg. No. 206):

Senator Solomon moved that Stand. Com. Rep. No. 3521 be received and placed on file, seconded by Senator Baker and carried.

Senator Solomon then moved that the Senate advise and consent to the nominations of COLBERT M. MATSUMOTO and RUSSELL S. KOKUBUN to the Board of Land and Natural Resources, terms to expire June 30, 2002, seconded by Senator Baker.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3522 (Gov. Msg. No. 252):

Senator Tanaka moved that Stand. Com. Rep. No. 3522 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nomination of STEPHEN E. SMITH to the Aquatic Life and Wildlife Advisory Committee, County of Maui, term to expire June 30, 2002, seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidate nominated under Governor's Message 252 and found him to be qualified to fulfill his responsibilities. Your committee finds that the nominee will work with compassion and commitment, and has been appointed based upon his credentials, integrity, and a desire to make Hawaii better through his participation, and recommends his nomination.

"Stephen Smith is a commercial fisherman and Vice President of Purchasing and Marketing at VIP Foodservice on Maui. He is also a former member of the Maui Trailer Boat Club."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3523 (Gov. Msg. No. 276):

Senator Tanaka moved that Stand. Com. Rep. No. 3523 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nomination of JOSEPH KALANI KAMANU to the Aquatic Life and Wildlife Advisory Committee, County of Maui, term to expire June 30, 2002, seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidate nominated under Governor's Message 276 and found him to be qualified to fulfill his responsibilities. Your committee finds that the nominee will work with compassion and commitment, and has been appointed based upon his credentials, integrity, and a desire to make Hawaii better through his participation, and recommends his nomination.

"Joseph Kalani Kamanu is both a commercial fisherman and hunter. He is also a heavy equipment operator on Maui."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3524 (Gov. Msg. No. 279):

Senator Tanaka moved that Stand. Com. Rep. No. 3524 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nominations to the Hawai'i Aquaculture Advisory Council of the following:

GERALD R. CYSEWSKI, Ph.D., term to expire June 30, 2000; and

PAUL K. BIENFANG, Ph.D., and MICHAEL ALEY, terms to expire June 30, 2002,

seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidates nominated under Governor's Message 279, and found them to be qualified to fulfill their responsibilities. Your committee finds that the nominees will work with compassion and commitment, and have been appointed based upon their credentials, integrity, and a desire to make Hawaii better through their participation, and recommends their nominations.

"Dr. Gerald Cysewski, Michael Aley, and Dr. Paul Bienfang are all nominated to the Hawaii Aquaculture Advisory Council. Dr. Cysewski is the co-founder and Chief Executive Officer of Cyanotech Corporation located at the Natural Energy Laboratory of Hawaii. He is also on the Board of Directors of the Hawaii Aquaculture Association.

"Dr. Bienfang is Senior Vice-President for Environmental Compliance and Technology with CEATECH USA, Inc., a publicly traded marine shrimp aquaculture company. He is an officer of the Hawaii Chapter of the American Fisheries Society, and is on the Board of Directors of the Hawaii Aquaculture Association and the Hawaii Association of Environmental Professionals.

"Michael Aley is President and co-founder of Big Island Abalone Corporation located at the Natural Energy Laboratory of Hawaii. He is a member of the World Aquaculture Society and the National Aquaculture Society."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3525 (Gov. Msg. No. 287):

Senator Tanaka moved that Stand. Com. Rep. No. 3525 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nominations of BENJAMIN K. LINDSEY, AKIRA SAKIMA and RALPH K. ISHIKAWA to the Board of Agriculture, terms to expire June 30, 2002, seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidates nominated under Governor's Message 287, and found them to be qualified to fulfill their responsibilities. Your committee finds that the nominees will work with compassion and commitment, and have been appointed based upon their credentials, integrity, and a desire to make Hawaii better through their participation, and recommends their nominations.

"Ralph K. Ishikawa, Benjamin K. Lindsey, and Akira Sakima are nominated to the Board of Agriculture. Mr. Lindsey is a state firefighter and a farmer specializing in growing organic vegetables in Kamuela, Hawaii. He has been a farmer for over twenty years and is a member of the Hawaiian Homes Homesteaders Association and the Kawaihae Canoe Club.

"Mr. Sakima is a retiree who has been an active member of Hawaii's agricultural community for many years. He served as a member of the House of Representatives for eighteen years, and chaired the committees on Education and Agriculture. He is a past President of the Hawaii Farm Bureau and a former member of the Board of Education.

"Mr. Ishikawa operates a dendrobium orchid business on Kauai. He is a retired educator of 31 years and a past member of the Lions Club."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3526 (Gov. Msg. No. 289):

Senator Tanaka moved that Stand. Com. Rep. No. 3526 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nominations to the Community-Based Economic Development Advisory Council of the following:

JOYCE L. E. KAAIHUE, term to expire June 30, 1999; and

VINCE G. BAGOYO, JR., DANIEL C. NAVARRO and JANE H. TESTA, terms to expire June 30, 2002,

seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidates nominated under Governor's Message 289, and found them to be qualified to fulfill their responsibilities. Your committee finds that the nominees will work with compassion and commitment, and have been appointed based upon their credentials, integrity, and a desire to make Hawaii better through their participation, and recommends their nominations.

"Joyce L. E. Kaaihue, Vince G. Bagoyo, Jr., Daniel C. Navarro, and Jane H. Testa are nominated to the Community-Based Economic Development Advisory Council. Ms. Kaaihue is a Community Development Lender and Government Lending Programs Credit Officer at Bank of Hawaii.

"Mr. Bagoyo is President of Lanai Water Co., Inc. He served as a member of the Maui County Council and was also Director of the Maui County Departments of Water Supply and Human Concerns. He is currently a member of the American Water Works Association, Maui Economic Opportunity, Maui Community College Provost Advisory Committee, and the Homeless Shelter Fundraising Committee.

"Mr. Navarro is President of Kauai Lagoons Resort Company. He served as Director of Finance for the County of Kauai, and has worked as an Assistant Vice President and Bank Manager at Bank of Hawaii, Wong & Ako Management Company, and at Cooke Construction.

"Ms. Testa is a Program Specialist at the Hawaii County Office of Aging and has worked as an instructor at Honolulu Community College and a Program Director at Kalihi YMCA."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3527 (Gov. Msg. No. 292):

Senator Tanaka moved that Stand. Com. Rep. No. 3527 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nomination of MICHAEL J. MCGIVERN to the Board of Directors, Hawai'i Strategic Development Corporation, term to expire June 30, 2002, seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidate nominated under Governor's Message 292 and found him to be qualified to fulfill his responsibilities. Your committee finds that the nominee will work with compassion and commitment, and has been appointed based upon his credentials, integrity, and a desire to make Hawaii better through his participation, and recommends his nomination.

"Mr. Michael McGivern is nominated to the Board of Directors of the Hawaii Strategic Development Corporation. Mr. McGivern is an attorney with Kobayashi, Sugita & Goda. He has also worked as a commercial lending officer in Chicago."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3528 (Gov. Msg. No. 304):

Senator Tanaka moved that Stand. Com. Rep. No. 3528 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nominations of LARRY PRICE, Ph.D., CHARLES T. TOGUCHI and SHIGETO HANDA to the Stadium Authority, terms to expire June 30, 2002, seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidates nominated under Governor's Message 304, and found them to be qualified to fulfill their responsibilities. Your committee finds that the nominees will work with compassion and commitment, and have been appointed based upon their credentials, integrity, and a desire to make Hawaii better through their participation, and recommends their nominations.

"Shigeto Handa, Dr. Larry Price, and Charles T. Toguchi are nominated to the Stadium Authority. Mr. Handa is an independent businessman who has been involved for many years in youth groups in the Pearl City area.

"Dr. Price is one of Hawaii's most well-known scholar-athletes and radio personalities. He is the Chair of the Hawaii Sports Hall of Fame Commission and is a Special Assistant to the Governor for Sports Marketing.

"Mr. Toguchi has recently retired from public service. He has served as Superintendent of the Department of Education and as Chief of Staff in the Office of the Governor. Prior to that, he served in the Legislature for over ten years."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

Stand. Com. Rep. No. 3529 (Gov. Msg. No. 311):

Senator Tanaka moved that Stand. Com. Rep. No. 3529 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Tanaka then moved that the Senate advise and consent to the nominations to the Board of Directors, High Technology Development Corporation of the following:

KENNETH T. KOIKE, term to expire June 30, 1999; and

RONALD H. KOBAYASHI and ALTON H. MIYAMOTO, terms to expire June 30, 2002,

seconded by Senator Taniguchi.

Senator Taniguchi requested the following remarks be inserted into the Journal:

"Mr. President and colleagues, your Committee on Economic Development diligently questioned the candidates nominated under Governor's Message 311, and found them to be qualified to fulfill their responsibilities. Your committee finds that the nominees will work with compassion and commitment, and have been appointed based upon their credentials, integrity, and a desire to make Hawaii better through their participation, and recommends their nominations.

"Kenneth T. Koike, Ronald H. Kobayashi, and Alton H. Miyamoto are nominated to the Board of Directors of the High Technology Development Corporation. Mr. Koike has worked for Xerox Corporation in various marketing and management positions. He has been the Xerox Pacific Chairperson for the United Way and the Pacific Chairperson for the Xerox Community Involvement Program.

"Mr. Kobayashi recently retired from the construction industry. He has served as President of the Building Industry Association, and as a Trustee of the University of Hawaii Foundation.

"Mr. Miyamoto is an electrical engineer and is the Manager of Planning and Regulatory Affairs for Citizens Utility Company, Kauai Electric Division. He is also the Vice Chairperson for the Kauai Economic Development Board."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Iwase).

At 12:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:24 o'clock p.m.

#### **MATTERS DEFERRED FROM EARLIER ON THE CALENDAR**

#### **AGREE/DISAGREE AND APPOINTMENT OF CONFEREES**

S.C.R. No. 19, S.D. 1 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 19, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chun Oakland, Kanno, Ige, D., Metcalf, Fukunaga, Baker, co-chairmen, Slom as managers on the part of the Senate at such conference.

S.C.R. No. 28, S.D. 1 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 28, S.D. 1, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Levin, Fernandes Salling, Metcalf, Ige, D., Kanno, Chun

Oakland, co-chairmen, Baker, Slom as managers on the part of the Senate at such conference.

S.C.R. No. 146, S.D. 2 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 146, S.D. 2, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chun Oakland, Kanno, Baker, Fukunaga, co-chairmen, Ihara, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.C.R. No. 159 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 159 and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Chun Oakland, Kanno, Baker, Fukunaga, co-chairmen, Sakamoto, Anderson as managers on the part of the Senate at such conference.

S.C.R. No. 191, S.D. 2 (H.D. 1):

On motion by Senator Ihara, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 191, S.D. 2, and requested a conference on the subject matter thereof.

In accordance therewith, the President appointed Senators Taniguchi, Kawamoto, Fukunaga, co-chairmen, Ihara, McCartney, Slom as managers on the part of the Senate at such conference.

Senator Anderson rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, my reason for standing this morning is, last evening I was here, as most of us have been, I received a call from a young lady who asked me to please raise her taxes and to protect her job. Being a minority, it's much easier to agree than most of you, I could have lied and said no problem, it all depends on what the majority party is going to do, because there are only two Republicans. But because I was honest, I asked her if she would be able to support some of the issues that we have here. Would she, for instance with the referendum, support any type of gambling which would go ahead and help. She said, 'No, I'm opposed to gambling.' I said, 'It's okay for us to support your job, but you don't want to support other people's jobs. You want us, with a budget that's going to be balanced and with the economy failing and funds not going into the general fund, you want us to support you, and any kind of recommendations that we have that will help others, you don't want to support.' She said, well, that's because that's the way she feels. So I said, 'Well, I'll tell you. As a Republican, I want to support as many people as I possibly can with jobs. I want to make sure that the economy gets set right. I want to take care of our locals. And for me to go ahead and lie to you would be very, very easy.'

"And I want you to know, Mr. President, that it bothered me all evening because these people depend on us. They want us to give them a feeling of some kind of stability. But I don't believe that we can lie to them. I believe we have to tell them the truth. If you're not going to be able to save their jobs, if you're going to be able to keep the no-tax increase like we have promised, then that's what we have to say.

"So I do thank you, Mr. President, and I was just concerned about our residents and I hope that the rest are too. Mahalo."

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2025, S.D. 2 (H.D. 2):

Senator Taniguchi 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. 2025, 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. 2025, S.D. 2, seconded by Senator Tanaka.

Senator Taniguchi noted:

"Mr. President, S.B. No. 2025 authorizes the Board of Agriculture to adopt rules to amend misidentifying, conditionally-approved restricted and prohibited plants, animals and microorganisms. The House amendments are technical and nonsubstantive."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2025, S.D. 2, and S.B. No. 2025, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," was placed on the calendar for Final Reading on Thursday, April 30, 1998.

S.B. No. 2026, S.D. 1 (H.D. 1):

Senator Taniguchi 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. 2026, S.D. 1, seconded by Senator Tanaka and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 2026, S.D. 1, seconded by Senator Tanaka.

Senator Taniguchi noted:

"Mr. President, S.B. No. 2026 exempts from the general excise tax all funds received from the High Tech Development Corporation as grants to supplement federal Small Business Innovation Research awards or contracts. The House amendment changed the effective date to July 1, 1998."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2026, S.D. 1, and S.B. No. 2026, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS INNOVATION RESEARCH GRANTS," was placed on the calendar for Final Reading on Thursday, April 30, 1998.

S.B. No. 3024, S.D. 1 (H.D. 1):

Senator Taniguchi 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. 3024, S.D. 1, seconded by Senator Tanaka and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 3024, S.D. 1, seconded by Senator Tanaka.

Senator Taniguchi noted:

"Mr. President, S.B. No. 3024 establishes an Animal Quarantine Special Fund to pay for the quarantine program. The House amendments allow the funds reserved to be used for personnel costs and other costs at the discretion of the Board of Agriculture."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3024, S.D. 1, and S.B. No. 3024, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," was placed on the calendar for Final Reading on Thursday, April 30, 1998.

S.B. No. 3025, S.D. 1 (H.D. 1):

Senator Taniguchi 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. 3025, S.D. 1, seconded by Senator Tanaka and carried.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 3025, S.D. 1, seconded by Senator Tanaka.

Senator Taniguchi noted:

"Mr. President, S.B. No. 3025 establishes the Milk Control Special Fund for the deposit of monies collected under the Milk Control Act. The House amendments allow the funds reserve to be used for personnel costs, similarly to the previous bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3025, S.D. 1, and S.B. No. 3025, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL," was placed on the calendar for Final Reading on Thursday, April 30, 1998.

S.B. No. 1310, S.D. 1 (H.D. 2):

Senator Chumbley 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. 1310, S.D. 1, seconded by Senator Matsunaga and carried.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 1310, S.D. 1, seconded by Senator Matsunaga.

Senator Chumbley explained:

"Mr. President, this measure simply changes the name of the Criminal Injuries Compensation Commission to the Crime Victim Compensation Commission, and the changes made by the House were stylistic in nature and we concur with those."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1310, S.D. 1, and S.B. No. 1310, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," was placed on the calendar for Final Reading on Thursday, April 30, 1998.

Senator Slom rose on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege.

"Yesterday, the governor was reported as calling for the legislature to extend this current session so that we could pass the general excise tax and burden our taxpayers and families even more. And I note that one of our colleagues also thought that was a good idea to extend the session. But, Mr. President, we don't have to extend the session. We're here to do a job. We have a time limit, like everybody else. We're supposed to get our work done. The people have made it very clear they don't want a tax increase. In fact, they'll be rallying here again on Friday afternoon, which I know that's why we changed the time of the Senate session so that we could get everybody ready for the rally. We'll have our session at 3:00 and then we'll go there at 4:00. We'll all join hands. And at this rally, Mr. President, everyone has an opportunity to speak and to speak up for about what they think.

"But the good news is we don't have to extend the session because even though we've been critical of the news media, frequently, I'm very happy to have seen this headline in this morning's paper -- 'Senators on the verge of eliminating Devils' and I think, Mr. President, that says it all. We are about ready to do that. Our budget will prevail. We will defeat the dreaded tax proposed by the House so there will need to be no extended or special session.

"Thank you, Mr. President." (Laughter.)

#### ADJOURNMENT

At 12:34 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 30, 1998.



## FIFTY-EIGHTH DAY

Thursday, April 30, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Eijo Ikenaga, Honolulu Myohoji Mission, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-Seventh Day.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 433 to 436) were read by the Clerk and were placed on file:

Hse. Com. No. 433, returning S.C.R. No. 47, which was adopted by the House of Representatives on April 28, 1998.

Hse. Com. No. 434, returning S.C.R. No. 157, S.D. 1, which was adopted by the House of Representatives on April 28, 1998.

Hse. Com. No. 435, informing the Senate that the House, on April 28, 1998, reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House bills and has on April 29, 1998, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 2437, H.D. 1, S.D. 1;  
H.B. No. 2935, S.D. 1;  
H.B. No. 2957, H.D. 2, S.D. 1;  
H.B. No. 2967, H.D. 1, S.D. 1;  
H.B. No. 3059, S.D. 1;  
H.B. No. 3130, H.D. 1, S.D. 1;  
H.B. No. 3252, S.D. 1; and  
H.B. No. 3489, H.D. 2, S.D. 2.

Hse. Com. No. 436, returning S.B. No. 2775, S.D. 1, which passed Third Reading in the House of Representatives on April 29, 1998.

## CONFERENCE COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2770, S.D. 2, presented a report (Conf. Com. Rep. No. 2) recommending that S.B. No. 2770, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2 and S.B. No. 2770, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," was deferred for a period of 48 hours.

Senator Aki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3367, H.D. 1, presented a report (Conf. Com. Rep. No. 52) recommending that H.B. No. 3367, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52 and H.B. No. 3367, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH TOURISM," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by

the Senate to H.B. No. 2443, H.D. 2, presented a report (Conf. Com. Rep. No. 53) recommending that H.B. No. 2443, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53 and H.B. No. 2443, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY ENCROACHMENT," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2778, presented a report (Conf. Com. Rep. No. 54) recommending that H.B. No. 2778, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54 and H.B. No. 2778, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW," was deferred for a period of 48 hours.

## STANDING COMMITTEE REPORTS

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3534) recommending that the Senate advise and consent to the nominations of the following:

RANDOLPH B. AHLO and TED CANDIA to the State Boxing Commission of Hawai'i, in accordance with Gov. Msg. No. 194;

LESLIE ISEMOTO and ALVIN T. KOBAYASHI to the Contractors License Board, in accordance with Gov. Msg. No. 226; and

MILTON N. HIGA and DENNIS KUWABARA, O.D., to the Board of Examiners in Optometry, in accordance with Gov. Msg. No. 235.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3534 and Gov. Msg. Nos. 194, 226 and 235 was deferred until Friday, May 1, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3535) recommending that the Senate advise and consent to the nomination of DENNIS R. YAMADA to the Public Utilities Commission, in accordance with Gov. Msg. No. 211.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3535 and Gov. Msg. No. 211 was deferred until Friday, May 1, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3536) recommending that the Senate advise and consent to the nominations of the following:

NICHOLAS JOHN GLADDIS, RICHARD DE JOURNETT, M.D., and MARY E. C. OYADOMARI to the Radiologic Technology Board, in accordance with Gov. Msg. No. 212; and

GARY T. NISHIKAWA and BRIAN M. IWATA to the State Board of Public Accountancy, in accordance with Gov. Msg. No. 223.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3536 and Gov. Msg. Nos. 212 and 223 was deferred until Friday, May 1, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3537) recommending that the Senate advise and consent to the nominations of the following:

BARBARA M. KOKUBUN, MILTON Y. MIGITA, KENNETH R. JOYNER, LANCE M. MARUGAME, RICHARD Y. MITSUMORI, EDNA H. KANO and ELAINE K. KIMURA to the State Board of Barbering and Cosmetology, in accordance with Gov. Msg. No. 224;

LELAND M. GLASER and DAVID BOBACK to the Elevator Mechanics Licensing Board, in accordance with Gov. Msg. No. 230; and

ROY T. OZAKI and STUART C. LAU to the Motor Vehicle Repair Industry Board, in accordance with Gov. Msg. No. 234.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3537 and Gov. Msg. Nos. 224, 230 and 234 was deferred until Friday, May 1, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3538) recommending that the Senate advise and consent to the nominations of the following:

HERBERT K. ENDO to the Board of Osteopathic Examiners, in accordance with Gov. Msg. No. 236;

TIMOTHY F. OLDERR, M.D., to the Board of Physical Therapy, in accordance with Gov. Msg. No. 238; and

GEORGE FREITAS and GUY H. KAULUKUKUI, Ph.D., to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 239.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3538 and Gov. Msg. Nos. 236, 238 and 239 was deferred until Friday, May 1, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3539) recommending that the Senate advise and consent to the nominations of the following:

ANGELINA E. RAMOS and JOHN WILLIAM SZABO to the Board of Pharmacy, in accordance with Gov. Msg. No. 237;

GREGORY S. ENDO, SAM FAILLA and JUNE UYEHARA-ISONO to the Board of Electricians and Plumbers, in accordance with Gov. Msg. No. 277; and

VICKI VON STROHEIM-SEAY to the Board of Massage Therapy, in accordance with Gov. Msg. No. 281.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3539 and Gov. Msg. Nos. 237, 277 and 281 was deferred until Friday, May 1, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3540) recommending that the Senate advise and consent to the nominations of the following:

ROGER S. HAMADA, Ph.D., and LESTER K. M. LEU to the Board of Psychology, in accordance with Gov. Msg. No. 240;

AIMEE ANDERSON and HERBERT M. RICHARDS III to the Board of Veterinary Examiners, in accordance with Gov. Msg. No. 241; and

CHARLES H. AKI, MICHAEL G. CHING, ALFREDO G. EVANGELISTA and IRIS R. OKAWA to the Real Estate Commission, in accordance with Gov. Msg. No. 266.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3540 and Gov. Msg. Nos. 240, 241 and 266 was deferred until Friday, May 1, 1998.

Senators D. Ige and Metcalf, for the Committee on Commerce, Consumer Protection, and Information Technology, presented a report (Stand. Com. Rep. No. 3541) recommending that the Senate advise and consent to the nominations of the following:

RUSSELL Y. J. CHUNG, LAUREL MAU NAHME, MIKE Y. MIURA, GARY B. K. T. LEE and KEN K. HAYASHIDA to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, in accordance with Gov. Msg. No. 308;

CULLEN T. HAYASHIDA, Ph.D., GREGORY PARK, M.D., and JAMES S. TSUJI, M.D., to the Board of Medical Examiners, in accordance with Gov. Msg. No. 313; and

ROWENA TACHIBANA, L.P.N., JUNE M. HIRAKI, R.N., NAOMI MASUDA, JOANNE ITANO, Ph.D., and VALISA SAUNDERS, M.N., to the State Board of Nursing, in accordance with Gov. Msg. No. 315.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3541 and Gov. Msg. Nos. 308, 313 and 315 was deferred until Friday, May 1, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3542) recommending that the Senate advise and consent to the nominations of JAMES S. CORREA, RICHARD M. IGA, TRINETTE P. KAUI and DAVID M. JORGENSEN to the State Highway Safety Council, in accordance with Gov. Msg. No. 264.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3542 and Gov. Msg. No. 264 was deferred until Friday, May 1, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3543) recommending that the Senate advise and consent to the nominations of WALTER Y. ARAKAKI, NORMAN K. TSUJI, WILLIAM H. CROZIER III, and EDWARD Y. HIRATA to the Commission on Transportation, in accordance with Gov. Msg. No. 318.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3543 and Gov. Msg. No. 318 was deferred until Friday, May 1, 1998.

Senators Kawamoto and Sakamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3544) recommending that the Senate advise and consent to the nomination of SAMI LEIALOHA BOTELHO to the Advisory Board on Veterans Services, in accordance with Gov. Msg. No. 320.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3544 and Gov. Msg. No. 320 was deferred until Friday, May 1, 1998.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3545) recommending that the Senate advise and consent to the nominations of M. CASEY JARMAN, MERLE A. K. KELAI, PRAVIN DESAI and AIA ASID to the Land Use Commission, in accordance with Gov. Msg. No. 298.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3545 and Gov. Msg. No. 298 was deferred until Friday, May 1, 1998.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3546) recommending that the Senate advise and consent to the nomination of DAVID M. LOUIE to the Board of Directors, Aloha Tower Development Corporation, in accordance with Gov. Msg. No. 306.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3546 and Gov. Msg. No. 306 was deferred until Friday, May 1, 1998.

Senators Iwase and Solomon, for the Committee on Water, Land, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3547) recommending that the Senate advise and consent to the nominations of the following:

ROGER HARRIS to the Island Burial Council, Island of Hawai'i, in accordance with Gov. Msg. No. 293;

GRACE H. KAMAI, B. KAIPO AKANA, TOM H. SHIGEMOTO and BARBARA J. SAY to the Island Burial Council, Islands of Kauai and Niihau, in accordance with Gov. Msg. No. 294;

WILLIAM WAIOHU JR., CHARLES K. MAXWELL SR., and CLIFFORD JAMES NAE'OLE to the Island Burial Council, Islands of Maui and Lanai, in accordance with Gov. Msg. No. 295;

PHILIP SOLATORIO and LOUELLA OPU'ULANI W. ALBINO to the Island Burial Council, Island of Molokai, in accordance with Gov. Msg. No. 296; and

GWENDOLYN Y. PIKAKE PELEKAI, CAROLYN K. ABAD, CY M. BRIDGES, KALEIKOA KAE0 and EDWARD H. AYAU to the Island Burial Council, Island of Oahu, in accordance with Gov. Msg. No. 297.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3547 and Gov. Msg. Nos. 293, 294, 295, 296 and 297 was deferred until Friday, May 1, 1998.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3548) recommending that the Senate consent to the nomination of ARTEMIO C. BAXA to the office of 2nd Judge, Circuit Court of the Second Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 327.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3548 and Gov. Msg. No. 327 was deferred until Friday, May 1, 1998.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3549) recommending that the Senate advise and consent to the nominations of LESLIE Y. KURISAKI, CRAIG K. HIRAI, RICHARD C. LIM, BETTY LOU LARSON and STEPHEN K. KAWAHARA, to the Rental Housing Trust Fund Advisory Commission, in accordance with Gov. Msg. No. 267.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3549 and Gov. Msg. No. 267 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3550) recommending that the Senate advise and consent to the nominations of KENNETH L. TANO and VERONICA B. YAMANOHA to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, in accordance with Gov. Msg. No. 254.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3550 and Gov. Msg. No. 254 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3551) recommending that the Senate advise and consent to the nomination of GERI MARULLO to the Statewide Health Coordinating Council, in accordance with Gov. Msg. No. 257.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3551 and Gov. Msg. No. 257 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3552) recommending that the Senate advise and consent to the nominations of DANIEL A. BARRETTO, ROBERT Y. HEE, MARIAN G. MARSH, LANE K. UCHIMURA and STELLA M. Q. WONG to the Honolulu Subarea Health Planning Council, in accordance with Gov. Msg. No. 258.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3552 and Gov. Msg. No. 258 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3553) recommending that the Senate advise and consent to the nominations of ALAN ARAKAWA, LAURIE A. B. OISHI and JOHN V. SCHLEIF to the West Oahu Subarea Health Planning Council, in accordance with Gov. Msg. No. 259.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3553 and Gov. Msg. No. 259 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3554) recommending that the Senate advise and consent to the nominations of JOHN E. AOKI, M.D., CLIFTON C. CASSITY, GREGG OISHI and MELODY S. FANNING to the Windward Oahu Subarea Health Planning Council, in accordance with Gov. Msg. No. 260.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3554 and Gov. Msg. No. 260 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3555) recommending that the Senate advise and consent to the nominations of KENNETH VILLABRILLE, ABEL MEDEIROS, JOSEPHINE C. DUVAUCHELLE and KALEINANI M. LARSEN to the Kauai County Subarea Health Planning Council, in accordance with Gov. Msg. No. 262.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3555 and Gov. Msg. No. 262 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep.

No. 3556) recommending that the Senate advise and consent to the nominations of JOHN ORNELLAS, CATHERINE NOBRIGA KIM, THOMAS ALBETE, GLENN S. IZAWA, KATHLEEN L. STREET, GUY M. SUGINO, M.D., SARAJEAN A. TOKUNAGA, ANN K. TAKAKURA and CHERYL C. GARCIA to the Maui County Subarea Health Planning Council, in accordance with Gov. Msg. No. 263.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3556 and Gov. Msg. No. 263 was deferred until Friday, May 1, 1998.

Senators Fernandes Salling and Levin, for the Committee on Health and Environment, presented a report (Stand. Com. Rep. No. 3557) recommending that the Senate advise and consent to the nominations of KENNETH T. ISHIZAKI and LEWIS CURTIS TINDALL to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, in accordance with Gov. Msg. No. 272.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3557 and Gov. Msg. No. 272 was deferred until Friday, May 1, 1998.

Senators Bunda and M. Ige, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3558) recommending that the Senate advise and consent to the nominations of DON FUJIMOTO, NADINE K. NAKAMURA, KURT H. MITCHELL, DONALD K. W. LAU and WESLEY R. SEGAWA to the Board of Directors, Housing and Community Development Corporation of Hawai'i, in accordance with Gov. Msg. No. 265.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3558 and Gov. Msg. No. 265 was deferred until Friday, May 1, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3559) recommending that the Senate advise and consent to the nominations of LYN A. PASAK, LINDA WONG, RANDALL M. LICHTER, MICHAEL S. FLORES, ROY GLEN THOMAS and CARRICK WONG to the Statewide Independent Living Council, in accordance with Gov. Msg. No. 312.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3559 and Gov. Msg. No. 312 was deferred until Friday, May 1, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3560) recommending that the Senate advise and consent to the nominations of MARK Y. YABUI, LILLIAN Y. SHIBATA, STERLING KRYSLER, CHARLES E. CONANT, MARY ANN DEVORE, KIMBERLY BALANON, LOURDES P. MUGAS, SHARON SHORE, MARGUERITE SIVAK and ANNA MARIE SPRINGER to the State Advisory Council on Rehabilitation, in accordance with Gov. Msg. No. 316.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3560 and Gov. Msg. No. 316 was deferred until Friday, May 1, 1998.

Senators Chun Oakland and Kanno, for the Committee on Human Resources, presented a report (Stand. Com. Rep. No. 3561) recommending that the Senate advise and consent to the nominations of MARY JO SWEENEY, EDEAN V. KAM and VALLI KANUHA to the State Commission on the Status of Women, in accordance with Gov. Msg. No. 321.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3561 and Gov. Msg. No. 321 was deferred until Friday, May 1, 1998.

## ORDER OF THE DAY

### AGREE/DISAGREE

#### MATTERS DEFERRED FROM WEDNESDAY, APRIL 29, 1998

S.C.R. No. 9, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 9, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," was deferred until Friday, May 1, 1998.

S.C.R. No. 25 (H.D. 1):

By unanimous consent, action on S.C.R. No. 25, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF PROFESSIONAL MENTAL HEALTH COUNSELORS AND PROFESSIONAL REHABILITATION COUNSELORS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was deferred until Friday, May 1, 1998.

S.C.R. No. 34, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 34, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER," was deferred until Friday, May 1, 1998.

S.C.R. No. 48, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 48, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR EARLY INTERVENTION SERVICES," was deferred until Friday, May 1, 1998.

S.C.R. No. 59, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 59, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," was deferred until Friday, May 1, 1998.

S.C.R. No. 71, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 71, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPORT AN AIRCRAFT CARRIER AT PEARL HARBOR, HAWAII," was deferred until Friday, May 1, 1998.

S.C.R. No. 81, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 81, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENTS OF TRANSPORTATION, ACCOUNTING AND GENERAL SERVICES, AND LAND AND NATURAL RESOURCES TO REQUIRE PRIVATE CONTRACTORS TO HAUL AWAY GREEN WASTE TO COMPOSTING COMPANIES AND ENCOURAGING STATE AGENCIES AND DEPARTMENTS TO PURCHASE HAWAII-MANUFACTURED COMPOST AND SOIL AMENDMENT IN BULK," was deferred until Friday, May 1, 1998.

S.C.R. No. 90, S.D. 1 (H.D. 1):

## FINAL READING

By unanimous consent, action on S.C.R. No. 90, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DIRECT THE ATTORNEY GENERAL TO REEVALUATE THE BASIS FOR THE FINAL JUDGMENT AND CONSENT DECREE REGARDING TEXACO INCORPORATED AND SHELL OIL COMPANY AND APPLY TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII TO MODIFY OR COMPLETELY WITHDRAW FROM THAT CONSENT DECREE," was deferred until Friday, May 1, 1998.

S.C.R. No. 121, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 121, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE NEGOTIATED SETTLEMENT TO BE FILED IN THE FEDERAL DISTRICT COURT OF PROVIDENCE, RHODE ISLAND FOR THE REPATRIATION OF THE SACRED KI'I LA'AU," was deferred until Friday, May 1, 1998.

S.C.R. No. 137, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 137, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONSIDER THE PROPOSALS OF THE ECONOMIC REVITALIZATION TASK FORCE THAT ALL PUPILS GRADUATING FROM HIGH SCHOOL BEGINNING WITH THE 2000 SCHOOL YEAR SHALL BE COMPETENT IN LANGUAGES OTHER THAN ENGLISH AND SHALL ALSO BE COMPUTER LITERATE," was deferred until Friday, May 1, 1998.

S.C.R. No. 153, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 153, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON EXISTING REGULATIONS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA," was deferred until Friday, May 1, 1998.

S.C.R. No. 154 (H.D. 1):

By unanimous consent, action on S.C.R. No. 154, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE REASONS WHY GASOLINE PRICES CONTINUE TO REMAIN SIGNIFICANTLY HIGHER THAN MAINLAND PRICES," was deferred until Friday, May 1, 1998.

S.C.R. No. 190, S.D. 1 (H.D. 2):

By unanimous consent, action on S.C.R. No. 190, S.D. 1, H.D. 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND THE CITY AND COUNTY OF HONOLULU TO ESTABLISH A BANNER WELCOME PROGRAM FOR THE STREET LAMPPOSTS FRONTING THE HAWAII CONVENTION CENTER MAIN ENTRANCE," was deferred until Friday, May 1, 1998.

S.C.R. No. 200, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 200, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO PROMPTLY REVIEW MATERIAL RELEVANT TO THE 'LAP DANCING' CASES AND EXERCISE APPROPRIATE REMEDIAL OPTIONS," was deferred until Friday, May 1, 1998.

S.B. No. 1310, S.D. 1, H.D. 2:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1310, S.D. 1, and S.B. No. 1310, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL INJURIES COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2025, S.D. 2, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Tanaka and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2025, S.D. 2, and S.B. No. 2025, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2026, S.D. 1, H.D. 1:

On motion by Senator Taniguchi, seconded by Senator Tanaka and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2026, S.D. 1, and S.B. No. 2026, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS INNOVATION RESEARCH GRANTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3024, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 3024, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," was deferred until Tuesday, May 5, 1998.

S.B. No. 3025, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 3025, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL," was deferred until Tuesday, May 5, 1998.

## ADVISE AND CONSENT

Stand. Com. Rep. No. 3530 (Gov. Msg. Nos. 243 and 299):

Senator Aki moved that Stand. Com. Rep. No. 3530 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nominations to the Board of Regents, University of Hawai'i, of the following:

CHARLES NAINOA THOMPSON, term to expire June 30, 1999 (Gov. Msg. No. 243);

WAYNE KAHO'ONEI PANOKE, term to expire June 30, 1999 (Gov. Msg. No. 299); and

EVERETT R. DOWLING and WILLIAM C. BERGIN, D.V.M., MS, terms to expire June 30, 2002 (Gov. Msg. No. 299),

seconded by Senator Tam.

Senator Aki rose in support of Gov. Msg. Nos. 243 and 299 as follows:

"Mr. President and members of the Senate, I rise today to speak on behalf of Gov. Msg. Nos. 243 and 299.

"Your Committee on Education reviewed the qualifications of the four nominees and found all to be well qualified. Each will bring expertise, experience and vision to the University of Hawaii as it enters into the 21st century. Each is well aware of the challenges ahead, more so now because this Legislature is on the verge of giving our only public institution of higher learning greater autonomy and flexibility. I believe that with good leaders and greater autonomy we can see better things to come in the future.

"The first nominee is Mr. Charles Nainoa Thompson. Mr. Thompson is well known. He has navigated the Pacific Ocean in the voyaging canoe Hokule'a. Now we ask him to lead our university into the 21st century. Our second nominee is Mr. Wayne Kaho'one Panoke. Wayne will be the first student regent with full voting rights on the Board of Regents. Our third nominee is Dr. William Bergin. Dr. Bergin is a veterinarian on the Island of Hawaii. Our final nominee is Mr. Everett R. Dowling. Mr. Dowling is president of a Maui-based real estate company.

"In closing, I ask that all members of this body vote in favor. Thank you."

Senator McCartney also rose in support of the nominees and said:

"Mr. President, I rise to speak in support of the two Governor's Messages.

"I would just like to say that Nainoa Thompson and Wayne Panoke are two very qualified individuals who I believe will add a lot of value and diversity to the University."

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

Senator Anderson rose in support of nominee Bergin as follows:

"Mr. President, since no one said anything about Mr. Bergin, I'd like to say something about the honoree. I've known Mr. Bergin for at least 20-some-odd years. He has a very good business in Waimea. He is a veterinarian, very well respected. And I believe that he will be a real asset as a regent to the University of Hawaii. He's a fine man and has a great family. I just thought I'd like to say a few words in support of Mr. Bergin."

Senator Solomon also rose in support of Dr. Bergin and said:

"Mr. President, I would like to echo the remarks of the previous speaker. I was going to stand and ask my colleagues to support Billy Bergin's nomination. The man is very well qualified. He has served the District of West Hawaii well in many capacities, not just being a veterinarian but also in many community activities. He would be a very good representative for us.

"Thank you."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time Senator Aki introduced Mr. Wayne Panoke, who was seated in the gallery.

Senator Baker then introduced Mr. Everett Dowling, who was also in the gallery.

Stand. Com. Rep. No. 3531 (Gov. Msg. No. 307):

Senator Aki moved that Stand. Com. Rep. No. 3531 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nominations of JOHN M. HARA, PAULA ZOE HELFRICH and RONALD E. BRIGHT to the State Foundation on Culture and the Arts, terms to expire June 30, 2002, seconded by Senator Tam.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3532 (Gov. Msg. No. 317):

Senator Aki moved that Stand. Com. Rep. No. 3532 be received and placed on file, seconded by Senator Tam and carried.

Senator Aki then moved that the Senate advise and consent to the nominations of SHIGEO IWAMOTO and BRIAN T. TAMAMOTO to the Board of Directors, Research Corporation of the University of Hawai'i, terms to expire June 30, 2002, seconded by Senator Tam.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3533 (Gov. Msg. No. 232):

By unanimous consent, action on Stand. Com. Rep. No. 3533 and Gov. Msg. No. 232 was deferred until Friday, May 1, 1998.

At 12:02 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:39 o'clock p.m.

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2334, S.D. 1 (H.D. 1):

Senator D. Ige moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 2334, S.D. 1, seconded by Senator Metcalf and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2334, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, the House had made technical, nonsubstantive amendments to this bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2334, S.D. 1, and S.B. No. 2334, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," was placed on the calendar for Final Reading on Friday, May 1, 1998.

S.B. No. 2619, S.D. 1 (H.D. 1):

Senator D. Ige moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments

proposed by the House to S.B. No. 2619, S.D. 1, seconded by Senator Metcalf and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2619, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, the House had made technical, nonsubstantive amendments to this bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2619, S.D. 1, and S.B. No. 2619, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR TRADE REGULATIONS," was placed on the calendar for Final Reading on Friday, May 1, 1998.

S.B. No. 2805, S.D. 1 (H.D. 1):

Senator D. Ige moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 2805, S.D. 1, seconded by Senator Metcalf and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2805, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Again, the House amendments made were technical and nonsubstantive in nature."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2805, S.D. 1, and S.B. No. 2805, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS FROM THE PUBLIC UTILITIES COMMISSION," was placed on the calendar for Final Reading on Friday, May 1, 1998.

S.B. No. 2822, S.D. 1 (H.D. 1):

Senator D. Ige moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 2822, S.D. 1, seconded by Senator Metcalf and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2822, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, the House made technical, nonsubstantive amendments to this bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2822, S.D. 1, and S.B. No. 2822, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEMON LAW DISCLOSURE COMPLIANCE," was placed on the calendar for Final Reading on Friday, May 1, 1998.

S.B. No. 2829 (H.D. 1):

Senator D. Ige moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 2829, seconded by Senator Metcalf and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2829, seconded by Senator Metcalf.

Senator D. Ige noted:

"Again, the House amendments made were technical and nonsubstantive in nature."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2829 and S.B. No. 2829, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIRS," was placed on the calendar for Final Reading on Friday, May 1, 1998.

S.B. No. 2842 (H.D. 1):

Senator D. Ige moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 2842, seconded by Senator Metcalf and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2842, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, the House had made technical, nonsubstantive amendments to this bill."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2842 and S.B. No. 2842, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL MALPRACTICE UNDERWRITING PLAN," was placed on the calendar for Final Reading on Friday, May 1, 1998.

S.B. No. 3018 (H.D. 1):

Senator D. Ige moved that the Senate reconsider its action taken on April 16, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 3018, seconded by Senator Metcalf and carried.

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 3018, seconded by Senator Metcalf.

Senator D. Ige noted:

"Again, all the House amendments made were technical and nonsubstantive in nature."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3018 and S.B. No. 3018, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," was placed on the calendar for Final Reading on Friday, May 1, 1998.

S.B. No. 3141, S.D. 1 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 6, 1998, in disagreeing to the amendments proposed by the House to S.B. No. 3141, S.D. 1, seconded by Senator Fukunaga and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 3141, S.D. 1, seconded by Senator Fukunaga.

Senator Baker noted:

"Mr. President, the purpose of this bill is to relieve general contractors of their subcontractors' general excise tax liability. The House amendment simply restored this measure to the form in which it was introduced as S.B. No. 3141. We believe this measure is consistent with our effort to assist small businesses

and reduce government regulations. The industry has indicated a willingness to continue to work with the Department of Taxation to ensure that appropriate reporting information is made available.

"I urge my colleagues to support this measure."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3141, S.D. 1, and S.B. No. 3141, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TAXATION," was placed on the calendar for Final Reading on Friday, May 1, 1998.

#### RECALL OF HOUSE BILL 2973

Senator Aki rose and said:

"Mr. President, fellow Senators, I rise here today, with regret, to ask that we as a Senate body bring forth H.B. 2973, H.D. 2, and I take this time to make a motion to remove H.B. 2973 from the Committee on Health."

Senator Aki moved to recall H.B. No. 2973, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARTIAL-BIRTH ABORTIONS," from the Committee on Health and Environment, pursuant to Senate Rule 51, seconded by Senator Slom.

The President inquired:

"Mr. Clerk, have 20 days elapsed since H.B. No. 2973, H.D. 2, was referred to committee?"

The Clerk replied:

"Mr. President, H.B. No. 2973, H.D. 2, was referred to the Committee on Health and Environment on March 13, 1998. The required number of days have elapsed since referral."

The President then stated:

"The Chair will provide for limited debate to allow the movant to state the reason for the motion to recall."

Senator Aki then explained:

"Mr. President, sufficient time has passed. This bill came over from the House on March 13, 1998. This bill, for the members of the Senate, prohibits a partial-birth abortion procedure after the 19th week of pregnancy. This bill is supported by many concerned groups and individuals, including several religious organizations. Mr. President, this bill is necessary. Our society needs to be governed by laws of common decency and a respect for life.

"I urge all members to vote in favor of this motion."

The motion to recall H.B. No. 2973, H.D. 2, from the Committee on Health and Environment was then put by the Chair and carried by Roll Call vote on the following showing of Ayes and Noes:

Ayes, 9. Noes, 16 (Baker, Chumbley, Chun Oakland, Fernandes Salling, Fukunaga, Ige, D., Ihara, Kanno, Kawamoto, Levin, Matsunaga, McCartney, Metcalf, Mizuguchi, Tam, Taniguchi).

The Chair then made the following observation:

"House Bill 2973, H.D. 2, is recalled and is accordingly in possession of this body."

Senator McCartney then moved that H.B. No. 2973, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading, seconded by Senator Ihara.

Senator Levin rose in opposition to the motion and said:

"Mr. President, I rise to speak against the motion.

"I'd like to start by expressing my admiration for those such as the Senator from Waianae, such as the Republican Floor Leader, who are here expressing their deep and heartfelt views in support of this motion. Although I cannot agree with their position, I believe they take their positions with dedication and sincere belief, and I respect that.

"On the merits, Mr. President, upon hearing a description of partial-birth abortion, I think that one cannot help but be moved. At the same time, I think that we cannot help but be moved by the plight of the woman who is faced with an enormously difficult, heart wrenching decision that will severely impact either her life or her health, or both. Partial-birth abortion is described by the various parties as a gruesome procedure. So, I expect, most people would find open heart surgery, or organ transplants -- they're all gruesome. The question is whether the bill before us is a good bill.

"It was my position, as co-chair of the Health Committee, not to have a hearing on the bill, and I take full responsibility for that.

"The bill as it came to us was defective, in my opinion, for many reasons. Let me focus on just one, and that is the fact that the bill as presented to us, and is now on the floor, would only protect the life of the mother. It specifically excludes, and is intended to exclude, any consideration of the health of the mother. The Senate explored the possibility of dealing with this issue by protecting both the life and health of the mother. The advocates of the bill were not interested in working on that as a possible solution.

"We have here on this floor lawyers, ranchers, university professors, business people, teachers, insurance men, people from many walks of life. We sit here in our sublime comfort and propose to decide for all women, for all time, that they should not have the benefit of the best advice from the physician of their choice, when faced with this enormously difficult decision. If you have the hubris to believe that sitting here we can make that decision for all people for all time, then you should vote for this measure. But if you do not believe that you can do that -- and I can't imagine that we can do that -- I urge you to vote 'no.'

"Thank you."

Senator Slom rose in support and said:

"Mr. President, I rise to speak in favor of the measure.

"Mr. President, I don't pretend to have all the answers or know all the answers. I think that's why we have a procedure called open debate and open hearings, and I think that's the purpose. And if we were to limit our discussions to only good bills or non-defective measures, then we could save ourselves about 3,995 bills per year here. The idea is to have hearings and let people come together in open and full debate, to let them argue the issues, to take an imperfect measure of whatever substance and to craft a good measure.

"I think that most people usually associate me with talking about bills and measures that have to do with taxation and business and economics. But there are other things in life besides business and taxation and economics. And at times, you're called upon to take a position and to stand up. And really, a lot of people said, well, it takes courage to take this position or that position. It's not a question of courage, Mr. President; it's a question of doing what's right. And what's right is to hold hearings on bills, to allow people to come forward and discuss those bills. And for one, two or three people to decide ahead of time that a particular bill is too controversial or that a particular bill is not perfect, or a



particular bill should not be heard, I think destroys the very substance and the foundation of our democracy and, certainly, this body the State Senate.

"I think it is very difficult to ask members to stand up and to call for a vote on a procedure that has not been done very frequently in this body before, and that is to take something out of a committee. But I think one of the things that we're debating in the community right now is just how powerful Legislators and committee chairs should be and, conversely, what kind of respect the public should expect from the people that they vote for and pay for and hire, and who are to represent them.

"There is no guarantee that this bill will come out in a final measure that will be acceptable to people. There is no guarantee that there is a panacea either from this body or from the body across the way. But again I think that the real issue is to allow people to be heard. And obviously, people are very passionate and have something to say about this issue. For years I have been very frustrated because bills that have dealt with important economic issues like privatization or workers' compensation have been bottled up by one or two members in a 76-member body. I wish that my colleagues would get as interested and passionate about those bills. I wish the public would do so too. But obviously this is the public's issue and they want to be heard.

"There has been discussion that this so-called procedure, and by the way I think it's . . . when we call this a procedure, something that's monstrous and horrific and a murder, I think we're letting people off easy. The idea is that we talk about this very cavalierly as being a procedure, and then people say that we didn't need a hearing because this procedure is not practiced in Hawaii. There were a lot of so-called procedures that at one point in time were not practiced in Hawaii, but now are a part of our law. Philosophically, I would not want the government to be involved in any shape or form in business, in medicine, the professions, or anything else. But unfortunately, we have thrust government into that role. Every single day we debate bills that will further regulate and tell people what they can and cannot do. And so once government is involved, then we must be able and free to discuss any issue without fear.

"We come in here everyday and we start out with a prayer. Reverend Ikenaga, this morning, told us to call upon divine guidance and wisdom, and I think that's what each of us has to do. It's too bad that once we leave this room that we're not allowed to talk about God or deity or many other things. But in this room we should have the freedom and the courage to talk about anything, and to allow members of the public to have their day and say this. And that's what this is all about, not specifically whether this particular version is a good measure or a bad measure. So I would urge my colleagues to vote 'yes' to allow full and open debate to occur on this issue.

"Thank you, Mr. President."

Senator Chumbley rose in opposition and said:

"Mr. President, as co-chairman of the Judiciary Committee, I feel compelled to rise to speak in opposition to this measure.

"Mr. President and colleagues, this bill as currently drafted is unconstitutional both under our federal and state constitutions. Each of us, when we undertook our responsibilities as members of the legislative branch, swore to support and defend the Constitution of the United States and the Constitution of the State of Hawaii. It follows that we should know what is required of us as legislators, under the federal and state constitutions, regardless of public opinion or our own personal beliefs.

"On abortion, *Roe v. Wade* remains the seminal decision of the United States Supreme Court, setting forth federal constitutional requirements and protections. These have been

refined and reiterated in subsequent decisions, most notably in *Planned Parenthood v. Casey* (1992), but the basis remains the same.

"Essentially, the law of our land is that a woman may choose to abort up to the point of fetal 'viability,' which is maintaining the ability to survive outside of the mother's womb. 'Viability' is a medical concept to be determined by the medical doctors. After viability, a woman's right to an abortion may be restricted by a state 'except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.'

"These federal constitutional requirements arise from basic due process, including the right of privacy which has been inferred from the U.S. Constitution. In contrast, our state constitution includes in Article I, Section 6, an express right of privacy, and the history of that provision reflects that it was proposed and ratified, in part, to assure a woman's right of choice. Thus, while the Supreme Court of Hawaii has not directly addressed the constitutionality of state abortion laws or regulations, there is every legal reason to expect that it would afford greater constitutional protection to women than already mandated under our federal constitution.

"Bills similar to this proposal have been enacted in other states and subsequently challenged on federal and state constitutional grounds. Of the 13 state statutes thus far challenged, 11 have been ruled unconstitutional. These include Alaska and Montana, whose constitutions include express rights of privacy similar to Hawaii's provided under Article I, Section 6.

"Mr. President, we do on occasion propose laws where there is a reasonable question of constitutionality. But when we support proposals which are clearly, clearly unconstitutional, we violate our legislative oath.

"Based on the foregoing, Mr. President, I urge my colleagues to uphold their oath to both our federal and state constitutions and vote 'no' on this measure. Any other position is simply a political position.

"Thank you."

Senator Anderson rose to support the motion and said:

"Mr. President, I speak in favor.

"I think that my colleagues forget that this institution is one that I've always been proud of and tried to maintain that we back up the institution and it's one of the rare times that we are trying to pull a bill. However, when I first got appointed to this body, we had a one chairman type body and everybody said that wasn't the way they wanted to go. So now we came up with dual chairmanships and it was going to be an open process, a process that was going to be open to the public whereby the input was going to be great. Well, since I've been here it hasn't changed. The power has changed. They go, one chairman can hold a bill. Three people can ask to hold a bill. I've put in measures that never had hearings because they told me it was too controversial. Young people have come here on this floor on mock legislation and they said what's wrong with the legislators is that they have no guts. They don't know that we have put in bills, but because they're controversial nobody will hear them. A chairman can hold them.

"This particular measure, I almost would say that I agree with the chairman. It's defective. But it's your fault because it was asked to be out, to be debated, to have the public input, which probably would have been doctors and others. The person that put the bill in . . . normally in the old days, if someone said, would you put this bill in for me, and the guy said, yeah, once it was processed and went to a chairman, the individual would run over and say, you know, a constituent asked me to do that but I don't want a hearing. So the chairman

had a hard time, and I understood that. That was hard to pull. But in this particular case, the individual who put it in wanted a hearing, asked for a hearing.

"This bill deserves to be debated. And that's why I voted to pull it. Normally, I would not do that. But it's a process that's allowable and that's the only process that we have that allows us to have a bill pulled to the floor, debate it like we are now, and even though some may think it's late, I think it's a process that's fair. So I would hope that all of my colleagues would vote in favor of it.

"Mahalo."

Senator Aki rose in support and said:

"Mr. President, I rise to speak in support of this bill.

"Mr. President, first of all, I'd like to point out that the members of the House of Representatives held a hearing on this bill and passed out this bill by a large majority. I think that, in itself, indicates that this bill has tremendous support, and as far as public hearings, it went through the process. Unfortunately, we did not have that opportunity here in the Senate, and perhaps if we did, we would not be here today.

"Opponents say that banning partial-birth abortion is unconstitutional, but the United States Senate Judiciary Committee and our House Judiciary Committee have examined the issue at great length and found it passed constitutional muster. Further, I have here letters signed by many leading law professors, both pro-choice and pro-life, that say this bill is constitutional. No bill modeled on the national bill, as this one is, has been found unconstitutional in the Supreme Court and recent findings in the court indicate a predilection to the national bill's constitutionality.

"Opponents have also said that this bill is part of a religious conspiracy to ban all abortions. This is, very frankly, offensive to me -- offensive that a belief in protecting life is dismissed as some form of vast crackpot conspiracy; offensive that a terrible procedure is defended because some people may be motivated by faith in opposing it; offensive because it subverts and dishonors the principles of this country and the state we are founded upon.

"Mr. President, partial-birth abortion is, quite simply, wrong. It is a wrong that transcends politics, that transcends our hallowed internal procedures, that transcends party lines, that transcends even religion.

"We owe it to the people of Hawaii to lead them and to protect them. They put us here in sacred trust that we will do just that. I must in all good conscience ask that this bill be brought forward and voted on.

"For too long, in too many ways, we have done what is political or expedient. I ask that every one of you here look into your heart, as I have looked into mine, and do what is right. The people of Hawaii count on all of us. They are watching.

"Thank you."

Senator Tam rose in opposition and said:

"Mr. President, I rise to speak against this bill.

"Mr. President and fellow colleagues, my vote against this bill is not on the basis and terms of whether I favor abortion or not. I vote against this bill because of the procedures that we are now going through on this bill. I believe in the public hearing process. Unfortunately, a mistake was made. And at this time, this bill before us will not have a public hearing process and that is my concern.

"I have made it known for the 16 years that I have been in the Legislature that I weigh my decisions on the public hearing process and the majority of my constituents within my district. I would be more inclined to vote on the measure if this bill goes through a public hearing process, but unfortunately at this time, time is toward the end of the legislative session. We adjourn on May 5. Now, if we were to extend the session, there may be a possibility of having public hearings, but it doesn't seem so at this time. Therefore, I'm voting against this measure.

"Thank you."

Senator Sakamoto rose in support and said:

"Mr. President, I rise to speak for the bill.

"There are so many things that can be said, Mr. President, but first let me address this body that it was not unknown that this day would have come. At the beginning of the session when questions were asked about 'I never heard about this bill' or 'what is the problem,' I rose to speak and I said that I'm introducing a bill, in fact, I introduced two bills and that is on the record.

"Mr. President, when you first addressed this body, I believe it was your opening day speech where you addressed wanting issues to have hearings, and I agree with you -- not every single bill, many bills deal with the same subject matter. But this bill certainly deserved a hearing.

"But for the matter of the day, what could have, should have been done, many things could have, should have been done. But to address the concerns raised about the health of the mother, the bill does say that when performed in good faith belief, that it is necessary to save the life of the mother whose life is endangered by a physical disorder, illness or injury. It is my belief that health involves physical disorder, illness or injury, health is considered. And it's not up to us. We're not doctors. The doctor performing the procedure will go before his peers or whoever is selected and determine, if needed, to determine if health may be affected. So health is included in this measure, Mr. President.

"As far as the constitutionality arguments, the legal arguments, some of you here are lawyers. I'm not a lawyer. And as was previously spoken, our U.S. Congress, both bodies, House and Senate, have passed bills by bi-partisan majority to have this measure addressed at the federal level. And certainly, there are legal eagles across this nation who addressed the issue and I would be remiss to think that the 13 states -- the other states that are considering it -- all would defer to, well maybe there is a constitutional problem. And I believe that's why we have separation of powers here. Let our supreme court address the issue. We're not the judges. Let's put the issue forward and the courts can address the constitutional issue. They can respond back by saying which parts, if any, they feel need to be revised.

"Mr. President, we've spent a lot of this session looking at Reubyn Buentipo, Peter Boy. The HRE Committee and co-chairs have done an excellent job in addressing child care, child abuse, and what has happened to children who cannot defend themselves. I applaud them for that . . . shaken baby syndrome, helpless babies.

"Now this issue doesn't address abortion. I think a lot of the comments . . . well, let me take that back. The issue does not ban abortion, so the argument against pitting the life of the mother against the life of the baby should not be the issue. We're talking about a specific, horrific procedure. Nobody is saying that another procedure, another method cannot be done. Certainly, we need to protect the life of the mother. But this particular procedure, Mr. President, we cannot allow. And yes, it's been stated that some will vote no for various procedural reasons.

"But, Mr. President, I ask you to release, release people on a matter of conscience, on a matter of right and wrong, not voting on a matter of political power, not voting on a matter of keeping you in office, Mr. President. The session is almost over. We're not debating whether you stand there tomorrow on this vote. So I ask you to release the votes and let people vote on what they feel is right, and on this particular procedure, not *Roe v. Wade*, not abortion, not about mothers' health, but on this particular procedure, Mr. President."

Senator Chumbley then said:

"Mr. President, if I may, I have some additional supporting arguments with regard to the constitutionality and some of the questions that were raised earlier. I would like to have those inserted into the Journal. Thank you."

The Chair having so ordered, Senator Chumbley's supporting arguments are identified as ATTACHMENT "A" to the Journal of this day.

The motion was put by the Chair and H.B. No. 2973, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARTIAL-BIRTH ABORTIONS," failed to pass Second Reading, by Roll Call vote, on the following showing of Ayes and Noes:

Ayes, 10. Noes, 15 (Baker, Chumbley, Chun Oakland, Fernandes Salling, Fukunaga, Ige, D., Ihara, Kanno, Levin, Matsunaga, McCartney, Metcalf, Mizuguchi, Tam, Taniguchi).

Senator McCartney then moved that H.B. No. 2973, H.D. 2, be laid on the table, seconded by Senator Ihara.

At 2:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:17 o'clock p.m.

The motion to lay H.B. No. 2973, H.D. 2, on the table was then put by the Chair and carried.

#### CONFERENCE COMMITTEE REPORTS

On motion by Senator McCartney, seconded by Senator Slom and carried unanimously, the Senate authorized the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading. In consequence thereof, and subsequent to its recessing at 2:18 o'clock p.m., the Senate took the following actions:

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2135, S.D. 1, presented a report (Conf. Com. Rep. No. 3) recommending that S.B. No. 2135, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3 and S.B. No. 2135, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE TRADE PRACTICES," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2575, S.D. 1, presented a report (Conf. Com. Rep. No. 4) recommending that S.B. No. 2575, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4 and S.B. No. 2575, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by

the House to S.B. No. 2833, presented a report (Conf. Com. Rep. No. 5) recommending that S.B. No. 2833, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5 and S.B. No. 2833, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LEASE DISCLOSURE," was deferred for a period of 48 hours.

Senator M. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3114, S.D. 2, presented a report (Conf. Com. Rep. No. 6) recommending that S.B. No. 3114, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6 and S.B. No. 3114, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND," was deferred for a period of 48 hours.

Senator Bunda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3035, S.D. 2, presented a report (Conf. Com. Rep. No. 7) recommending that S.B. No. 3035, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7 and S.B. No. 3035, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1597, S.D. 1, presented a report (Conf. Com. Rep. No. 8) recommending that S.B. No. 1597, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8 and S.B. No. 1597, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES PENALTIES," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2655, S.D. 1, presented a report (Conf. Com. Rep. No. 9) recommending that S.B. No. 2655, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9 and S.B. No. 2655, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE AND MOPED REGISTRATION," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3137, S.D. 1, presented a report (Conf. Com. Rep. No. 10) recommending that S.B. No. 3137, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 10 and S.B. No. 3137, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2559, S.D. 2, presented a report (Conf. Com. Rep. No. 11) recommending that S.B. No. 2559, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 11 and S.B. No. 2559, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2136, S.D. 1, presented a report (Conf. Com. Rep. No. 12) recommending that S.B. No. 2136, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 12 and S.B. No. 2136, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR CONTROL ADJUDICATION BOARD," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1065, S.D. 1, presented a report (Conf. Com. Rep. No. 13) recommending that S.B. No. 1065, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 13 and S.B. No. 1065, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION OFFENSES," was deferred for a period of 48 hours.

Senator Bunda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3113, S.D. 1, presented a report (Conf. Com. Rep. No. 14) recommending that S.B. No. 3113, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 14 and S.B. No. 3113, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," was deferred for a period of 48 hours.

Senator M. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3159, S.D. 2, presented a report (Conf. Com. Rep. No. 15) recommending that S.B. No. 3159, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 15 and S.B. No. 3159, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TIME SHARE LAW," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2717, S.D. 1, presented a report (Conf. Com. Rep. No. 16) recommending that S.B. No. 2717, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 16 and S.B. No. 2717, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2786, presented a report (Conf. Com. Rep. No. 17) recommending that S.B. No. 2786, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 17 and

S.B. No. 2786, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2414, S.D. 1, presented a report (Conf. Com. Rep. No. 18) recommending that S.B. No. 2414, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 18 and S.B. No. 2414, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2469, S.D. 1, presented a report (Conf. Com. Rep. No. 19) recommending that S.B. No. 2469, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 19 and S.B. No. 2469, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2588, S.D. 1, presented a report (Conf. Com. Rep. No. 20) recommending that S.B. No. 2588, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 20 and S.B. No. 2588, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2602, S.D. 1, presented a report (Conf. Com. Rep. No. 21) recommending that S.B. No. 2602, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 21 and S.B. No. 2602, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDSCAPE ARCHITECTS," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2823, S.D. 1, presented a report (Conf. Com. Rep. No. 22) recommending that S.B. No. 2823, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 22 and S.B. No. 2823, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE IDENTIFICATION BADGES," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2411, S.D. 2, presented a report (Conf. Com. Rep. No. 23) recommending that S.B. No. 2411, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 23 and S.B. No. 2411, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3043, S.D. 2, presented a report (Conf. Com. Rep. No. 24) recommending that S.B. No. 3043, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 24 and S.B. No. 3043, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT COMPUTER SYSTEMS WHICH ARE NOT YEAR 2000 COMPLIANT," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2078, S.D. 1, presented a report (Conf. Com. Rep. No. 25) recommending that S.B. No. 2078, S.D. 1, H.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 25 and S.B. No. 2078, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2256, S.D. 1, presented a report (Conf. Com. Rep. No. 26) recommending that S.B. No. 2256, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 26 and S.B. No. 2256, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BARBERS POINT HARBOR," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2759, S.D. 2, presented a report (Conf. Com. Rep. No. 27) recommending that S.B. No. 2759, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 27 and S.B. No. 2759, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2957, S.D. 2, presented a report (Conf. Com. Rep. No. 28) recommending that S.B. No. 2957, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 28 and S.B. No. 2957, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2454, S.D. 1, presented a report (Conf. Com. Rep. No. 29) recommending that S.B. No. 2454, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 29 and S.B. No. 2454, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2768, S.D. 1, presented a report (Conf.

Com. Rep. No. 30) recommending that S.B. No. 2768, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 30 and S.B. No. 2768, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENTS TO HEALTH CARE PROVIDERS FOR WORKERS' COMPENSATION CLAIMS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2887, S.D. 1, presented a report (Conf. Com. Rep. No. 31) recommending that S.B. No. 2887, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 31 and S.B. No. 2887, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMUSEMENT RIDES, INCLUDING BUNGEE JUMPING," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3228, S.D. 1, presented a report (Conf. Com. Rep. No. 32) recommending that S.B. No. 3228, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 32 and S.B. No. 3228, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3248, S.D. 2, presented a report (Conf. Com. Rep. No. 33) recommending that S.B. No. 3248, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 33 and S.B. No. 3248, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2580, S.D. 1, presented a report (Conf. Com. Rep. No. 34) recommending that S.B. No. 2580, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 34 and S.B. No. 2580, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE STUDENT COUNCIL," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2297, S.D. 2, presented a report (Conf. Com. Rep. No. 35) recommending that S.B. No. 2297, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 35 and S.B. No. 2297, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2460, S.D. 2, presented a report (Conf. Com. Rep. No. 36) recommending that S.B. No. 2460, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 36 and S.B. No. 2460, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF HOSPITALS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3088, S.D. 1, presented a report (Conf. Com. Rep. No. 37) recommending that S.B. No. 3088, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 37 and S.B. No. 3088, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JOB REFERENCE LIABILITY," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2533, H.D. 1, presented a report (Conf. Com. Rep. No. 55) recommending that H.B. No. 2533, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 55 and H.B. No. 2533, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUARANTINE," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2701, H.D. 2, presented a report (Conf. Com. Rep. No. 56) recommending that H.B. No. 2701, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 56 and H.B. No. 2701, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATION," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2985, H.D. 1, presented a report (Conf. Com. Rep. No. 57) recommending that H.B. No. 2985, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 57 and H.B. No. 2985, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION AND WATER UTILIZATION PROJECTS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3138, H.D. 1, presented a report (Conf. Com. Rep. No. 58) recommending that H.B. No. 3138, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58 and H.B. No. 3138, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3457, H.D. 2, presented a report (Conf. Com. Rep. No. 59) recommending that H.B. No. 3457, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59 and

H.B. No. 3457, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1815, H.D. 1, presented a report (Conf. Com. Rep. No. 60) recommending that H.B. No. 1815, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 60 and H.B. No. 1815, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator M. Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2567, H.D. 2, presented a report (Conf. Com. Rep. No. 61) recommending that H.B. No. 2567, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 61 and H.B. No. 2567, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DUPLICATION OF GOVERNMENTAL SERVICES," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3257, H.D. 2, presented a report (Conf. Com. Rep. No. 62) recommending that H.B. No. 3257, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 62 and H.B. No. 3257, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2358, H.D. 2, presented a report (Conf. Com. Rep. No. 63) recommending that H.B. No. 2358, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 63 and H.B. No. 2358, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3022, H.D. 2, presented a report (Conf. Com. Rep. No. 64) recommending that H.B. No. 3022, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 64 and H.B. No. 3022, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH FACILITY," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1830, H.D. 1, presented a report (Conf. Com. Rep. No. 65) recommending that H.B. No. 1830, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 65 and H.B. No. 1830, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2878, H.D. 1, presented a report (Conf. Com. Rep. No. 66) recommending that H.B. No. 2878, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 66 and H.B. No. 2878, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3289, H.D. 1, presented a report (Conf. Com. Rep. No. 67) recommending that H.B. No. 3289, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 67 and H.B. No. 3289, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3403, H.D. 2, presented a report (Conf. Com. Rep. No. 68) recommending that H.B. No. 3403, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 68 and H.B. No. 3403, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2598, H.D. 2, presented a report (Conf. Com. Rep. No. 69) recommending that H.B. No. 2598, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 69 and H.B. No. 2598, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 92, H.D. 2, presented a report (Conf. Com. Rep. No. 70) recommending that H.B. No. 92, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 70 and H.B. No. 92, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2332, H.D. 2, presented a report (Conf. Com. Rep. No. 71) recommending that H.B. No. 2332, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 71 and H.B. No. 2332, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAFFIC CODE," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2361, H.D. 1, presented a report (Conf. Com. Rep. No. 72) recommending that H.B. No. 2361, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 72 and H.B. No. 2361, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING FEES," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2837, H.D. 1, presented a report (Conf. Com. Rep. No. 73) recommending that H.B. No. 2837, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 73 and H.B. No. 2837, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL DISCIPLINE," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2847, H.D. 2, presented a report (Conf. Com. Rep. No. 74) recommending that H.B. No. 2847, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 74 and H.B. No. 2847, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," was deferred for a period of 48 hours.

Senator D. Ige, for the majority of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2506, H.D. 1, presented a report (Conf. Com. Rep. No. 75) recommending that H.B. No. 2506, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 75 and H.B. No. 2506, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1099, H.D. 2, presented a report (Conf. Com. Rep. No. 76) recommending that H.B. No. 1099, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 76 and H.B. No. 1099, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2843, H.D. 1, presented a report (Conf. Com. Rep. No. 77) recommending that H.B. No. 2843, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 77 and H.B. No. 2843, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS," was deferred for a period of 48 hours.

Senator Fernandes Salling, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2852, H.D. 2, presented a

report (Conf. Com. Rep. No. 78) recommending that H.B. No. 2852, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 78 and H.B. No. 2852, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEHEALTH," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3528, H.D. 1, presented a report (Conf. Com. Rep. No. 79) recommending that H.B. No. 3528, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 79 and H.B. No. 3528, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2666, H.D. 1, presented a report (Conf. Com. Rep. No. 80) recommending that H.B. No. 2666, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 80 and H.B. No. 2666, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2355, H.D. 1, presented a report (Conf. Com. Rep. No. 81) recommending that H.B. No. 2355, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 81 and H.B. No. 2355, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2357, H.D. 2, presented a report (Conf. Com. Rep. No. 82) recommending that H.B. No. 2357, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 82 and H.B. No. 2357, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2381, H.D. 1, presented a report (Conf. Com. Rep. No. 83) recommending that H.B. No. 2381, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 83 and H.B. No. 2381, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2496, H.D. 2, presented a report (Conf. Com. Rep. No. 84) recommending that H.B. No. 2496, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 84 and H.B. No. 2496, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR THE INDIGENT," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2524, H.D. 1, presented a report (Conf. Com. Rep. No. 85) recommending that H.B. No. 2524, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 85 and H.B. No. 2524, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS FOR CAUSE," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2613, H.D. 1, presented a report (Conf. Com. Rep. No. 86) recommending that H.B. No. 2613, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 86 and H.B. No. 2613, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF SUPERVISORS," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2667, H.D. 1, presented a report (Conf. Com. Rep. No. 87) recommending that H.B. No. 2667, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 87 and H.B. No. 2667, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2734, presented a report (Conf. Com. Rep. No. 88) recommending that H.B. No. 2734, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 88 and H.B. No. 2734, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2776, H.D. 1, presented a report (Conf. Com. Rep. No. 89) recommending that H.B. No. 2776, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 89 and H.B. No. 2776, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2779, presented a report (Conf. Com. Rep. No. 90) recommending that H.B. No. 2779, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 90 and H.B. No. 2779, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE



FAMILY SUPPORT ACT," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2846, H.D. 1, presented a report (Conf. Com. Rep. No. 91) recommending that H.B. No. 2846, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 91 and H.B. No. 2846, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE SALES TO MINORS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2872, H.D. 1, presented a report (Conf. Com. Rep. No. 92) recommending that H.B. No. 2872, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 92 and H.B. No. 2872, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION INSPECTIONS," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2932, presented a report (Conf. Com. Rep. No. 93) recommending that H.B. No. 2932, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 93 and H.B. No. 2932, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2992, H.D. 2, presented a report (Conf. Com. Rep. No. 94) recommending that H.B. No. 2992, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 94 and H.B. No. 2992, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3010, presented a report (Conf. Com. Rep. No. 95) recommending that H.B. No. 3010, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 95 and H.B. No. 3010, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCURRENT JURISDICTION," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3065, H.D. 2, presented a report (Conf. Com. Rep. No. 96) recommending that H.B. No. 3065, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 96 and H.B. No. 3065, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3192, H.D. 1, presented a report (Conf. Com. Rep. No. 97) recommending that H.B. No. 3192, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 97 and H.B. No. 3192, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUPPORT ENFORCEMENT," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3553, presented a report (Conf. Com. Rep. No. 98) recommending that H.B. No. 3553, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 98 and H.B. No. 3553, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," was deferred for a period of 48 hours.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 3:00 o'clock p.m., Friday, May 1, 1998.

ATTACHMENT "A"*Roe v. Wade "Partial Birth Abortion" Bans*

*"Partial birth abortion" bans are the cornerstone of a carefully crafted strategy to eliminate women's legal right to abortion. Contrary to the early claims of their supporters, the bans are not written to apply to just "late" abortions; they apply throughout pregnancy. And they don't merely target one procedure; they potentially restrict most commonly used abortion methods. Even more disturbing is the fact that these laws boldly and intentionally ignore a quarter century of case law regarding abortion.*

**Constitutional Law Governing Abortion** The Supreme Court's ruling in *Roe v. Wade* was based on three strands of privacy law extending back decades in United States constitutional jurisprudence--bodily integrity, decisional autonomy, and informational privacy--and established that a woman's constitutional right to privacy encompasses her right to make the decision between childbirth and abortion. The Court also identified two state interests--preserving maternal health and protecting potential life--that, at different points in pregnancy, may justify regulation of abortion. Nineteen years later, in *Planned Parenthood v. Casey*, the Court reaffirmed two of the basic tenets of *Roe*: (1) a woman's right to choose when and if to bear a child is constitutional protected and (2) a state can only ban abortions performed after fetal viability (and, even then, only so long as exceptions are made to protect the life and health of the woman). However, *Casey* seriously diminished the level of constitutional protection afforded women's decisional autonomy when making childbearing choices. The *Casey* Court held that states could promote their interest in potential life by trying to deter women from obtaining abortions--even pre-viability--by forcing them to sit through state-scripted, anti-choice lectures from their doctors and then wait 24 hours before their abortion. The Court held that such obstacles are constitutional so long as they do not impose an "undue burden" on a woman's right to privacy.

*Emboldened by the Casey Court's lower standard for assessing abortion restrictions, state legislatures quickly enacted a variety of measures aimed at further weakening Roe--including "partial-birth abortion" bans. Fueled by a concerted anti-choice disinformation campaign, these bans have gained tremendous political momentum: Congress voted in 1996 and 1997 to pass a federal "partial-birth ban (President Clinton vetoed the law both times) and seventeen states have enacted similar bans.*

**"Partial-Birth Abortion" Laws Are Abortion Bans** The phrase "partial birth-abortion" is not a medical term; it was invented by anti-choice strategists for political purposes. The definition is so broad that it is not clear which abortion procedures are banned. Statutes banning "partial-birth abortion" (PBA) define the procedure as an abortion in which the person performing the abortion "partially vaginally delivers a living fetus before killing the fetus and completing the delivery." This definition could be read to encompass a number of abortion procedures. In fact, physicians have testified in court challenges to these laws that the definition of PBA could include abortions performed at all stages of pregnancy.

Supporters of PBA laws portray them as bans on only one procedure: intact dilation and extraction (intact D&X), a variation of dilation and evacuation (D&E), the most common method used in the second trimester. However, the language of the statute, federal judges interpreting the language, medical experts, and even the sponsor of the federal bill refute this limited application. The chief Congressional sponsor of PBA legislation, Rep. Charles Canady (R-FL), has publicly stated that the ban restricts more procedures than just intact D&X.

**"Partial-Birth Abortion" Laws Seek to Create Constitutional Rights for Fetuses** *Roe* clearly stipulated that personhood, with all its attendant constitutional rights, begins at birth. In order to circumvent this decision, sponsors in Congress and some states currently defending PBA bans in federal court argue that these laws are not governed by *Roe* because they recognize a new category of personhood--the "partially born." However, establishing legal rights for the "partially born" leads directly to the same

result that the Court explicitly rejected in *Roe*, and is nothing more than a semantic ploy to overturn that decision.

**"Partial-Birth Abortion" Laws Open the Door to New Regulation of Abortion by Putting Forth State Interests Not Recognized by *Roe*** In *Roe*, the Court recognized two state interests that could be compelling enough, at different points in the pregnancy, to restrict a woman's right to have an abortion: protecting a woman's health and protecting the "potentiality of human life." The PBA bans attempt to assert a *new* state interest in regulating abortion: the prevention of cruelty to the fetus. Proponents argue that this new state interest justifies restrictions on the methods by which an abortion may be performed at any point in pregnancy, thus outweighing the woman's privacy right. This is yet another anti-choice strategy to extend legal rights to fetuses.

**"Partial-Birth Abortion" Bans Do Not Permissibly Further Any State Interest Recognized in *Roe*** Under *Casey*, the state may further its interest in potential life by promoting childbirth over abortion. But pre-viability bans on medically acceptable abortion methods are never constitutional on this ground because they are not designed to dissuade the woman, and fetal survival is impossible. The Court has ruled that when fetal survival *is* possible, restrictions on methods must not increase medical risks for the woman. PBA bans ignore this limitation. Any state interest in maternal health is undermined not furthered, by such a method ban since such statutes may prevent a woman from obtaining the safest and most appropriate medical care.

**"Partial-Birth Abortion" Bans Ignore *Roe's* Command to Respect the Distinction Between Pre- and Post-Viability Abortions** Contrary to assertions that PBA statutes are "late-term" abortion bans, these statutes apply throughout pregnancy. In *Roe*, as affirmed by *Casey*, the Court recognized that, at the point of viability, the state interest in potential life supports a ban on abortion, so long as exceptions are provided to preserve a woman's life or health. Prior to viability, this interest does not justify a ban on abortion. Some supporters assert that PBA bans are justified by the interest of restricting post-viability abortions; yet these bans fail to respect the legal and constitutional importance of the viability line by applying the bans throughout pregnancy.

**"Partial-Birth Abortion" Laws Flout *Roe's* Protection of the Life and Health of Women** A critical underpinning of *Roe* is that a pregnant woman has a constitutionally protected interest in preserving her own life and health, and that interest must prevail over any state interest in restricting abortion. PBA bans ignore this principal. In *Roe* and in subsequent cases, the Court has affirmed that state statutes prohibiting post-viability abortions must make exceptions for cases in which a woman's life or health is at stake. Thus, a woman who can legally obtain an abortion under this rule must be sick or dying. PBA bans put these distressed women at yet *additional* risk by not permitting their physicians to use the method of abortion that is safest for them. The statutes enacted to date contain no exceptions to preserve a woman's health, and contain only very limited exceptions, if any, to preserve a woman's life. These omissions fly in the face of Supreme Court precedent.

**Conclusion** PBA statutes directly attack virtually every important aspect of *Roe v. Wade*: the concept that pre-viability abortion bans are unconstitutional; the Court's recognition that personhood under the Constitution commences at birth; the acknowledgement of only two state interests that may be used to justify restricting a woman's right to privacy; the establishment of the viability line; and the central premise that a pregnant woman's life and health must always predominate over any state interest.

## THE STATE "PARTIAL BIRTH ABORTION" BANS: ENJOINED IN THE COURTS

In the last year, medical providers have challenged fourteen state statutes that ban so-called "partial-birth abortion." In eleven of these lawsuits, the courts have addressed the merits of our challenges to these bans. All of these courts have enjoined the bans, in whole or in part. Underlying these rulings is the courts' recognition that the bans are unconstitutional--for their wide-reaching prohibitions on safe and

common methods of abortion; for the harm they impose on women's health by restricting physician discretion; and for their vagueness.

In all, twenty-one states have passed "partial-birth abortion" bans: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Louisiana, Michigan, Mississippi, Montana, Nebraska, New Jersey, Rhode Island, South Carolina, South Dakota, Tennessee, and Utah. These state laws typically define the banned procedure as any abortion in which the physician or other provider "partially vaginally delivers a living fetus before killing the fetus and completing the delivery." The bans generally apply to non-viable as well as viable fetuses, and contain dangerously narrow medical exceptions. At least four state statutes--Idaho's, Iowa's, Nebraska's, and New Jersey's--are substantially identical to the federal bill Congress passed in 1997. President Clinton vetoed that bill; an override attempt is expected this spring.

Regardless of their variations, the bans, when challenged in court, are being enjoined or limited in their scope. The twelve rulings issued to date that address "partial-birth abortion" bans are summarized below.

Michigan: *Evans v. Kelley*, 977 F. Supp. 1283 (E.D. Mich. 1997).

After a trial on the merits, a federal district court in Detroit declared Michigan's "partial-birth abortion" ban unconstitutional and *permanently enjoined* its enforcement. The court held the law unconstitutionally vague because--with its ambiguous and non-medical terminology--physicians "simply cannot know with any degree of confidence" what procedures it bans.

The court also struck the law as an "undue burden" on the right of a woman to choose to terminate her pregnancy. The court rejected the state's argument that the law prohibits a single procedure, finding it instead to constitute a virtual ban on second-trimester abortions. "Because of the sweeping breadth of the statute," the court held, "it would operate to eliminate one of the safest post-first-trimester abortion procedures [dilation and evacuation, or "D&E"], a procedure which currently is used in more than 85% of the post-first-trimester abortions performed in Michigan." The law, the court found, would therefore force women into riskier procedures.

Arizona: *Planned Parenthood v. Woods*, 982 F. Supp. 1369 (D. Ariz. 1997).

Similarly, after a trial on the merits, a federal district court *permanently enjoined* enforcement of Arizona's "partial-birth abortion" law. The court held the law to be unconstitutionally vague because it was "susceptible to different interpretations," and therefore failed to give physicians fair warning of what conduct it proscribed. The court also held that the ban constituted an "undue burden" on the right to have an abortion because, in prohibiting the safest, most common methods of abortion after the first trimester, the ban would force women from safer to riskier procedures.

Finally, the court struck the law as imposing unconstitutional third-party consent requirements on a woman's decision to terminate a pregnancy. The law created a private right of action, allowing the woman's husband--and parents, if the woman is a minor--to sue the physician unless he or they consented to the "partial-birth abortion." The court held that this provision had the effect of requiring those parties' consent to the woman's abortion, in violation of the Constitution. The state has appealed the decision to the United States Court of Appeals for the Ninth Circuit.

Illinois: *The Hope Clinic v. Ryan*, No. 97 C 8702, 1998 U.S. Dist. LEXIS 2245 (N.D. Ill. Feb. 12, 1998).

On February 12, 1998, one day before the law was scheduled to take effect, a federal district court issued a *permanent injunction* preventing enforcement of Illinois's "partial-birth abortion" ban. The court invalidated the law on three grounds. First, the court held the law to be unconstitutionally vague. Its terms, the court found, are "undefined and subject to more than one interpretation," leaving physicians uncertain "whether the legislature intended to ban a specific practice or entire abortion procedures." Second, the

court held that the ban imposes an undue burden by prohibiting the most common methods of abortion, including those used in both the first and second trimesters. Finally, the court held unconstitutional the statutory provision permitting parents to sue a physician who provides a minor a "partial-birth abortion" without their consent. Like the court in Arizona, the Illinois court reasoned that this provision effectively imposes a parental consent requirement, devoid of constitutional protections. The state has appealed the decision to the United States Court of Appeals for the Seventh Circuit.

Alaska: *Planned Parenthood v. State*, No. 3AN-97-6019 (Super. Ct. Alaska Mar. 13, 1998).

Holding Alaska's "partial-birth abortion" ban to violate the state constitution, a state trial court *permanently enjoined* the ban. The Alaska court declared the law void for vagueness, finding the term "partial-birth abortion" so "susceptible to different interpretations" that it could "apply not only to second-trimester abortions but to some first-trimester abortions as well." Because the law could thus function as a ban on "abortion in general," the court held it to violate the state constitutional right of privacy as well.

Nebraska: *Carhart v. Stenberg*, 972 F. Supp. 507 (D. Nev. 1997).

After an evidentiary hearing, a federal district court in Nebraska issued a *preliminary injunction* against enforcement of that state's "partial-birth abortion" ban against the plaintiff-physician. Even construed to reach only the physician-plaintiff's intact variant of D&E procedures, the ban was unconstitutional because it would subject his patients "to an appreciably greater risk of injury or death."

Montana: *Intermountain Planned Parenthood v. State*, No. BDV 97-477 (Dist. Ct. Mont. Oct. 1, 1997).

On the basis of written testimony, and after a hearing, a Montana state district court issued a *preliminary injunction* against enforcement of that state's "partial-birth abortion" ban. The Court found that the ban "has the effect of banning D&E abortion procedures," which are used for 88% of second-trimester abortions in the state. The ban would thus "lower a woman's accessibility to abortion services, and increase the amount of risk and pain that must be suffered." Although addressing the constitutionality of the ban under the privacy clause of the state constitution, the court also noted the law's infirmity under the federal standard.

Louisiana: *Causeway Medical Suite v. Foster*, No. 97-2211 (E.D. La. July 24, 1997).

Based on the plaintiffs' written testimony, a federal district court in Louisiana issued a *preliminary injunction* against enforcement of that state's "partial-birth abortion" ban. The plaintiffs challenged the statute as unconstitutionally vague and unduly burdensome, among other grounds.

Georgia: *Midtown Hospital v. Miller*, No. 1:97-CV-1786-JOF (N.D. Ga. July 24, 1997).

Although it has yet to hold an evidentiary hearing, a federal district court issued an *order* restricting enforcement of Georgia's statute to post-viability procedures. So enforced, the court stated, the statute would probably be constitutional.

Arkansas: *Little Rock Family Planning Services v. Jegley*, No. LR-C-97-581 (E.D. Ark. July 31, 1997); New Jersey: *Planned Parenthood v. Verniero*, No. 97-6170 (D.N.J. Dec. 24, 1997); Rhode Island: *Rhode Island Medical Society v. Pine*, No. 97-416L (D.R.I. July 11, 1997).

Federal trial courts in each of these three states have issued *temporary restraining orders* against enforcement of "partial-birth abortion" bans. The Arkansas court granted the plaintiffs temporary relief after concluding that it "defies logic" to say that the ban reaches only a single procedure, and finding that the ban would have the effect of denying women "appropriate medical care." In New Jersey and Rhode Island, the courts issued orders after concluding, without elaboration, that the plaintiffs were likely to succeed in showing that the bans are unconstitutional.

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Alabama: *Summit Medical Associates v. James*, 984 F. Supp. 1404 (M.D. Ala. 1998).

On grounds unrelated to the merits of the plaintiffs' challenge, a federal district court in Alabama issued a preliminary ruling dismissing the claim of health care providers for injunctive relief. Still remaining before the court is the plaintiffs' request for a declaration that the ban is unconstitutional. In the interim, abortion providers in the state are not without protection: The state attorney general has issued a letter limiting the ban to post-viability procedures. The state has appealed a ruling unrelated to the merits to the United States Court of Appeals for the Eleventh Circuit.

Other States:

In Idaho, where the law took effect upon signing on March 16, 1998, and in Iowa whose law is scheduled to take effect on July 1, 1998, medical providers have filed challenges in federal court. In Idaho, the plaintiffs have moved for immediate injunctive relief, but the court has yet to issue a ruling. In Florida, where the ban has yet to take effect, the governor has initiated a lawsuit challenging the legislature's override of his veto on the basis that the procedure was irregular. No decision has yet been issued. In six states--Indiana, Mississippi, South Carolina, South Dakota, Tennessee, and Utah--the bans have not been challenged.

## FIFTY-NINTH DAY

Friday, May 1, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 3:27 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by Mrs. Marilyn Chinen, Senate Majority Office, after which the Roll was called showing all Senators present with the exception of Senator Tanaka who was excused.

The President announced that he had read and approved the Journal of the Fifty-Eighth Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 335 to 339) were read by the Clerk and were placed on file:

Gov. Msg. No. 335, Informing the Senate that on April 29, 1998, he signed the following bills into law:

House Bill No. 2230 as Act 30, entitled: "RELATING TO THE UNIVERSITY OF HAWAII-HILO";

House Bill No. 2441 as Act 31, entitled: "RELATING TO ELECTIONS";

House Bill No. 2519 as Act 32, entitled: "RELATING TO LIST OF PERSONS EXAMINING RECORDS";

House Bill No. 2522 as Act 33, entitled: "RELATING TO PARTIES";

House Bill No. 2528 as Act 34, entitled: "RELATING TO EMPLOYMENT SECURITY";

House Bill No. 2626 as Act 35, entitled: "RELATING TO OCCUPATIONAL THERAPY";

House Bill No. 2708 as Act 36, entitled: "RELATING TO COURTS AND JUDICIAL PROCEEDINGS";

House Bill No. 2709 as Act 37, entitled: "RELATING TO NONCONSENSUAL COMMON LAW LIENS";

House Bill No. 2791 as Act 38, entitled: "RELATING TO THE BUSINESS ACTION CENTER";

House Bill No. 2810 as Act 39, entitled: "RELATING TO THE CODE OF FINANCIAL INSTITUTIONS";

House Bill No. 2814 as Act 40, entitled: "RELATING TO SENIOR PSYCHOLOGISTS";

House Bill No. 3004 as Act 41, entitled: "RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS";

House Bill No. 2816 as Act 42, entitled: "RELATING TO PHARMACIST LICENSURE EXAMINATIONS";

House Bill No. 2845 as Act 43, entitled: "RELATING TO EARLY INTERVENTION";

House Bill No. 2850 as Act 44, entitled: "RELATING TO SMALL ESTATES";

House Bill No. 2857 as Act 45, entitled: "RELATING TO THE CHRONIC RENAL DISEASE PROGRAM";

House Bill No. 2867 as Act 46, entitled: "RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS";

House Bill No. 2883 as Act 47, entitled: "RELATING TO KAWAINUI MARSH";

House Bill No. 2899 as Act 48, entitled: "RELATING TO DONATIONS TO GOVERNMENT AGENCIES";

House Bill No. 2942 as Act 49, entitled: "RELATING TO OFFENSES AGAINST PROPERTY RIGHTS";

House Bill No. 3031 as Act 50, entitled: "RELATING TO THE CAMPAIGN SPENDING COMMISSION";

House Bill No. 3053 as Act 51, entitled: "RELATING TO CIVIL SERVICE";

House Bill No. 3054 as Act 52, entitled: "RELATING TO PERFORMANCE RATINGS OF EMPLOYEES IN THE CIVIL SERVICE";

House Bill No. 3055 as Act 53, entitled: "RELATING TO CIVIL SERVICE";

House Bill No. 3466 as Act 54, entitled: "RELATING TO RETENTION OF CASHED WARRANTS";

Senate Bill No. 1071 as Act 55, entitled: "RELATING TO THE OPENING OF THE ABSENTEE POLLING PLACE";

Senate Bill No. 2123 as Act 56, entitled: "RELATING TO BOARDS OF REGISTRATION";

Senate Bill No. 2308 as Act 57, entitled: "RELATING TO PRIVATE TRADE, VOCATIONAL, OR TECHNICAL SCHOOLS";

Senate Bill No. 2332 as Act 58, entitled: "RELATING TO BOXING";

Senate Bill No. 2333 as Act 59, entitled: "RELATING TO EMERGENCY MEDICAL SERVICES";

Senate Bill No. 2388 as Act 60, entitled: "RELATING TO EDUCATION";

Senate Bill No. 2466 as Act 61, entitled: "RELATING TO GUARDIANSHIP";

Senate Bill No. 2472 as Act 62, entitled: "RELATING TO TRADE REGULATIONS";

Senate Bill No. 2611 as Act 63, entitled: "RELATING TO THE UNIFORM TRANSFER-ON-DEATH (TOD) SECURITY REGISTRATION ACT";

Senate Bill No. 2697 as Act 64, entitled: "RELATING TO THE JURISDICTION OF THE COURTS";

Senate Bill No. 2710 as Act 65, entitled: "RELATING TO SEARCH WARRANTS";

Senate Bill No. 2739 as Act 66, entitled: "RELATING TO THE COLLECTION OF FINES";

Senate Bill No. 2769 as Act 67, entitled: "RELATING TO IRRIGATION PROJECTS";

Senate Bill No. 2796 as Act 68, entitled: "RELATING TO ROBBERY IN THE FIRST DEGREE";

Senate Bill No. 2819 as Act 69, entitled: "RELATING TO ESCROW DEPOSITORIES";

Senate Bill No. 2828 as Act 70, entitled: "RELATING TO PHARMACIES";

Senate Bill No. 2839 as Act 71, entitled: "RELATING TO INSURANCE";

Senate Bill No. 2840 as Act 72, entitled: "RELATING TO CAPTIVE INSURANCE";

Senate Bill No. 2844 as Act 73, entitled: "RELATING TO ISSUANCE OF UTILITY VOTING STOCK";

Senate Bill No. 2903 as Act 74, entitled: "RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN";

Senate Bill No. 2941 as Act 75, entitled: "RELATING TO LIQUOR";

Senate Bill No. 3077 as Act 76, entitled: "RELATING TO RISK RETENTION"; and

Senate Bill No. 3126 as Act 77, entitled: "RELATING TO MOTOR CARRIERS."

Gov. Msg. No. 336, transmitting his statement of objections to Senate Bill No. 2598 which he has returned to the Senate without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

April 29, 1998

STATEMENT OF OBJECTIONS TO SENATE BILL NO.  
2598

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2598, entitled 'A Bill for an Act Relating to the Insurance Division.'

The purpose of Senate Bill No. 2598 is to authorize the Insurance Commissioner to adopt rules subject only to the specific requirements of chapter 91, Hawaii Revised Statutes, and 'not subject to any other requirement or directive of the governor or of any other person or agency within the executive branch.'

Under chapter 91, the Hawaii Administrative Procedure Act, the adoption, amendment, or repeal of any rule is subject to the governor's approval. In recent years, the governors of Hawaii, by administrative directives, have required that proposed administrative rules be reviewed by the Department of the Attorney General for legal concerns and approval as to form. In addition, the governors have required that the agency proposing the administrative rule prepare an impact statement and submit the proposed rule and impact statement for review by the Director of Finance and the Director of Business, Economic Development, and Tourism for long and short-range impacts on the public, on economic growth and the economy of the State, on the individuals or businesses that must comply, and for the exploration of other alternatives to the rule so as to resolve the problem or situation at hand. Although the agency reviews of proposed rules may take some time, the reviews are crucial and necessary to avoid potential legal problems and adverse financial and economic impacts and to prevent or resolve problems prior to the adoption of the rule. These reviews are essential and necessary to enable the governor to give an informed approval of the proposed rules.

The bill would require the governor to approve proposed rules without having the ability to seek any input or

clarification concerning the background or potential impact of the proposed rule and without the usual executive agency reviews. In effect, it makes the governor a mere rubber stamp for the approval of insurance division rules.

Additionally, there may be a constitutional objection to this bill. This bill appears to violate the separation of powers between the executive and legislative branches of the government as it attempts to limit the ability of the governor to establish procedures under which an executive branch agency is to operate when proposing and adopting administrative rules. By this bill, the legislature would restrict the executive branch's ability to manage its internal operations and this restriction would adversely affect the governor's prerogatives to impose requirements on agencies under the governor's supervision."

For the foregoing reasons, I am returning Senate Bill No. 2598 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

Gov. Msg. No. 337, dated April 14, 1998, transmitting a report on the Hawaii Enterprise Zones Program, prepared by the Department of Business, Economic Development, and Tourism, Business Support Division, pursuant to Chapter 209E, HRS.

Gov. Msg. No. 338, dated April 27, 1998, transmitting the Fiscal Year 1997 Annual Report on Recommendation for Denial of Claims Filed Under the Legislative Relief Act, prepared by the Department of the Attorney General pursuant to Section 37-77, HRS.

Gov. Msg. No. 339, advising the Senate of the withdrawal of the nomination of GILFORD M. SATO from the Board of Directors of the Hawai'i Health Systems Corporation, under Gov. Msg. No. 309, dated April 20, 1998.

In compliance with Gov. Msg. No. 339, the nomination listed under Gov. Msg. No. 309 was returned.

#### DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 29 and 30) were read by the Clerk and were placed on file:

Dept. Com. No. 29, from the State Auditor dated April 20, 1998, transmitting their 1997 Annual Report.

Dept. Com. No. 30, from the State Auditor dated April 29, 1998, transmitting a report, "Audit of the All-Inclusive Care for the Elderly (PACE) Hawaii," (Report No. 98-15).

#### HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 437 to 440) were read by the Clerk and were placed on file:

Hse. Com. No. 437, informing the Senate that the Speaker on April 30, 1998, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate concurrent resolutions:

S.C.R. No. 146, S.D. 2 (H.D. 1):

Representatives Arakaki, Abinsay, co-chairmen, Saiki, McDermott.

S.C.R. No. 191, S.D. 2 (H.D. 1):

Representatives Cachola, Chang, co-chairmen, Morita, Fox.



Hse. Com. No. 438, informing the Senate that the Speaker on April 30, 1998, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House concurrent resolutions:

H.C.R. No. 34, H.D. 2 (S.D. 1):

Representatives Yoshinaga, Menor, co-chairmen, Goodenow, Thielen.

H.C.R. No. 88, H.D. 1 (S.D. 1):

Representatives Yonamine, Chang, co-chairmen, Suzuki, Marumoto.

In accordance therewith, the President appointed Senators Kanno, Chun Oakland, Baker, Fukunaga, co-chairmen, Anderson as managers on the part of the Senate at such conference.

H.C.R. No. 116 (S.D. 1):

Representatives Yonamine, Chang, co-chairmen, Yamane, Moses.

H.C.R. No. 202 (S.D. 1):

Representatives Abinsay, chairman, Chang, Meyer.

Hse. Com. No. 439, 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. 34, H.D. 2 (S.D. 1);

H.C.R. No. 88, H.D. 1 (S.D. 1);

H.C.R. No. 116 (S.D. 1); and

H.C.R. No. 202 (S.D. 1).

Hse. Com. No. 440, informing the Senate that the Speaker on May 1, 1998, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate concurrent resolutions:

S.C.R. No. 19, S.D. 1 (H.D. 1):

Representatives Santiago, Abinsay, co-chairmen, Saiki, McDermott.

S.C.R. No. 28, S.D. 1 (H.D. 1):

Representatives Santiago, Abinsay, co-chairmen, Saiki, McDermott.

#### STANDING COMMITTEE REPORT

Senators Aki and Tam, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3562) recommending 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, in accordance with Gov. Msg. No. 256.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 3562 and Gov. Msg. No. 256 was deferred until Tuesday, May 5, 1998.

#### ORDER OF THE DAY

##### AGREE/DISAGREE

##### MATTERS DEFERRED FROM THURSDAY, APRIL 30, 1998

S.C.R. No. 9, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 9, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MAJOR SPORTS FRANCHISE," was deferred until Tuesday, May 5, 1998.

S.C.R. No. 25 (H.D. 1):

By unanimous consent, action on S.C.R. No. 25, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF PROPOSED REGULATION OF PROFESSIONAL MENTAL HEALTH COUNSELORS AND PROFESSIONAL REHABILITATION COUNSELORS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was deferred until Tuesday, May 5, 1998.

S.C.R. No. 34, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 34, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAHIAWA CENTENNIAL CELEBRATION ADVISORY COMMISSION BY EXECUTIVE ORDER," was deferred until Tuesday, May 5, 1998.

S.C.R. No. 48, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 48, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF MANDATORY HEALTH INSURANCE COVERAGE FOR EARLY INTERVENTION SERVICES," was deferred until Tuesday, May 5, 1998.

S.C.R. No. 59, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 59, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN ASSESSMENT OF THE IMPACT OF BANNING SCRAP METAL FROM LANDFILLS IN HAWAII," was deferred until Tuesday, May 5, 1998.

S.C.R. No. 71, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 71, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO HOMEPORT AN AIRCRAFT CARRIER AT PEARL HARBOR, HAWAII," was deferred until Tuesday, May 5, 1998.

S.C.R. No. 81, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 81, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENTS OF TRANSPORTATION, ACCOUNTING AND GENERAL SERVICES, AND LAND AND NATURAL RESOURCES TO REQUIRE PRIVATE CONTRACTORS TO HAUL AWAY GREEN WASTE TO COMPOSTING COMPANIES AND ENCOURAGING STATE AGENCIES AND DEPARTMENTS TO PURCHASE HAWAII-MANUFACTURED COMPOST AND SOIL AMENDMENT IN BULK," was deferred until Tuesday, May 5, 1998.

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 Tuesday, May 5, 1998.

S.C.R. No. 121, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 121, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE NEGOTIATED SETTLEMENT TO BE FILED IN THE FEDERAL DISTRICT COURT OF PROVIDENCE, RHODE ISLAND FOR THE REPATRIATION OF THE SACRED KI'U LA'AU," was deferred until Tuesday, May 5, 1998.

S.C.R. No. 137, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 137, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CONSIDER THE PROPOSALS OF THE ECONOMIC REVITALIZATION TASK FORCE THAT ALL PUPILS GRADUATING FROM HIGH SCHOOL BEGINNING WITH THE 2000 SCHOOL YEAR SHALL BE COMPETENT IN LANGUAGES OTHER THAN ENGLISH AND SHALL ALSO BE COMPUTER LITERATE," was deferred until Tuesday, May 5, 1998.

S.C.R. No. 153, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 153, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON EXISTING REGULATIONS FOR PROPOSED USE PROJECTS LOCATED IN THE WAIKIKI AREA," was deferred until Tuesday, May 5, 1998.

S.C.R. No. 154 (H.D. 1):

By unanimous consent, action on S.C.R. No. 154, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE REASONS WHY GASOLINE PRICES CONTINUE TO REMAIN SIGNIFICANTLY HIGHER THAN MAINLAND PRICES," was deferred until Tuesday, May 5, 1998.

S.C.R. No. 190, S.D. 1 (H.D. 2):

By unanimous consent, action on S.C.R. No. 190, S.D. 1, H.D. 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND THE CITY AND COUNTY OF HONOLULU TO ESTABLISH A BANNER WELCOME PROGRAM FOR THE STREET LAMPPOSTS FRONTING THE HAWAII CONVENTION CENTER MAIN ENTRANCE," was deferred until Tuesday, May 5, 1998.

S.C.R. No. 200, S.D. 1 (H.D. 1):

By unanimous consent, action on S.C.R. No. 200, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO PROMPTLY REVIEW MATERIAL RELEVANT TO THE 'LAP DANCING' CASES AND EXERCISE APPROPRIATE REMEDIAL OPTIONS," was deferred until Tuesday, May 5, 1998.

### FINAL READING

S.B. No. 2334, S.D. 1, H.D. 1:

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. 2334, S.D. 1, and S.B. No. 2334, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," having been read throughout,

passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Kanno, Tanaka).

S.B. No. 2619, S.D. 1, H.D. 1:

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. 2619, S.D. 1, and S.B. No. 2619, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR TRADE REGULATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Kanno, Tanaka).

S.B. No. 2805, S.D. 1, H.D. 1:

Senator D. Ige moved that S.B. No. 2805, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Metcalf.

Senator Anderson rose in support of the measure and said:

"Mr. President, I'll be voting in favor of this but it was brought to our attention that I would have some reservations because the appeals could go directly to the Supreme Court. However, if the PUC overburdens the Supreme Court and some of the cases are put to the side, then they have, from my understanding from our attorney, there won't be a chance to go to any other court because it goes directly to the Supreme Court. That was some of our reservations.

"Thank you, Mr. President."

Senator Slom rose and said:

"Reservations please, Mr. President."

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. 2805, S.D. 1, and S.B. No. 2805, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS FROM THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Kanno, Tanaka).

S.B. No. 2822, S.D. 1, H.D. 1:

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. 2822, S.D. 1, and S.B. No. 2822, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEMON LAW DISCLOSURE COMPLIANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Kanno, Tanaka).

S.B. No. 2829, H.D. 1:

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. 2829, and S.B. No. 2829, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIRS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Aki, Kanno, Tanaka).

S.B. No. 2842, H.D. 1:

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. 2842, and S.B. No. 2842, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL MALPRACTICE UNDERWRITING PLAN," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kanno, Tanaka).

S.B. No. 3018, H.D. 1:

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. 3018, and S.B. No. 3018, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kanno, Tanaka).

S.B. No. 3141, S.D. 1, H.D. 1:

Senator Baker moved that S.B. No. 3141, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Sakamoto requested a conflict ruling as follows:

"Mr. President, I appreciate the co-chairs action on this measure. I have a potential conflict. I'm a general contractor."

The Chair ruled that Senator Sakamoto was not in conflict.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3141, S.D. 1, and S.B. No. 3141, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kanno, Tanaka).

At 3:34 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:47 o'clock p.m.

#### ADVISE AND CONSENT

##### MATTER DEFERRED FROM THURSDAY, APRIL 30, 1998

Stand. Com. Rep. No. 3533 (Gov. Msg. No. 232):

Senator Chun Oakland moved that Stand. Com. Rep. No. 3533 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of CAROL K. YAMAMOTO to the Labor and Industrial Relations Appeals Board, term to expire June 30, 2008, seconded by Senator Kanno.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3534 (Gov. Msg. Nos. 194, 226 and 235):

Senator D. Ige moved that Stand. Com. Rep. No. 3534 be received and placed on file, seconded by Senator Metcalf and carried.

Senator D. Ige then moved that the Senate advise and consent to the nominations of the following:

RANDOLPH B. AHLO to the State Boxing Commission of Hawai'i, term to expire June 30, 2000 (Gov. Msg. No. 194);

TED CANDIA to the State Boxing Commission of Hawai'i, term to expire June 30, 2002 (Gov. Msg. No. 194);

LESLIE ISEMOTO and ALVIN T. KOBAYASHI to the Contractors License Board, terms to expire June 30, 2002 (Gov. Msg. No. 226); and

MILTON N. HIGA and DENNIS KUWABARA, O.D., to the Board of Examiners in Optometry, terms to expire June 30, 2002 (Gov. Msg. No. 235),

seconded by Senator Metcalf.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3535 (Gov. Msg. No. 211):

Senator D. Ige moved that Stand. Com. Rep. No. 3535 be received and placed on file, seconded by Senator Metcalf and carried.

Senator D. Ige then moved that the Senate advise and consent to the nomination of DENNIS R. YAMADA to the Public Utilities Commission, term to expire June 30, 2004, seconded by Senator Metcalf.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3536 (Gov. Msg. Nos. 212 and 223):

Senator D. Ige moved that Stand. Com. Rep. No. 3536 be received and placed on file, seconded by Senator Metcalf and carried.

Senator D. Ige then moved that the Senate advise and consent to the nominations of the following:

NICHOLAS JOHN GLADDIS and RICHARD DE JOURNETT, M.D., to the Radiologic Technology Board, terms to expire June 30, 2001 (Gov. Msg. No. 212);

MARY E. C. OYADOMARI to the Radiologic Technology Board, term to expire June 30, 2002 (Gov. Msg. No. 212); and

GARY T. NISHIKAWA and BRIAN M. IWATA to the State Board of Public Accountancy, terms to expire June 30, 2002 (Gov. Msg. No. 223),

seconded by Senator Metcalf.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3537 (Gov. Msg. Nos. 224, 230 and 234):

Senator D. Ige moved that Stand. Com. Rep. No. 3537 be received and placed on file, seconded by Senator Metcalf and carried.

Senator D. Ige then moved that the Senate advise and consent to the nominations of the following:

BARBARA M. KOKUBUN and MILTON Y. MIGITA to the State Board of Barbering and Cosmetology, terms to expire June 30, 1999 (Gov. Msg. No. 224);

KENNETH R. JOYNER, LANCE M. MARUGAME and, RICHARD Y. MITSUMORI to the State Board of Barbering and Cosmetology, terms to expire June 30, 2000 (Gov. Msg. No. 224);

EDNA H. KANO and ELAINE K. KIMURA to the State Board of Barbering and Cosmetology, terms to expire June 30, 2001 (Gov. Msg. No. 224);

LELAND M. GLASER and DAVID BOBACK to the Elevator Mechanics Licensing Board, terms to expire June 30, 2002 (Gov. Msg. No. 230); and

ROY T. OZAKI and STUART C. LAU to the Motor Vehicle Repair Industry Board, terms to expire June 30, 2002 (Gov. Msg. No. 234),

seconded by Senator Metcalf.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3538 (Gov. Msg. Nos. 236, 238 and 239):

Senator D. Ige moved that Stand. Com. Rep. No. 3538 be received and placed on file, seconded by Senator Metcalf and carried.

Senator D. Ige then moved that the Senate advise and consent to the nominations of the following:

HERBERT K. ENDO to the Board of Osteopathic Examiners, term to expire June 30, 2002 (Gov. Msg. No. 236);

TIMOTHY F. OLDERR, M.D., to the Board of Physical Therapy, term to expire June 30, 2002 (Gov. Msg. No. 238); and

GEORGE FREITAS and GUY H. KAULUKUKUI, Ph.D., to the Board of Private Detectives and Guards, terms to expire June 30, 2002 (Gov. Msg. No. 239),

seconded by Senator Metcalf.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3539 (Gov. Msg. Nos. 237, 277 and 281):

Senator D. Ige moved that Stand. Com. Rep. No. 3539 be received and placed on file, seconded by Senator Metcalf and carried.

Senator D. Ige then moved that the Senate advise and consent to the nominations of the following:

ANGELINA E. RAMOS and JOHN WILLIAM SZABO to the Board of Pharmacy, terms to expire June 30, 2002 (Gov. Msg. No. 237);

GREGORY S. ENDO to the Board of Electricians and Plumbers, term to expire June 30, 1999 (Gov. Msg. No. 277);

SAM FAILLA and JUNE UYEHARA-ISONO to the Board of Electricians and Plumbers, terms to expire June 30, 2002 (Gov. Msg. No. 277);

VICKI VON STROHEIM-SEAY to the Board of Massage Therapy, term to expire June 30, 2002 (Gov. Msg. No. 281),

seconded by Senator Metcalf.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3540 (Gov. Msg. Nos. 240, 241 and 266):

Senator D. Ige moved that Stand. Com. Rep. No. 3540 be received and placed on file, seconded by Senator Metcalf and carried.

Senator D. Ige then moved that the Senate advise and consent to the nominations of the following:

ROGER S. HAMADA, Ph.D., and LESTER K. M. LEU to the Board of Psychology, terms to expire June 30, 2002 (Gov. Msg. No. 240);

AIMEE ANDERSON and HERBERT M. RICHARDS III to the Board of Veterinary Examiners, terms to expire June 30, 2002 (Gov. Msg. No. 241); and

CHARLES H. AKI, MICHAEL G. CHING, ALFREDO G. EVANGELISTA and IRIS R. OKAWA to the Real Estate Commission, terms to expire June 30, 2002 (Gov. Msg. No. 266),

seconded by Senator Metcalf.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3541 (Gov. Msg. Nos. 308, 313 and 315):

Senator D. Ige moved that Stand. Com. Rep. No. 3541 be received and placed on file, seconded by Senator Metcalf and carried.

Senator D. Ige then moved that the Senate advise and consent to the nominations of the following:

RUSSELL Y. J. CHUNG to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, term to expire June 30, 2001 (Gov. Msg. No. 308);

LAUREL MAU NAHME, MIKE Y. MIURA, GARY B. K. T. LEE and KEN K. HAYASHIDA to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, terms to expire June 30, 2002 (Gov. Msg. No. 308);

CULLEN T. HAYASHIDA, Ph.D., GREGORY PARK, M.D., and JAMES S. TSUJI, M.D., to the Board of Medical Examiners, terms to expire June 30, 2002 (Gov. Msg. No. 313); and

ROWENA TACHIBANA, L.P.N., JUNE M. HIRAKI, R.N., NAOMI MASUDA, JOANNE ITANO, Ph.D., and VALISA SAUNDERS, M.N., to the State Board of Nursing, terms to expire June 30, 2001 (Gov. Msg. No. 315),

seconded by Senator Metcalf.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3542 (Gov. Msg. No. 264):

Senator Kawamoto moved that Stand. Com. Rep. No. 3542 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations of JAMES S. CORREA, RICHARD M. IGA, TRINETTE P. KAUI and DAVID M. JORGENSEN to the State Highway Safety Council, terms to expire June 30, 2002, seconded by Senator Sakamoto.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3543 (Gov. Msg. No. 318):

Senator Kawamoto moved that Stand. Com. Rep. No. 3543 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nominations of WALTER Y. ARAKAKI, NORMAN K. TSUJI, WILLIAM H. CROZIER III, and EDWARD Y. HIRATA to the Commission on Transportation, terms to expire June 30, 2002, seconded by Senator Sakamoto.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3544 (Gov. Msg. No. 320):

Senator Kawamoto moved that Stand. Com. Rep. No. 3544 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of SAMI LEIALOHA BOTELHO to the Advisory Board on Veterans Services, term to expire June 30, 2001, seconded by Senator Sakamoto.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3545 (Gov. Msg. No. 298):

Senator Iwase moved that Stand. Com. Rep. No. 3545 be received and placed on file, seconded by Senator Solomon and carried.

Senator Iwase then moved that the Senate advise and consent to the nominations of M. CASEY JARMAN, MERLE A. K. KELAI, PRAVIN DESAI and AIA ASID to the Land Use Commission, terms to expire June 30, 2002, seconded by Senator Solomon.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3546 (Gov. Msg. No. 306):

Senator Iwase moved that Stand. Com. Rep. No. 3546 be received and placed on file, seconded by Senator Solomon and carried.

Senator Iwase then moved that the Senate advise and consent to the nomination of DAVID M. LOUIE to the Board of Directors, Aloha Tower Development Corporation, term to expire June 30, 2001, seconded by Senator Solomon.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3547 (Gov. Msg. Nos. 293, 294, 295, 296 and 297):

Senator Iwase moved that Stand. Com. Rep. No. 3547 be received and placed on file, seconded by Senator Solomon and carried.

Senator Iwase then moved that the Senate advise and consent to the nominations of the following:

ROGER HARRIS to the Island Burial Council, Island of Hawai'i, term to expire June 30, 2002 (Gov. Msg. No. 293);

GRACE H. KAMAI, B. KAIPU AKANA, TOM H. SHIGEMOTO and BARBARA J. SAY to the Island Burial Council, Islands of Kauai and Niihau, terms to expire June 30, 2002 (Gov. Msg. No. 294);

WILLIAM WAIOHU JR., to the Island Burial Council, Islands of Maui and Lanai, term of expire June 30, 2001 (Gov. Msg. No. 295);

CHARLES K. MAXWELL SR., and CLIFFORD JAMES NAE'OLE to the Island Burial Council, Islands of Maui and Lanai, terms of expire June 30, 2002 (Gov. Msg. No. 295);

PHILIP SOLATORIO and LOUELLA OPU'ULANI W. ALBINO to the Island Burial Council, Island of Molokai, terms to expire June 30, 2002 (Gov. Msg. No. 296); and

GWENDOLYN Y. PIKAKE PELEKAI, CAROLYN K. ABAD, CY M. BRIDGES, KALEIKOA KAEAO and EDWARD H. AYAU to the Island Burial Council, Island of Oahu, terms to expire June 30, 2002 (Gov. Msg. No. 297),

seconded by Senator Solomon.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3548 (Gov. Msg. No. 327):

Senator Chumbley moved that Stand. Com. Rep. No. 3548 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate consent to the nomination of ARTEMIO C. BAXA to the office of Second Judge of the Circuit Court of the Second Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Matsunaga.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3549 (Gov. Msg. No. 267):

Senator Bunda moved that Stand. Com. Rep. No. 3549 be received and placed on file, seconded by Senator M. Ige and carried.

Senator Bunda then moved that the Senate advise and consent to the nominations to the Rental Housing Trust Fund Advisory Commission of the following:

LESLIE Y. KURISAKI, term to expire June 30, 2000;

CRAIG K. HIRAI and RICHARD C. LIM, terms to expire June 30, 2001; and

BETTY LOU LARSON and STEPHEN K. KAWAHARA, terms to expire June 30, 2002,

seconded by Senator M. Ige.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3550 (Gov. Msg. No. 254):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3550 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 Hawai'i Advisory Commission on Drug Abuse and Controlled Substances of the following:

KENNETH L. TANO, term to expire June 30, 2000; and

VERONICA B. YAMANOHA, 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, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3551 (Gov. Msg. No. 257):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3551 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 GERI MARULLO to the

Statewide Health Coordinating Council, 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, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3552 (Gov. Msg. No. 258):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3552 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 Honolulu Subarea Health Planning Council of the following:

DANIEL A. BARRETTO, term to expire June 30, 1999;

ROBERT Y. HEE, term to expire June 30, 2001; and

MARIAN G. MARSH, LANE K. UCHIMURA and STELLA M. Q. WONG, terms 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, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3553 (Gov. Msg. No. 259):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3553 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 to the West Oahu Subarea Health Planning Council of the following:

ALAN ARAKAWA, term to expire June 30, 2000; and

LAURIE A. B. OISHI and JOHN V. SCHLEIF, terms 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, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3554 (Gov. Msg. No. 260):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3554 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 Windward Oahu Subarea Health Planning Council of the following:

JOHN E. AOKI, M.D., term to expire June 30, 2000; and

CLIFTON C. CASSITY, GREGG OISHI and MELODY S. FANNING, terms 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, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3555 (Gov. Msg. No. 262):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3555 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 Kauai County Subarea Health Planning Council of the following:

KENNETH VILLABRILLE, term to expire June 30, 2000;

ABEL MEDEIROS, term to expire June 30, 2001; and

JOSEPHINE C. DUVAUCHELLE and KALEINANI M. LARSEN, terms 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, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3556 (Gov. Msg. No. 263):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3556 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 Maui County Subarea Health Planning Council of the following:

JOHN ORNELLAS, term to expire June 30, 1999; and

CATHERINE NOBRIGA KIM, THOMAS ALBETE, GLENN S. IZAWA, KATHLEEN L. STREET, GUY M. SUGINO, M.D., SARAJEAN A. TOKUNAGA, ANN K. TAKAKURA and CHERYL C. GARCIA, terms 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, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3557 (Gov. Msg. No. 272):

Senator Fernandes Salling moved that Stand. Com. Rep. No. 3557 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 of KENNETH T. ISHIZAKI and LEWIS CURTIS TINDALL to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, terms 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, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3558 (Gov. Msg. No. 265):

Senator Bunda moved that Stand. Com. Rep. No. 3558 be received and placed on file, seconded by Senator M. Ige and carried.

Senator Bunda then moved that the Senate advise and consent to the nominations to the Board of Directors, Housing and Community Development Corporation of Hawai'i, of the following:

DON FUJIMOTO and NADINE K. NAKAMURA, terms to expire June 30, 2000;

KURT H. MITCHELL, term to expire June 30, 2001; and

DONALD K. W. LAU and WESLEY R. SEGAWA, terms to expire June 30, 2002,

seconded by Senator M. Ige.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3559 (Gov. Msg. No. 312):

Senator Chun Oakland moved that Stand. Com. Rep. No. 3559 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Statewide Independent Living Council of the following:

LYN A. PASAK and LINDA WONG, terms to expire June 30, 1999;

RANDALL M. LICHTER, term to expire June 30, 2000; and

MICHAEL S. FLORES, ROY GLEN THOMAS and CARRICK WONG, terms to expire June 30, 2001,

seconded by Senator Kanno.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3560 (Gov. Msg. No. 316):

Senator Chun Oakland moved that Stand. Com. Rep. No. 3560 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the State Advisory Council on Rehabilitation of the following:

MARK Y. YABUI, LILLIAN Y. SHIBATA and STERLING KRYSLER, terms to expire June 30, 2000; and

CHARLES E. CONANT, MARY ANN DEVORE, KIMBERLY BALANON, LOURDES P. MUGAS, SHARON SHORE, MARGUERITE SIVAK and ANNA MARIE SPRINGER, terms to expire June 30, 2001,

seconded by Senator Kanno.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

Stand. Com. Rep. No. 3561 (Gov. Msg. No. 321):

Senator Chun Oakland moved that Stand. Com. Rep. No. 3561 be received and placed on file, seconded by Senator Kanno and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations of MARY JO SWEENEY, EDEAN V. KAM and VALLI KANUHA, to the State Commission on the Status of Women, terms to expire June 30, 2002, seconded by Senator Kanno.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Kanno, Levin, Metcalf, Tanaka, Taniguchi).

#### RECONSIDERATION OF ACTIONS TAKEN

S.C.R. No. 19, S.D. 1, H.D. 1:

Senator Chun Oakland moved that the Senate reconsider its action taken on April 29, 1998, in disagreeing to the amendments proposed by the House to S.C.R. No. 19, S.D. 1, seconded by Senator Ihara and carried.

Senator Chun Oakland moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 19, S.D. 1, seconded by Senator Ihara.

Senator Chun Oakland noted:

"Mr. President, S.C.R. No. 19, S.D. 1, H.D. 1, is to request the state auditor to study the social and financial impacts of requiring employer group health policies, contracts, plans or agreements issued or renewed in Hawaii to provide coverage for foods that are medically necessary for the treatment of inherited metabolic diseases. The House has amended the Senate version of the resolution by adding to the number of organizations that would receive certified copies, and by making technical and nonsubstantive changes."

The motion was put by the Chair and carried.

On motion by Senator Chun Oakland, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 19, S.D. 1, and S.C.R. No. 19, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR MEDICAL FOODS FOR THE TREATMENT OF INHERITED METABOLIC DISEASES," was Finally Adopted.

S.C.R. No. 159, H.D. 1:

Senator Chun Oakland moved that the Senate reconsider its action taken on April 29, 1998, in disagreeing to the amendments proposed by the House to S.C.R. No. 159, seconded by Senator Ihara and carried.

Senator Chun Oakland moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 159, seconded by Senator Ihara.

Senator Chun Oakland explained:

"Mr. President, S.C.R. No. 159, H.D. 1, is to perpetuate the Aloha spirit by requesting all state employees to use the word 'Aloha' as the official greeting when meeting the public or answering the phone. As S.C.R. No. 159 is a companion measure to H.C.R. No. 84, which crossed over first, the House has amended this resolution by removing its contents and

replacing it with a resolution that requests the governor to establish, by executive order, an Okinawan Centennial Celebration Commission comprised of 15 members.

"The Senate Committee on Human Resources, in consultation with other House and Senate members, finds that the resolution is an important component in the planning and implementation of the upcoming Okinawan centennial celebration, and that this commission shall require no fiscal support from the state as private funds have already been solicited to finance this operation. With this in mind, the Senate Committee on Human Resources concurs with this House change."

The motion was put by the Chair and carried.

On motion by Senator Chun Oakland, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 159, and S.C.R. No. 159, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE OKINAWAN CENTENNIAL CELEBRATION COMMISSION BY EXECUTIVE ORDER," was Finally Adopted.

S.B. No. 1362 (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. 1362, 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. 1362, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.B. No. 1362, relating to negotiable instruments, protects consumers from fraudulent activities made accessible through demand drafts.

"The amendments made by the House were primarily technical and nonsubstantive."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Tuesday, May 5, 1998.

S.B. No. 1946, S.D. 1 (H.D. 2):

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. 1946, 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. 1946, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.B. No. 1946, relating to practice of medicine, perpetuates traditional Hawaiian healing practices.

"The amendments made by the House were primarily technical and nonsubstantive."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Tuesday, May 5, 1998.

S.B. No. 2581 (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. 2581, 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. 2581, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.B. No. 2581 regulates perpetual care from cemetery and funeral trusts.

"The amendments made by the House were primarily technical and nonsubstantive."

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," was placed on the calendar for Final Reading on Tuesday, May 5, 1998.

S.B. No. 2586, 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. 2586, 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. 2586, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.B. No. 2586, relating to captive insurance companies, amends the insurance code to broaden the law dealing with captive insurance to insure that Hawaii is one of the premier domestic domiciles for captive insurance companies.

"The amendments made by the House were primarily technical and nonsubstantive."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Tuesday, May 5, 1998.

S.B. No. 2610, 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. 2610, 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. 2610, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.B. No. 2610, relating to professional land surveyors, improves licensing requirements.

"The amendments made by the House were primarily technical and nonsubstantive."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Tuesday, May 5, 1998.

S.B. No. 2644, 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. 2644, 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. 2644, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.B. No. 2644, relating to beauty culture, provides for separate licensing categories for professionals in the area of skin and nail care.

"The amendments made by the House were primarily technical and nonsubstantive."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Tuesday, May 5, 1998.

S.B. No. 2820 (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. 2820, 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. 2820, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.B. No. 2820, relating to financial institutions, provides the Commission on Financial Institutions with necessary and appropriate enforcement powers.

"The amendments made by the House were primarily technical and nonsubstantive."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Tuesday, May 5, 1998.

S.B. No. 2821 (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. 2821, 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. 2821, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.B. No. 2821, relating to the Code of Financial Institutions, amends the code to align with changes to the Uniform Code.

"The amendments made by the House were primarily technical and nonsubstantive."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Tuesday, May 5, 1998.

S.B. No. 2832, S.D. 2 (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. 2832, S.D. 2, 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. 2832, S.D. 2, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.B. No. 2832, relating to investigative subpoena powers, improves consumer protection by allowing DCCA to serve subpoenas on persons outside of the state.

"The amendments made by the House were primarily technical and nonsubstantive."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Tuesday, May 5, 1998.

S.B. No. 2835, S.D. 1 (H.D. 2):

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. 2835, 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. 2835, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.B. No. 2835 relates to the insurance premium taxes, basically streamlining the payments of taxes by insurance companies.

"The amendments made by the House were primarily technical and nonsubstantive."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Tuesday, May 5, 1998.

S.B. No. 2836, 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. 2836, 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. 2836, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.B. No. 2836, relating to insurance fraud, is to help minimize insurance fraud.

"The amendments made by the House were primarily technical and nonsubstantive."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Tuesday, May 5, 1998.

S.B. No. 2838, 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. 2838, 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. 2838, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.B. No. 2838, relates to insurance. The purpose is to decrease unlicensed insurance activity.

"The amendments made by the House were primarily technical and nonsubstantive."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Tuesday, May 5, 1998.

S.B. No. 2981, 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. 2981, 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. 2981, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.B. No. 2981, relating to motor vehicle insurance, requires insurance companies to issue forgery resistant motor vehicle insurance identification cards.

"The amendments made by the House were primarily technical and nonsubstantive."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Tuesday, May 5, 1998.

S.B. No. 3143, S.D. 1 (H.D. 2):

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. 3143, 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. 3143, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.B. No. 3143 is relating to utility transmission lines. It requires the Public Utilities Commission to consider building high voltage transmission systems underground.

"The amendments made by the House were primarily technical and nonsubstantive."

The motion was put by the Chair 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," was placed on the calendar for Final Reading on Tuesday, May 5, 1998.

Senator Solomon rose on a point of information as follows:

"Mr. President, I rise on a point of information.

"Mr. President, I'd like you to update us as to where we're at in terms of our budget negotiations. Is it, in fact, true that the impasse threatens to kill the budget. These are the headlines that we've been reading recently in the paper -- 'budget negotiations have been stalled' -- and it goes on and on. And I feel that it is critical and I feel that it is important that you should update us as to exactly where we're at and where we expect to be.

"Thank you."

Senator Fukunaga responded:

"Mr. President, your Ways and Means chairs have been in communication with our House counterparts and have exchanged a number of documents back and forth. We have responded to a number of areas of their concerns, more specifically with respect to the Med-Quest and Felix related initiatives. We have supplied them with further documentation indicating the Senate's position. And we have not stopped communicating with them over the last several hours. So the communication continues; and I want to assure everyone that we remain hopeful."

Senator Solomon rose again and said:

"Thank you, Mr. President, and I want to thank the co-chairwoman of the Ways and Means Committee for the update.

"Again, Mr. President, just a friendly reminder to all of those on Ways and Means and to our co-chairmen, we do have what we call a bi-partisan reform package that was submitted early on which we feel can accomplish our goals and our objectives and at the same time not raise the general excise tax. We feel that the package is a workable package. I don't think it's too late to bring that package forth as a possible compromise, being that dialogue is going on. And I'm very happy that it is continuing to happen, but we do have the plan where, again, we stand ready and prepared at any moment to be able to discuss more in detail our ideas on how to turn this whole budget session around and to be able to go home on time, which I think is critical. And I think that is what is being expected of us by our voters and our constituency.

"And with that, Mr. President, I won't take anymore of my colleagues' time. I know many of you might have to go back into conference and explain the details of the plan, which you have in your possession. So with that, Mr. President, please be

assured that we are here, willing to assist at any moment so that we can get a budget that's workable; a streamlined government; deliver those services that are needed by our communities; and we can go home on time.

"Thank you, Mr. President."

Senator Baker then rose and said:

"Mr. President, I would certainly like to thank the good Senator from the Big Island for her remarks. I think this is another indication that the Senate is indeed united in its resolve to adopt a budget that is fair, that preserves services at the direct community and local school levels, and does so without raising the general excise tax.

"I hope the House clearly understands that the Senate is united in its resolve. We are, however, willing to work with them to resolve other differences. In that way, we can accomplish objectives that are best for the people we represent and serve.

"Thank you."

Senator Slom rose on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege.

"Just to reiterate what's been said, to show that, in fact, this is a bi-partisan effort that we stand behind our Senate negotiating team, and we have told the public that we will not falter, that we will not cave in, that we know what the public has wanted, what they've told us. There's an awful lot of people that are very cynical out there, but we're going to prove to them that we can stand by our word that we will not support any tax increase and that we will not have to have an extension because our position is right.

"Thank you, Mr. President."

At 4:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:01 o'clock p.m.

#### APPOINTMENT OF CONFEREES

H.C.R. No. 235, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.C.R. No. 235, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Levin, chairman, Baker, Chun Oakland, Fukunaga, Metcalf as managers on the part of the Senate at such conference.

#### CONFERENCE COMMITTEE REPORTS

On motion by Senator Ihara, seconded by Senator Slom and carried unanimously, the Senate authorized the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading. In consequence thereof, and subsequent to its recessing at 4:02 o'clock p.m., the Senate took the following actions:

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2987, S.D. 2, presented a report (Conf. Com. Rep. No. 38) recommending that S.B. No. 2987, S.D. 2, H.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 38 and S.B. No. 2987, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 632, S.D. 2, presented a report (Conf. Com. Rep. No. 39) recommending that S.B. No. 632, S.D. 2, H.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 39 and S.B. No. 632, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2866, S.D. 1, presented a report (Conf. Com. Rep. No. 40) recommending that S.B. No. 2866, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 40 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," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2346, S.D. 2, presented a report (Conf. Com. Rep. No. 41) recommending that S.B. No. 2346, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 41 and S.B. No. 2346, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1273, S.D. 1, presented a report (Conf. Com. Rep. No. 42) recommending that S.B. No. 1273, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 42 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," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1309, S.D. 1, presented a report (Conf. Com. Rep. No. 43) recommending that S.B. No. 1309, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 43 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," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2249, S.D. 1, presented a report (Conf. Com. Rep. No. 44) recommending that S.B. No. 2249, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 44 and S.B. No. 2249, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2399, S.D. 2, presented a report (Conf.

Com. Rep. No. 45) recommending that S.B. No. 2399, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 45 and S.B. No. 2399, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 720, S.D. 2, presented a report (Conf. Com. Rep. No. 46) recommending that S.B. No. 720, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 46 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," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 721, S.D. 1, presented a report (Conf. Com. Rep. No. 47) recommending that S.B. No. 721, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 47 and S.B. No. 721, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2326, S.D. 1, presented a report (Conf. Com. Rep. No. 48) recommending that S.B. No. 2326, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 48 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," was deferred for a period of 48 hours.

Senator Bunda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2624, S.D. 2, presented a report (Conf. Com. Rep. No. 49) recommending that S.B. No. 2624, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 49 and S.B. No. 2624, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2803, S.D. 2, presented a report (Conf. Com. Rep. No. 50) recommending that S.B. No. 2803, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 50 and 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," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1868, H.D. 2, presented a report (Conf.

Com. Rep. No. 99) recommending that H.B. No. 1868, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 99 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," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2998, H.D. 2, presented a report (Conf. Com. Rep. No. 100) recommending that H.B. No. 2998, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 100 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," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2366, H.D. 2, presented a report (Conf. Com. Rep. No. 101) recommending that H.B. No. 2366, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 101 and H.B. No. 2366, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred for a period of 48 hours.

Senator Fernandes Salling, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3468, H.D. 2, presented a report (Conf. Com. Rep. No. 102) recommending that H.B. No. 3468, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 102 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," was deferred for a period of 48 hours.

Senator D. Ige, for the majority of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2486, H.D. 3, presented a report (Conf. Com. Rep. No. 103) recommending that H.B. No. 2486, H.D. 3, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 103 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," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3024, presented a report (Conf. Com. Rep. No. 104) recommending that H.B. No. 3024, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 104 and H.B. No. 3024, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3028, H.D. 1, presented a report (Conf. Com. Rep. No. 105) recommending that H.B. No. 3028, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 105 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," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1332, H.D. 2, presented a report (Conf. Com. Rep. No. 106) recommending that H.B. No. 1332, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 106 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," was deferred for a period of 48 hours.

Senator Fernandes Salling, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2842, H.D. 1, presented a report (Conf. Com. Rep. No. 107) recommending that H.B. No. 2842, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 107 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," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2862, H.D. 2, presented a report (Conf. Com. Rep. No. 108) recommending that H.B. No. 2862, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 108 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," was deferred for a period of 48 hours.

Senator Chumbley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2714, H.D. 2, presented a report (Conf. Com. Rep. No. 109) recommending that H.B. No. 2714, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 109 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," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2786, H.D. 2, presented a report (Conf. Com. Rep. No. 110) recommending that H.B. No. 2786, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 110 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," was deferred for a period of 48 hours.

Senator M. Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 503, H.D. 2, presented a report (Conf. Com. Rep. No. 111) recommending that H.B. No. 503, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 111 and H.B. No. 503, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1966, H.D. 2, presented a report (Conf. Com. Rep. No. 112) recommending that H.B. No. 1966, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 112 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," was deferred for a period of 48 hours.

Senator Aki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1433, H.D. 2, presented a report (Conf. Com. Rep. No. 113) recommending that H.B. No. 1433, H.D. 2, S.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 113 and H.B. No. 1433, H.D. 2, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2675, H.D. 2, presented a report (Conf. Com. Rep. No. 114) recommending that H.B. No. 2675, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 114 and H.B. No. 2675, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2870, presented a report (Conf. Com. Rep. No. 115) recommending that H.B. No. 2870, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 115 and H.B. No. 2870, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3437, H.D. 2, presented a report (Conf. Com. Rep. No. 116) recommending that H.B. No. 3437, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 116 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," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2823, H.D. 1, presented a report (Conf. Com. Rep. No. 117) recommending that H.B. No. 2823, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 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 for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2680, H.D. 2, presented a report (Conf. Com. Rep. No. 118) recommending that H.B. No. 2680, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 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," was deferred for a period of 48 hours.

Senator M. Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3446, presented a report (Conf. Com. Rep. No. 119) recommending that H.B. No. 3446, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 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 for a period of 48 hours.

Senator Chumbley, for the majority of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3033, H.D. 2, presented a report (Conf. Com. Rep. No. 120) recommending that H.B. No. 3033, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 120 and H.B. No. 3033, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2983, S.D. 2, presented a report (Conf. Com. Rep. No. 121) recommending that S.B. No. 2983, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 121 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," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2211, S.D. 2, presented a report (Conf. Com. Rep. No. 122) recommending that S.B. No. 2211, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 122 and S.B. No. 2211, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2966, S.D. 2, presented a report (Conf. Com. Rep. No. 123) recommending that S.B. No. 2966, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 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," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2852, S.D. 1, presented a report (Conf. Com. Rep. No. 124) recommending that S.B. No. 2852, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 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 for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3076, S.D. 1, presented a report (Conf. Com. Rep. No. 125) recommending that S.B. No. 3076, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 125 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," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2037, S.D. 1, presented a report (Conf. Com. Rep. No. 126) recommending that S.B. No. 2037, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 126 and S.B. No. 2037, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2204, S.D. 2, presented a report (Conf. Com. Rep. No. 127) recommending that S.B. No. 2204, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 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," was deferred for a period of 48 hours.

Senator Levin, for the majority of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 379, S.D. 2, presented a report (Conf. Com. Rep. No. 128) recommending that S.B. No. 379, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 128 and S.B. No. 379, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 760, presented a report (Conf. Com. Rep. No. 129) recommending that S.B. No. 760, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 129 and S.B. No. 760, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS-WITHIN-SCHOOLS," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2350, S.D. 1, presented a report (Conf. Com. Rep. No. 130) recommending that S.B. No. 2350, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 130 and S.B. No. 2350, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1089, S.D. 2, presented a report (Conf. Com. Rep. No. 131) recommending that S.B. No. 1089, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 131 and S.B. No. 1089, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES," was deferred for a period of 48 hours.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 10:00 o'clock a.m., Tuesday, May 5, 1998.

## 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 SORENSEN 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 SORENSEN 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 HOMEPORNT 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."

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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.

## SIXTY-FIRST DAY

Wednesday, May 6, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 8:22 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Alan Urasaki, Aiea Hongwanji Buddhist Temple, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Sixtieth Day.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 341, dated May 6, 1998, transmitting the Executive Order providing for a further 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, pursuant to said Section 10 of Article III, the Regular Session of 1998 of the Nineteenth Legislature of the State of Hawaii has been extended; and

WHEREAS, the Governor has been requested to grant a further extension and it appears that such a further 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 further extend the Regular Session of 1998 of the Nineteenth Legislature of the State of Hawaii from 12:00 o'clock midnight, Wednesday, May 6, 1998, to 12:00 o'clock midnight, Monday, May 11, 1998.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 6th  
day of May, 1998

/s/Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Margery S. Bronster  
MARGERY S. BRONSTER  
Attorney General"

was read by the Clerk and was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 443 to 454) were read by the Clerk and were placed on file:

Hse. Com. No. 443, informing the Senate that the House, on April 30, 1998, reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House

bills and has on May 5, 1998, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 1577, H.D. 2, S.D. 2;  
H.B. No. 1647, H.D. 1, S.D. 1;  
H.B. No. 1649, H.D. 2, S.D. 1;  
H.B. No. 2426, H.D. 1, S.D. 1;  
H.B. No. 2614, S.D. 1;  
H.B. No. 2660, S.D. 1;  
H.B. No. 2711, H.D. 1, S.D. 1;  
H.B. No. 2760, H.D. 1, S.D. 2;  
H.B. No. 2761, S.D. 1;  
H.B. No. 2793, S.D. 1;  
H.B. No. 2801, H.D. 1, S.D. 1;  
H.B. No. 2866, S.D. 1;  
H.B. No. 3027, H.D. 2, S.D. 1;  
H.B. No. 3247, H.D. 1, S.D. 1; and  
H.B. No. 3248, H.D. 1, S.D. 1.

Hse. Com. No. 444, informing the Senate that the House, on May 1, 1998, reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House bills and has on May 5, 1998, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 1699, H.D. 2, S.D. 1;  
H.B. No. 2670, H.D. 2, S.D. 1;  
H.B. No. 2758, H.D. 1, S.D. 2; and  
H.B. No. 2855, H.D. 1, S.D. 1.

Hse. Com. No. 445, informing the Senate that the House, on May 5, 1998, reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House bills and has on May 6, 1998, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 1049, H.D. 1, S.D. 1;  
H.B. No. 2331, H.D. 1, S.D. 1;  
H.B. No. 2537, H.D. 1, S.D. 1;  
H.B. No. 2672, H.D. 1, S.D. 1;  
H.B. No. 2762, H.D. 1, S.D. 1; and  
H.B. No. 3281, H.D. 1, S.D. 1.

Hse. Com. No. 446, informing the Senate that the House, on May 5, 1998, reconsidered its action taken in disagreeing to the amendments made by the Senate to H.C.R. No. 34, H.D. 2, and has on May 5, 1998, agreed to the amendments and finally adopted H.C.R. No. 34, H.D. 2, S.D. 1.

Hse. Com. No. 447, informing the Senate that the House agreed to the amendments proposed by the Senate to the following House concurrent resolutions and said resolutions were finally adopted by the House on May 5, 1998:

H.C.R. No. 9, S.D. 1;  
H.C.R. No. 14, H.D. 1, S.D. 1;  
H.C.R. No. 17, S.D. 1;  
H.C.R. No. 24, H.D. 1, S.D. 1;  
H.C.R. No. 26, H.D. 2, S.D. 1;  
H.C.R. No. 38, H.D. 1, S.D. 1;  
H.C.R. No. 50, H.D. 2, S.D. 1;  
H.C.R. No. 60, S.D. 1;  
H.C.R. No. 83, H.D. 1, S.D. 1;  
H.C.R. No. 90, H.D. 1, S.D. 1;  
H.C.R. No. 102, H.D. 1, S.D. 1;  
H.C.R. No. 117, H.D. 1, S.D. 1;  
H.C.R. No. 120, H.D. 1, S.D. 1;  
H.C.R. No. 156, S.D. 1;  
H.C.R. No. 162, H.D. 1, S.D. 1;  
H.C.R. No. 163, S.D. 1;  
H.C.R. No. 177, H.D. 1, S.D. 1;  
H.C.R. No. 197, H.D. 1, S.D. 1;  
H.C.R. No. 202, S.D. 1;

H.C.R. No. 212, S.D. 1;  
 H.C.R. No. 213, H.D. 1, S.D. 1;  
 H.C.R. No. 223, H.D. 1, S.D. 1;  
 H.C.R. No. 225, H.D. 1, S.D. 1; and  
 H.C.R. No. 226, H.D. 1, S.D. 1.

Hse. Com. No. 448, informing the Senate that the following House bills passed Final Reading in the House of Representatives on May 5, 1998:

H.B. No. 92, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 1815, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 1830, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2332, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2358, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2361, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2443, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2533, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2567, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2598, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 2701, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2778, S.D. 1, C.D. 1;  
 H.B. No. 2878, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2985, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 3022, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 3138, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 3257, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 3289, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 3367, H.D. 1, S.D. 1, C.D. 1; and  
 H.B. No. 3457, H.D. 2, S.D. 2, C.D. 1.

Hse. Com. No. 449, informing the Senate that the following House bills passed Final Reading in the House of Representatives on May 5, 1998:

H.B. No. 1099, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2355, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2357, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2381, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2496, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2506, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2524, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2613, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2666, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2667, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2734, S.D. 1, C.D. 1;  
 H.B. No. 2776, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2779, S.D. 1, C.D. 1;  
 H.B. No. 2837, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2843, H.D. 1, S.D. 2, C.D. 1;  
 H.B. No. 2846, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2847, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 2852, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 2872, H.D. 1, S.D. 1, C.D. 1; and  
 H.B. No. 3528, H.D. 1, S.D. 2, C.D. 1.

Hse. Com. No. 450, informing the Senate that the following House bills passed Final Reading in the House of Representatives on May 5, 1998:

H.B. No. 503, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 1332, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 1868, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 1966, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 2366, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 2486, H.D. 3, S.D. 2, C.D. 1;  
 H.B. No. 2714, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2786, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 2842, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2862, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 2932, S.D. 1, C.D. 1;  
 H.B. No. 2992, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2998, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 3010, S.D. 2, C.D. 1;  
 H.B. No. 3024, S.D. 1, C.D. 1;  
 H.B. No. 3028, H.D. 1, S.D. 2, C.D. 1;

H.B. No. 3065, H.D. 2, S.D. 2, C.D. 1;  
 H.B. No. 3192, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 3468, H.D. 2, S.D. 2, C.D. 1; and  
 H.B. No. 3553, S.D. 1, C.D. 1.

Hse. Com. No. 451, informing the Senate that the following House bills passed Final Reading in the House of Representatives on May 5, 1998:

H.B. No. 2675, H.D. 2, S.D. 1, C.D. 1;  
 H.B. No. 2823, H.D. 1, S.D. 1, C.D. 1;  
 H.B. No. 2870, S.D. 2, C.D. 1;  
 H.B. No. 3033, H.D. 2, S.D. 2, C.D. 1; and  
 H.B. No. 3437, H.D. 2, S.D. 2, C.D. 1.

Hse. Com. No. 452, informing the Senate that the following Senate bills passed Final Reading in the House of Representatives on May 5, 1998:

S.B. No. 1065, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 1597, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 2135, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2136, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2414, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2469, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2559, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2575, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2588, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2602, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2655, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2717, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2770, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2786, H.D. 1, C.D. 1;  
 S.B. No. 2833, H.D. 1, C.D. 1;  
 S.B. No. 3035, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 3113, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 3114, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 3137, S.D. 1, H.D. 2, C.D. 1; and  
 S.B. No. 3159, S.D. 2, H.D. 1, C.D. 1.

Hse. Com. No. 453, informing the Senate that the following Senate bills passed Final Reading in the House of Representatives on May 5, 1998:

S.B. No. 632, S.D. 2, H.D. 3, C.D. 1;  
 S.B. No. 1273, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 2078, S.D. 1, H.D. 3, C.D. 1;  
 S.B. No. 2256, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2297, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2346, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2411, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2454, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 2460, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2580, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2759, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2768, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 2823, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2866, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2887, S.D. 1, H.D. 1, C.D. 1;  
 S.B. No. 2957, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2987, S.D. 2, H.D. 3, C.D. 1;  
 S.B. No. 3043, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 3088, S.D. 1, H.D. 2, C.D. 1; and  
 S.B. No. 3228, S.D. 1, H.D. 1, C.D. 1.

Hse. Com. No. 454, informing the Senate that the following Senate bills passed Final Reading in the House of Representatives on May 5, 1998:

S.B. No. 720, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 721, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 1309, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 2037, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 2211, S.D. 2, H.D. 1, C.D. 1;  
 S.B. No. 2249, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 2326, S.D. 1, H.D. 2, C.D. 1;

S.B. No. 2399, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2624, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2803, S.D. 2, H.D. 2, C.D. 1;  
 S.B. No. 2852, S.D. 1, H.D. 2, C.D. 1;  
 S.B. No. 2983, S.D. 2, H.D. 2, C.D. 1; and  
 S.B. No. 3076, S.D. 1, H.D. 1, C.D. 1.

#### SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 216) was read by the Clerk and was disposed of as follows:

##### Senate Concurrent Resolution

No. 216 "SENATE CONCURRENT RESOLUTION DECLARING THURSDAY, MAY 7, 1998, A RECESS DAY OF THE NINETEENTH LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 1998."

Offered by: Senators Ihara, McCartney.

On motion by Senator Ihara, seconded by Senator McCartney and carried, S.C.R. No. 216 was adopted.

At 8:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:41 o'clock p.m.

#### ORDER OF THE DAY

##### MATTERS DEFERRED FROM TUESDAY, MAY 5, 1998

##### AGREE/DISAGREE ADOPTION OF RESOLUTIONS

S.C.R. No. 25 (H.D. 1):

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 25, seconded by Senator Metcalf.

Senator D. Ige then noted:

"Mr. President, this is a sunrise evaluation on regulation of mental health counselors. The Senate had heard S.B. No. 2341 that deals with this, so this resolution simply requests the evaluation of regulation of these professionals."

The motion was put by the Chair and carried.

At 8:42 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:43 o'clock p.m.

On motion by Senator D. Ige, seconded by Senator Metcalf and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 25 and 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 Finally Adopted.

S.C.R. No. 90, S.D. 1 (H.D. 1):

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 90, S.D. 1, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.C.R. No. 90 deals with the consent decree regarding the Texaco and Shell Oil Company merger and requests the attorney general to reevaluate its position on requiring Texaco or Shell Oil Company to divest their dealer stations in Hawaii.

"The amendments made by the House are technical and nonsubstantive."

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.C.R. No. 90, S.D. 1, and 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 Finally Adopted.

S.C.R. No. 154 (H.D. 1):

Senator D. Ige moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 154, seconded by Senator Metcalf.

Senator D. Ige noted:

"Mr. President, S.C.R. No. 154 deals with the consent decree regarding the Texaco and Shell Oil Company merger and requests the attorney general to investigate the reasons why gasoline prices continue to remain significantly higher.

"The amendments made by the House are technical and nonsubstantive."

The motion was put by the Chair and carried.

Senator D. Ige then moved that S.C.R. No. 154, H.D. 1, be Finally Adopted, seconded by Senator Metcalf.

Senator Slom rose in opposition to the resolution and said:

"Mr. President, I rise to speak against S.C.R. No. 154.

"I speak against the resolution because, as we brought out in testimony, it seems that the state, and particularly the attorney general's office, keeps investigating the oil industry to find out why prices are higher when people tell the attorney general and the state why prices are higher for all kinds of businesses, and we don't do anything to improve the business climate. We've spent hundreds of thousands of dollars in previous investigations. There have been no indictments, no convictions. There's been no lowering of prices. There's been nothing done, except that it seems like it's a good way to keep at least one of the deputy attorney generals employed.

"In addition to that, I think the attorney general is so busy right now pursuing both the Bishop Estate and a position on the circuit court, the 9th Circuit, that she probably won't have time to do a good job on this, so I'm voting 'no.'

"Thank you, Mr. President."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 154 and 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 Finally Adopted, with Senators Anderson and Slom voting 'No.'

### 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 Monday, May 11, 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 Monday, May 11, 1998.

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 Monday, May 11, 1998.

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 Monday, May 11, 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 Monday, May 11, 1998.

Conf. Com. Rep. No. 124 (S.B. No. 2852, S.D. 1, H.D. 2, C.D. 1):

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 Monday, May 11, 1998.

### THIRD READING

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 Monday, May 11, 1998.

### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2349, S.D. 1, H.D. 2:

Senator Levin 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. 2349, S.D. 1, seconded by Senator Fernandes Salling and carried.

Senator Levin moved that the Senate agree to the amendments proposed by the House to S.B. No. 2349, S.D. 1, seconded by Senator Fernandes Salling.

Senator Levin explained:

"Mr. President, this bill would change the name of the Environmental Health Program Enhancement and Education Fund to simply the Environmental Health Education Fund. It would also repeal the sunset date on that fund and it would provide a program within the state administration to apply for grants issued by the Council of State Governments, which would open us up to developing international partnerships with Asian/Pacific nations and possibly with other states in the United States."

The motion was put by the Chair and carried.

On motion by Senator Levin, seconded by Senator Fernandes Salling and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2349, S.D. 1, and S.B. No. 2349, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ige, M.).

H.B. No. 3403, H.D. 2, S.D. 1, C.D. 1:

Senator Chumbley moved that the Senate reconsider its action taken on May 5, 1998, in passing H.B. No. 3403, H.D. 2, S.D. 1, C.D. 1, on Final Reading, seconded by Senator Matsunaga and carried.

By unanimous consent, H.B. No. 3403, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY," was recommitted to the Committee on Conference.

Senator Slom rose on a point of personal privilege as follows:

"Mr. President, a point of personal privilege.

"Mr. President, I read in the paper this morning which had a headline that said, 'General excise tax dies.' Do we have a body, Mr. President? Has there been a postmortem? Can you reassure us that it is indeed dead?"

The Chair responded:

"It is dead."

Senator Slom then said:

"Thank you, Mr. President."

### ADJOURNMENT

At 8:50 o'clock p.m., on motion by Senator McCartney, seconded by Senator Slom and carried, the Senate adjourned until 9:00 o'clock p.m., Friday, May 8, 1998.



## SIXTY-SECOND DAY

Friday, May 8, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 9:15 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by Mrs. Marilyn Chinen, Senate Majority Office, after which the Roll was called showing all Senators present with the exception of Senators Aki, Fernandes Salling, Solomon and Tanaka who were excused.

The President announced that he had read and approved the Journal of the Sixty-First Day.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 455 to 457) were read by the Clerk and were placed on file:

Hse. Com. No. 455, dated May 5, 1998, informing the Senate that the following concurrent resolutions were Finally Adopted in the House of Representatives:

H.C.R. No. 88, H.D. 1, S.D. 1, C.D. 1;  
S.C.R. No. 28, S.D. 1, H.D. 1, C.D. 1;  
S.C.R. No. 146, S.D. 2, H.D. 1, C.D. 1; and  
S.C.R. No. 191, S.D. 2, H.D. 1, C.D. 1.

Hse. Com. No. 456, returning S.C.R. No. 216, which was adopted by the House of Representatives on May 6, 1998.

Hse. Com. No. 457, informing the Senate that S.B. No. 1089, S.D. 2, H.D. 2, C.D. 1, passed Final Reading in the House of Representatives on May 6, 1998.

## CONFERENCE COMMITTEE REPORTS

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2633, S.D. 1, presented a report (Conf. Com. Rep. No. 136) recommending that S.B. No. 2633, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 136 and S.B. No. 2633, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2680, H.D. 2, presented a report (Conf. Com. Rep. No. 137) recommending that H.B. No. 2680, H.D. 2, S.D. 1, C.D. 1, as amended in C.D. 2, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 137 and H.B. No. 2680, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2990, H.D. 2, presented a report (Conf. Com. Rep. No. 138) recommending that H.B. No. 2990, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 138 and H.B. No. 2990, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3443, H.D. 1, presented a report (Conf. Com. Rep. No. 139) recommending that H.B. No. 3443, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 139 and H.B. No. 3443, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOANS," was deferred for a period of 48 hours.

Senator Aki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2560, H.D. 2, presented a report (Conf. Com. Rep. No. 140) recommending that H.B. No. 2560, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 140 and H.B. No. 2560, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

Senator Levin, for the majority of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 379, S.D. 2, presented a report (Conf. Com. Rep. No. 141) recommending that S.B. No. 379, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 141 and S.B. No. 379, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 760, presented a report (Conf. Com. Rep. No. 142) recommending that S.B. No. 760, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 142 and S.B. No. 760, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS-WITHIN-SCHOOLS," was deferred for a period of 48 hours.

Senator D. Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2204, S.D. 2, presented a report (Conf. Com. Rep. No. 143) recommending that S.B. No. 2204, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 143 and S.B. No. 2204, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY PROCESSES," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2350, S.D. 1, presented a report (Conf. Com. Rep. No. 144) recommending that S.B. No. 2350, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 144 and S.B. No. 2350, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO RECYCLING," was deferred for a period of 48 hours.

Senator Anderson rose on a point of personal privilege and said:

"I rise on a point of personal privilege, Mr. President.

"Mr. President, when we first started off I understood that the session was going to be 60 days. We keep extending or the governor is extending us. I spend a lot of time here. My business is going down the tube.

"On opening day I did say the economy was bad and we were in trouble. Today we passed a conference committee report for the estate, which is fine. But that does nothing for the economy. We still have privatization. We still have workmen's comp. We have a lot of problems that we could solve with the economy of this state. We're not doing a darn thing.

"I want to know, Mr. President, what procedure do we have to go through if I wanted to make a motion to pull the privatization bill since I am a conferee. I've been here all damn day and I'm really getting a little upset. We don't move on anything. What procedure would I do to pull it? Would I go ahead and ask for S.B. No. 2213, S.D. 2, H. D. 2, and then look for a second, or do I do it like the other day where we came down and we got nine names to pull a bill, and then we go into a conference room, and then there's not enough darn names to go ahead and pass the bill?

"I want to know the game playing so that I can get over with the frustrations that I'm having day after day. Today I understand that we might get out of here Monday; we might get out of here Wednesday, maybe Friday. Well, I don't know about you folks, but I've got a lot of other good things I could be doing -- a lot of family things; Mother's Day, as you know, is coming up this weekend. There's lots of things all of us could be doing. So I'd like to know the procedure, Mr. President.

"Thank you."

The Chair then responded:

"We have about 2-1/2 hours on the clock before midnight. Regarding the privatization bill, we are very close to having agreement with the House. So if you have some patience, we hope that the conferees will meet before midnight and agree to a privatization bill."

Senator Anderson remarked:

"I think that's what I heard about a week ago, Mr. President.

"Thank you very much."

At 9:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:33 o'clock p.m.

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 3000, S.D. 2, H.D. 2:

Senator Kanno 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. 3000, S.D. 2, seconded by Senator Chun Oakland and carried.

Senator Kanno moved that the Senate agree to the amendments proposed by the House to S.B. No. 3000, S.D. 2, seconded by Senator Chun Oakland.

Senator Kanno noted:

"Mr. President, the purpose of this bill is to streamline the administration and processing of pension payments within the ERS. The House made technical amendments, and an amendment to the language on membership termination."

The motion was put by the Chair and carried.

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3000, S.D. 2, and S.B. No. 3000, S.D. 2, H.D. 2, 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, 21. Noes, none. Excused, 4 (Aki, Fernandes Salling, Solomon, Tanaka).

S.B. No. 2413, S.D. 2, H.D. 2:

Senator Levin 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. 2413, S.D. 2, seconded by Senator Ihara and carried.

Senator Levin moved that the Senate agree to the amendments proposed by the House to S.B. No. 2413, S.D. 2, seconded by Senator Ihara.

Senator Levin then noted:

"Mr. President, this bill has three provisions. The first is to call for a new chapter establishing voluntary disclosure of environmental violations, an environmental audit provision. The second provision raises the cap on the oil special fund from \$7 million to \$20 million. And the third moves CZM into the Office of Environmental Quality Control."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2413, S.D. 2, and S.B. No. 2413, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was placed on the calendar for Final Reading on Monday, May 11, 1998.

At 9:36 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:41 o'clock p.m.

#### CONFERENCE COMMITTEE REPORTS

On motion by Senator Ihara, seconded by Senator Slom and carried unanimously, the Senate authorized the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading. In consequence thereof, and subsequent to its recessing at 9:43 o'clock p.m., the Senate took the following actions:

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3403, H.D. 2, presented a report (Conf. Com. Rep. No. 145) recommending that H.B. No. 3403, H.D. 2, S.D. 1, C.D. 1, as amended in C.D. 2, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 145 and H.B. No. 3403, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY," was deferred for a period of 48 hours.

Senator Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1824, H.D. 2, presented a report (Conf.

Com. Rep. No. 146) recommending that H.B. No. 1824, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 146 and H.B. No. 1824, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," was deferred for a period of 48 hours.

**ADJOURNMENT**

At 12:00 o'clock midnight, the Senate adjourned until 3:00 o'clock p.m., Monday, May 11, 1998.

## SIXTY-THIRD DAY

**Monday, May 11, 1998**

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 3:39 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by Senator Norman Sakamoto, Hawaii State Senate, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Sixty-Second Day.

## HOUSE COMMUNICATION

Hse. Com. No. 458, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2362, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2362, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on May 8, 1998, was read by the Clerk and was placed on file.

## ORDER OF THE DAY

## FINAL READING

Conf. Com. Rep. No. 136 (S.B. No. 2633, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 136 and S.B. No. 2633, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS," was deferred until Wednesday, May 13, 1998.

Conf. Com. Rep. No. 137 (H.B. No. 2680, H.D. 2, S.D. 1, C.D. 2):

By unanimous consent, action on Conf. Com. Rep. No. 137 and H.B. No. 2680, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS," was deferred until Wednesday, May 13, 1998.

Conf. Com. Rep. No. 138 (H.B. No. 2990, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 138 and H.B. No. 2990, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Wednesday, May 13, 1998.

Conf. Com. Rep. No. 139 (H.B. No. 3443, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 139 and H.B. No. 3443, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOANS," was deferred until Wednesday, May 13, 1998.

Conf. Com. Rep. No. 140 (H.B. No. 2560, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 140 and H.B. No. 2560, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred until Wednesday, May 13, 1998.

Conf. Com. Rep. No. 141 (S.B. No. 379, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 141 and S.B. No. 379, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO RECYCLING," was deferred until Wednesday, May 13, 1998.

Conf. Com. Rep. No. 142 (S.B. No. 760, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 142 and S.B. No. 760, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS-WITHIN-SCHOOLS," was deferred until Wednesday, May 13, 1998.

Conf. Com. Rep. No. 143 (S.B. No. 2204, S.D. 2, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 143 and S.B. No. 2204, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY PROCESSES," was deferred until Wednesday, May 13, 1998.

Conf. Com. Rep. No. 144 (S.B. No. 2350, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 144 and S.B. No. 2350, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," was deferred until Wednesday, May 13, 1998.

Conf. Com. Rep. No. 145 (H.B. No. 3403, H.D. 2, S.D. 1, C.D. 2):

By unanimous consent, action on Conf. Com. Rep. No. 145 and H.B. No. 3403, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY," was deferred until Wednesday, May 13, 1998.

Conf. Com. Rep. No. 146 (H.B. No. 1824, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 146 and H.B. No. 1824, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," was deferred until Wednesday, May 13, 1998.

S.B. No. 2413, S.D. 2, H.D. 2:

By unanimous consent, S.B. No. 2413, S.D. 2, H.D. 2; entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred until later on the calendar.

MATTERS DEFERRED FROM  
WEDNESDAY, MAY 6, 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 13, 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 13, 1998.

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 13, 1998.

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 13, 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 13, 1998.

Conf. Com. Rep. No. 124 (S.B. No. 2852, S.D. 1, H.D. 2, C.D. 1):

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 13, 1998.

### THIRD READING

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 13, 1998.

Senator Anderson rose on a point of personal privilege and said:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, I read some remarks from Speaker Souki regarding Representative Ed Case in the afternoon paper and I feel I would like to make a few comments regarding broken trusts.

"The House agreed to the Senate version, Mr. President, as you well know, of the Bishop Estate trustee compensation bill. I initially voted with reservations and even put out a press release stating my position and my reasons for my reservations. I believed, and I still do, that the Senate version needs more study. The ending struggle over this bill was not to the benefit of Hawaiians. It was simply a power play by Representative Ed Case, in part to make up for what I believe is a very public blunder regarding the native Hawaiian autonomy bill which covered a variety of Hawaiian issues. Furthermore, Mr. President, I believe this is to further his re-election chances -- or even a bid for Speaker of the House.

"On the Saturday evening news, Mr. Randall Roth of the University of Hawai'i, author of Broken Trust, said he believed the reason the Legislature crumbled in this matter was because of pressures of Kamehameha School alumni and others -- both Hawaiian and non Hawaiian ancestry.

"I would like to explain to Mr. Roth and others that I personally did not feel that outside pressures were a force in my decision to sign the bill.

"I am part Hawaiian. I did not receive a single call from any Hawaiian in the community -- even from those in native Hawaiian areas such as Nanakuli, Waianae, Papakolea or Waimanalo.

"Let me explain what I feel is broken trust, Mr. President. When I ran for another office in '94, Mr. Randall Roth planned to have a televised open debate at the University of Hawaii for, and I quote here, 'the good of the people.' He explained that program format when we first went to speak with him. The night of the program, the format was suddenly changed. When questioned why he had changed it, Roth answered, and I again quote, 'because of the pressures from the business community and some legislators, I had to change the format.'

"This, Mr. President, I believe is a broken trust. And, Mr. President, not only is Randall Roth guilty of broken trust -- so is this legislature!"

At 3:46 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

### EVENING SESSION

The Senate reconvened at 6:07 o'clock p.m.

### MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 342, dated May 11, 1998, transmitting the Executive Order providing for a further 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, pursuant to said Section 10 of Article III, the Regular Session of 1998 of the Nineteenth Legislature of the State of Hawaii has been extended; and

WHEREAS, the Governor has been requested to grant a further extension and it appears that such a further 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 48 hours following 12:00 o'clock midnight, May 11, 1998.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 11th  
day of May, 1998

/s/Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Margery S. Bronster  
MARGERY S. BRONSTER  
Attorney General"

was read by the Clerk and was placed on file.

### HOUSE COMMUNICATION

Hse. Com. No. 459, transmitting H.C.R. No. 250, which was adopted by the House of Representatives on May 11, 1998, was read by the Clerk and was placed on file.

On motion by Senator McCartney, seconded by Senator Slom and carried, H.C.R. No. 250, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING TUESDAY, MAY 12, 1998, A RECESS DAY OF THE NINETEENTH LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 1998," was adopted.

### FINAL READING

#### MATTER DEFERRED FROM EARLIER ON THE CALENDAR

S.B. No. 2413, S.D. 2, H.D. 2:

On motion by Senator Levin, seconded by Senator McCartney and carried, S.B. No. 2413, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was recommitted to the Committee on Conference.

### CONFERENCE COMMITTEE REPORTS

On motion by Senator McCartney, seconded by Senator Slom and carried unanimously, the Senate authorized the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading. In consequence thereof, and subsequent to its recessing at 6:10 o'clock p.m., the Senate took the following actions:

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2500, H.D. 1, presented a report (Conf. Com. Rep. No. 147) recommending that H.B. No. 2500, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 147 and H.B. No. 2500, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2710, H.D. 1, presented a report (Conf. Com. Rep. No. 148) recommending that H.B. No. 2710, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 148 and H.B. No. 2710, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1800, presented a report (Conf. Com. Rep. No. 149) recommending that H.B. No. 1800, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 149 and H.B. No. 1800, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CASH MANAGEMENT OF STATE FUNDS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2800, presented a report (Conf. Com. Rep. No. 150) recommending that H.B. No. 2800, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 150 and H.B. No. 2800, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANAGEMENT OF STATE FUNDS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2803, presented a report (Conf. Com. Rep. No. 151) recommending that H.B. No. 2803, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 151 and H.B. No. 2803, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2386, S.D. 2, presented a report (Conf. Com. Rep. No. 152) recommending that S.B. No. 2386, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 152 and S.B. No. 2386, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COORDINATED CARE ORGANIZATIONS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2689, S.D. 2, presented a report (Conf. Com. Rep. No. 153) recommending that S.B. No. 2689, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 153 and S.B. No. 2689, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator Taniguchi, for the majority of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 3625, H.D. 3, presented a report (Conf. Com. Rep. No. 154) recommending that H.B. No. 3625, H.D. 3, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 154 and H.B. No. 3625, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT REORGANIZATION," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2254, S.D. 2, presented a report (Conf. Com. Rep. No. 155) recommending that S.B. No. 2254, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 155 and S.B. No. 2254, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," was deferred for a period of 48 hours.

Senator Matsunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2966, S.D. 2, presented a report (Conf. Com. Rep. No. 156) recommending that S.B. No. 2966, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 156 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," was deferred for a period of 48 hours.

Senator Bunda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3220, S.D. 1, presented a report (Conf. Com. Rep. No. 157) recommending that S.B. No. 3220, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 157 and S.B. No. 3220, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2092, S.D. 1, presented a report (Conf. Com. Rep. No. 158) recommending that S.B. No. 2092, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 158 and S.B. No. 2092, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX LAW," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2750, H.D. 1, presented a report (Conf. Com. Rep. No. 159) recommending that H.B. No. 2750, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 159 and H.B. No. 2750, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1533, H.D. 2, presented a report (Conf. Com. Rep. No. 160) recommending that H.B. No. 1533, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 160 and H.B. No. 1533, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2213, S.D. 2, presented a report (Conf. Com. Rep. No. 161) recommending that S.B. No. 2213, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 161 and S.B. No. 2213, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2648, H.D. 2, presented a report (Conf. Com. Rep. No. 162) recommending that H.B. No. 2648, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 162 and H.B. No. 2648, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2563, presented a report (Conf. Com. Rep. No. 163) recommending that H.B. No. 2563, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 163 and H.B. No. 2563, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED BUDGETING," was deferred for a period of 48 hours.

Senator Tam, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2564, H.D. 1, presented a report (Conf. Com. Rep. No. 164) recommending that H.B. No. 2564, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 164 and H.B. No. 2564, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2749, H.D. 1, presented a report (Conf. Com. Rep. No. 165) recommending that H.B. No. 2749, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 165 and H.B. No. 2749, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2909, H.D. 2, S.D. 1, C.D. 1, presented a report (Conf. Com. Rep. No. 166) recommending that H.B. No. 2909, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 166 and H.B. No. 2909, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2259, S.D. 1, H.D. 1, C.D. 1, presented a report (Conf. Com. Rep. No. 167) recommending that S.B. No. 2259, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 167 and S.B. No. 2259, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3004, S.D. 1, H.D. 1, C.D. 1, presented a report (Conf. Com. Rep. No. 168) recommending that S.B. No. 3004, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 168 and S.B. No. 3004, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2338, S.D. 2, H.D. 2, C.D. 1, presented a report (Conf. Com. Rep. No. 169) recommending that S.B. No. 2338, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 169 and S.B. No. 2338, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF HOISTING MACHINE OPERATORS," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2222, H.D. 2, S.D. 2, C.D. 1, presented a report (Conf. Com. Rep. No. 170) recommending that H.B. No. 2222, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 170 and H.B. No. 2222, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR ESTABLISHMENT OF MANUFACTURING EXTENSION PROGRAMS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2922, S.D. 1, H.D. 2, C.D. 1, presented a report (Conf. Com. Rep. No. 171) recommending that S.B. No. 2922, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 171 and S.B. No. 2922, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2552, H.D. 1, S.D. 3, C.D. 1, presented a report (Conf. Com. Rep. No. 172) recommending that H.B. No. 2552, H.D. 1, S.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 172 and H.B. No. 2552, H.D. 1, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1624, H.D. 1, S.D. 2, C.D. 1, presented a report (Conf. Com. Rep. No. 173) recommending that H.B. No. 1624, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 173 and H.B. No. 1624, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOILER AND ELEVATOR SAFETY LAW," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2618, S.D. 1, H.D. 1, C.D. 1, presented a report (Conf. Com. Rep. No. 174) recommending that S.B. No. 2618, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 174 and S.B. No. 2618, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICALLY UNDERSERVED," was deferred for a period of 48 hours.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 4:30 o'clock p.m., Wednesday, May 13, 1998.



## SIXTY-FOURTH DAY

Wednesday, May 13, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 4:42 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Brian Taniguchi, Hawaii State Senate, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Sixty-Third Day.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 460 and 461) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 460, informing the Senate that the Speaker on May 11, 1998, discharged Representative Santiago as a co-chairman and Representative Kahikina as a manager and appointed Representative Kanoho as a manager on the part of the House at the conference on S.B. No. 2618, S.D. 1, H.D. 1, was placed on file.

Hse. Com. No. 461, transmitting H.C.R. No. 251, which was adopted by the House of Representatives on May 13, 1998, was placed on file.

On motion by Senator Ihara, seconded by Senator Slom and carried, H.C.R. No. 251, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR A JOINT SESSION OF THE LEGISLATURE FOR THE PURPOSE OF APPOINTING THE OMBUDSMAN," was adopted.

## ORDER OF THE DAY

## FINAL READING

Conf. Com. Rep. No. 147 (H.B. No. 2500, H.D. 1, S.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 147 be adopted and H.B. No. 2500, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Baker rose to support the bill as follows:

"Mr. President, I rise to speak in support of H.B. No. 2500, C.D. 1, our supplemental budget.

"Mr. President, the development of this budget was a difficult task. We were challenged with limited resources, competing interests, and varying priorities. Despite these roadblocks, Mr. President, your budget conferees agreed upon a budget that I believe is fiscally responsible and preserves vital services and programs at the community level. This particular goal of preserving services and programs at the community level was the priority for the Senate and we held firm. We listened to the people, Mr. President, and we were able to preserve those important services in the final bill we have before us.

"As an aside, Mr. President, I never knew until this year just how important the word 'limbo' could be.

"Because this is a supplemental year, any item targeted for deletion from our current base budget by the other body, if not agreed to by your conferees, remained funded in the budget. This was particularly important since the House wanted to delete many services and projects important to the Senate and

important to our constituents. Services like perinatal care, peer education, school librarian positions, IRA teacher positions, and other vital health and education services, all of these were preserved thanks to the judicious use of the word 'limbo.'

"In establishing our budget priorities, your conferees identified core government services and programs and did our best to preserve them. They included health, safety and basic education. We also gave consideration to measures that produced some revenue, supported economic development, assisted the indigent and services mandated to us by the federal government. The net effect of our deliberations resulted in a supplemental budget totalling \$2.9 million in general fund appropriations for fiscal 1998-1999, which represents a 3.7 percent decrease over this year's current fiscal year. We also included dollars for capital improvement projects to construct much needed facilities for our state, primarily educational facilities.

"Your Senate conferees made a concerted effort to reduce the amount of general funds appropriated by converting the funding mechanism of many programs from general fund dollars to fee-based special funds. This was consistent with our intention to move many of these programs towards self-sufficiency. And while the House did not always agree, we moved the dialogue forward and in some instances whole programs moved closer to self-sufficiency. The Department of Commerce and Consumer Affairs is a prime example.

"In the area of education, the Senate had many concerns about the way funds were being used. We felt resources at the local school level should not be reduced. Like the rest of state government, we felt that should reductions come, they needed to be made at the administrative level. The House disagreed. In the final analysis, we agreed to disagree and left the Department of Education budget intact, making no reductions or additions. The education budget was the only budget throughout state government that was left unchanged.

"Another budget area that your committee closely examined was child and adolescent mental health, especially expenditures attributable to the Felix consent decree. The budget that we are about to vote on provides an additional \$15.6 million for outpatient, residential, and respite mental health services for children and adolescents. This affirms our commitment to comply with the court decree and ensure that these children receive appropriate services that they require. However, Mr. President, we remain concerned about the rise in the costs of providing these so-called mandated services. Although none of us want to be out of compliance, it seems that we continue to develop services sometimes duplicative and competing services in two bureaucracies -- the Department of Health and the Department of Education. We identified a distinct lack of coordination between these two departments and the result has been expensive, inefficient, and fragmented services to the people they're supposed to serve. Despite these misgivings, we are encouraged that initiatives, some at the prodding of your members and concerned members in the House, are being taken by the departments to ensure that special education services are coordinated and more efficiently and appropriately provided.

"Another priority for your committee was insuring that our communities continue to have access to quality health care. We have provided in addition to the emergency appropriation provided earlier, an additional \$8 million to offset the Hawaii Health Systems Corporation operating deficit projected for the coming year. As HHSC continues to try to improve their services and their collections, we believe that we need to continue to help them. They are moving towards self-sufficiency but additional subsidy is required at this time. Your committee recognizes that HHSC has some \$45 million in uncollected delinquencies. In another measure to be voted on

shortly, we have provided the corporation with a mechanism to continue to collect on those outstanding accounts.

"In the area of health care we also provided additional funding for the Primary Care Center, albeit not at the level that your Senate conferees wanted. We wanted these clinics whether it's in Hana, on the Waianae Coast, Molokai, Kahuku, or on the Big Island to have the funds necessary to continue their health care services to our rural communities.

"Mr. President, our economic woes did not occur overnight and this budget does not promise to turn that around overnight, either. Neither do any of the bills before us. However, along with the bills that we will be voting on shortly, and this budget, we believe that we will begin the process of moving our state forward toward economic recovery. We have begun the process of downsizing, consolidating, and streamlining. Some of which is reflected in our budget. We've laid the foundation on which to build our economic priorities and look forward to renewed hope for a better Hawaii.

"Mr. President, I think we have a solid work product. In echoing the words of the Senator from Manoa just a few moments ago, this was a team effort. It was not the work of one or two individuals, but the collective effort of all us in this body. I'm proud of the effort of our staff and our colleagues in pulling together to come up with a budget that I believe we can all be proud. I urge my colleagues to support this budget as it meets the immediate needs of our community and positions us well for the future.

"And now, Mr. President, may I yield to my co-chair?"

Senator Fukunaga also rose in support of the measure and said:

"Mr. President, I'd like to also rise to speak in support of this document. I do have some remarks that I'd like to have inserted into the Journal, but I'd also like to build upon the theme that Senator Taniguchi so eloquently started this afternoon session with.

"As we conclude this year's session, we must acknowledge you, our Senate colleagues, for your unwavering commitment in two key areas of our budget deliberations. First, you did not support a general excise tax increase to pay for tax relief or to balance the state budget. Second, you agreed that government must contribute towards economic recovery by living within its means. Because of this team support, we can report back that this year's supplemental budget total of \$2,989,716,000 is \$85.45 million less than our 1997 expenditures and represents a 3.38 percent reduction from our 1998 spending. At the same time, we have met the general public's priority of preserving direct services at the school and community level. This was touched upon by my able co-chair, Senator Baker, so I will not elaborate on them further.

"Much of the work that we did has also built very heavily upon the Senate's collaborative approach to consensus decision-making. We listened to what our Senate partners proposed and we retained the Business Development and Ocean Resources branches of DBEDT to continue the good work they do in international trade and seafood marketing. We listened to the small business community's priorities of (1) regulatory streamlining and (2) rejection of the general excise tax increase. We have heard what the broader community revitalization coalition wanted by preserving the health and human services safety net so that programs for the poor, the frail elderly, the homeless, and troubled teens have all been saved, thus allowing for continued dialogue on Hawaii's economic priorities.

"Finally, just as our budget has emerged as a document forged from our efforts to listen to what people have said was important, it has also been a product forged from the efforts of a broad-based group of Senate and legislative staffers. It represents perhaps the most wide ranging group effort that the

Senate Ways and Means Committee has ever produced. Co-chair Baker and I would like to take this time to acknowledge and thank all who contributed to our budget and fiscal preparations: We'd like to acknowledge and thank our budget staff led by chief clerk, Gerald Dang; deputy clerk, Huong Bassford; budget supervisor, Christie Ferreira; our energetic team of budget analysts (who are also much younger than the two of us!); our fiscal consultants, Bob Takushi and Janell Loo from the President's staff; our taxation and drafting experts, Rick Kahle and Shawn Nakama from the Senate Majority research staff; our tireless, logistical and support help from the Senate Clerks and Senate Sergeant-at-Arms staff; Ken Takayama's tremendous LRB drafting staff; the tireless staff from many of our Senate subject matter committees (you and your staff know who you are); and finally, last but not least, Troy Shimasaki, Les Yoshinaga, Kaipo Kincaid and Nani Medeiros of our bills research section. To each of you, we owe you a huge debt of gratitude for your long hours of dedicated support. You are truly the people who put this budget together.

"Now that it is done, we can tell you that this budget represents a people's budget. It is one that is attuned to state government's need to reduce in order to meet our communities abilities to support government. It is one that has been shaped by input from many, many voices. And it is one that begins the process of transforming what government must be as we enter the 21st Century.

"Thank you very much and mahalo for your support."

Senator Tam rose in support of the measure and said:

"Mr. President, I rise in support of H.B. No. 2500, C.D. 1.

"I want to thank the co-chairs of the Committee on Ways and Means for attempting to deal with the many funding problems in public education. They were not able to fund all of the needs of our students and teachers, but at least the budget maintains the current level of spending at our public schools.

"Because of certain difficulties, the Committee on Ways and Means was unable to fully consider the many questions that people have raised about the use of federal funds for education. The Committee on Education recommended that we utilize the increases in federal dollars in this year's supplemental budget. I personally want to thank the co-chairs of the conference committee, which I heard firsthand, for their support of using these federal impact dollars for education.

"We know that federal fund increases are not reported in the executive budget, even though the federal government has given exact dollar figures for next year's allocation.

"We believe that federal dollars which are appropriated for education should be used for the public schools and not for other purposes. We hope that the Ways and Means Committee will be able to address this issue in the next biennium. I have sent a letter to the Governor of the State of Hawaii requesting that all federal impact aid funds, almost \$25 million next year, be used only for education and not for other uses.

"The Committee on Education also recommended using additional bond money for the many repair and maintenance projects for school facilities. This would help the Department of Accounting and General Services to reduce the backlog of repair and maintenance projects in the schools. As of this year, the backlog has grown to \$240 million and will increase even more next year, due to the reduction in funding in this budget.

"Increasing the level of repair and maintenance projects would also help to stimulate the economy and help small business, especially Hawaii's construction industry. Perhaps in the future, colleagues, the administration will be much more willing to accept the use of bonds to fund repair and maintenance.

"As legislators, it is our job to provide the needed funding to carry out the goals and objectives of the elected Board of Education. Because of our current economic problems, we must work harder next year to find new and innovative ways to spend our educational money. This year it has been very difficult for the Committee on Ways and Means to accomplish this.

"To accomplish our goals for education, we need to listen more carefully to the people at the school level who actually deal with the problems on a day-to-day basis. They have suggested many solutions to these problems which are cost effective and will produce positive results.

"To get better results, the budget process needs to be more inclusive, and to involve all of the members of this body in a direct way. I know that all of my colleagues are familiar with the particular problems at the schools in their district and they are all willing and able to contribute to the work of creating a good education budget.

"One thing that many of my colleagues shared with me was their belief that we need to reduce class size, in particular in the lower grades of kindergarten through second grade. Before last year, the student/teacher ratio was 20:1. But last session, the House of Representatives insisted on raising it to 21:1 and held us hostage. As a result, class sizes got bigger and we received reports that some classes had up to 40 students in 1 classroom.

"The Department of Education arbitrarily uses their own internal department class size ratio of about 26 or 25 students to 1 teacher before allocating classroom positions, thus deviating from legislative intent.

"I have spoken recently to the Board of Education and we're looking at a policy to maintain no deviation in reducing the student/teacher ratio. Things are looking better, especially with the new superintendent coming on board.

"The Education Committee was able to carry out the wishes of my colleagues through the development of a proviso that would have used federal fund increases in impact aid to reduce the ratio back to 20:1. Unfortunately, the proviso is not in this final budget and the problem of class size still exists. But hopefully, once again, the Board of Education will make this policy.

"According to the United States Department of Education, the increase in the basic federal impact aid support payments next year would have been more than enough to reduce class size to a 20:1 ratio.

"Later this week, I will be asking the Board of Education to establish a policy mandating the Department of Education to abide by the 21:1 ratio, rather than creating problems by arbitrarily using a higher ratio for purposes of allocation of teacher positions.

"Colleagues, if I may add a note here, in the past when we gave the dollars for the 21:1 ratio or even the 20:1 ratio, the department was using some of those cost savings because they used the ratio of 26 students for other means. And the question was, where did these dollars go? Even the Board of Education is questioning the current superintendent, asking what he did with the money.

"Some of the other problems which still need to be addressed are:

1. Funding of special education;
2. The need for a central auditory processing deficits program;
3. Hawaiian studies;

4. Monitoring the hiring of educational assistants -- we found out that the Department of Education was not completely funding all education assistant positions and the money was being used for hiring other positions on the political side which were through the superintendent of the Department of Education;

5. Auditing the funds appropriated for educational assistants to find out where the money is going; and

6. Fulfilling the staffing needs of the school, in particular in the clerical area.

"Even after we adjourn this session, the Committee on Education will be working during the summer to build up a case so that we can properly fund the needs for these problems.

"This budget also failed to consider non-cost program items such as the conversion of temporary to permanent positions for:

1. Bilingual assistants;
2. Registrars;
3. Adult education personnel; and
4. Athletic trainers.

"We also failed to deal with a problem reported by many regular education teachers who have special education students mainstreamed into their classes.

"At the present time those special education students are only counted as one-half of a student for purposes of allocation of classroom positions. The Committee on Education drafted a proviso which would have made the Department of Education count these students as one whole student, in order to treat regular education teachers fairly. We must deal with this inequity next year.

"If I may say, and this is my personal comment, it's sad that the House of Representatives did not look at this proviso very seriously because it is of great concern. Either we count them as a whole student in a regular class or we provide in service training for the teachers. These teachers in a regular class need help and we should help them.

"But I cannot wait until next session to address these problems. The students, teachers and administrators in the schools are facing these problems right now, and they expect us to listen to them and to give them an opportunity to work with us to improve the public education system.

"I want to emphasize that I will be working with the Board of Education and holding joint interim hearings with them and with my colleagues in the various school districts statewide. The chairperson of the Board of Education, Karen Knudsen, is in agreement with this. Every member of this body will be invited to participate in these hearings, so that together we can gain a better understanding of what we must do next year to improve public education.

"I will also continue my work with the Board of Education to implement clear action plans with specific timelines to achieve the goals and objectives of the public education system as contained in Hawaii goals 2000.

"Mr. President and fellow colleagues, the Legislature can do a better job to take care of Hawaii's public school classroom needs. We need to work harder next year to accomplish this. But we can only do it if all parties are involved, not only legislators but the community at large -- educators, parents, students, etc.

"By the way, Mr. President, your Committee on Education will be working on the project and I thank you for your support

on this. During the interim the Education Committee will get all the parties together and help define the respective roles of all those parties, be it the parents, the teachers, administrators, legislators, the governor, the Board of Education, etc. We need to get one basic thing to be understood -- what is our respective roles so that we can work together as a family.

"Thank you."

Senator Chun Oakland also rose in support of the bill and said:

"Mr. President, I also stand in support of this measure.

"On behalf of my co-chair and myself for the Committee on Human Resources and our committee members, we really would like to thank the co-chairs of the Ways and Means Committee and its members and staff, as well as the chair of Finance, the committee members of Finance and their staff, along with the executive branch and the community at large for assisting us in this budget process.

"The Department of Labor, the Department of Human Resource Development, the Executive Office of Aging, the Civil Rights Commission, and the Department of Human Services are under the jurisdiction of our committee in terms of the budget, and for the most part monies have been preserved. In particular, the Department of Human Services temporary assistance to needy families and other families, general assistance to single, disabled individuals in our community, those that are getting assistance with the QUEST program, both in Phase 1 and soon to be Phase 2, as well as the purchase of service providers' funding levels have been maintained.

"I also wanted to point out that as part of the proviso language within the budget there are two significant points that I wanted to make. One is in regards to the QUEST Phase 2 ombudsman. Many of the the individual consumers that are mentally ill and those that are aged and blind going into the Phase 2 part of the QUEST program had a lot of concerns that they needed an advocate in place in the transitional period of time. And in the proviso it does provide funding for an ombudsman for the QUEST Phase 2. Also, as we deal with the long-term care financing issues, we need to look forward to long-term care financing within this particular population, and we do have funds in the proviso language that dedicates money that authorizes a long-term care demonstration project. And so these are the points that I wanted to make.

"Again, on behalf of our committee we do want to thank all the members of the Senate for their support. Each of you has really added to the dialogue and I'm not too sure if my co-chair is ready, but I know he wanted to highlight some of the creative funding initiatives that were supported by this Legislature.

"Thank you, Mr. President."

Senator Kanno then rose in support of the measure and stated:

"Mr. President, I rise to speak in support of this measure.

"During these difficult times, there are a number of proposals to undo the progress made with the unfunded liability of the Employees' Retirement System and other inappropriate means to balance the budget on our state's pension system. I thank the co-chairs of WAM for resisting these proposals. Instead, the adjustments being made to the ERS are improvements to the Employees' Retirement System. Rather than utilizing an arbitrary estimated percentage figure, we'll be implementing a system for the salary increase assumption that's based on a three-year average, and the figures that are being used will be actual figures as opposed to the arbitrary system that's in place now.

"I'd like to thank the co-chairs of Ways and Means and their staff for their work in developing a budget that's responsible and preserves important services for the people.

"I urge my colleagues to vote 'aye.'"

Senator Solomon rose to speak on the measure with reservations as follows:

"Mr. President, I will be supporting this bill, with reservations.

"Mr. President, I was going to vote with a 'yes,' a resounding yes, until I heard from our co-chairman that this is the best that the Senate could have possibly done. I disagree with that, Mr. President.

"I think what this budget does is just perpetuate the status quo. As we all know, sitting here on this floor, and for many of us that would be many years, we know that this is the na'au or the foundation of our economy. This budget has nothing to do with helping us get over our economic woes. It doesn't present any kind of restructuring that could have been handled through budgetary appropriations.

"I want to remind our colleagues here that we did have some recommendations. We are thankful that we do not have any increase in the general excise tax, but the bottom line is this was coupled with a restructuring bill. It was a companion bill that would help us address our economic problems, so next session, whoever may be sitting in these seats will not be faced with the kinds of dilemma that we have been faced with. We, in fact, extended this session to be able to come up with something more creative and innovative. Unfortunately, we have not.

"Mr. President, in the 16 years that I have served in this body, I have never voted with a 'W/R' on any budget, but I feel very compelled to do so because I feel that if this is the best that the Senate can do, heaven help the State of Hawaii!

"Thank you very much."

Senator Slom also rose to speak with reservations on the measure and said:

"Mr. President, I rise to speak in support of the budget, with reservations. Actually, this is quite a step for me because last year I voted 'no' on the budget.

"I want to thank the co-chairs and our colleagues for all the work that was put in, although as the Senator from the Big Island just said, there were other suggestions and there certainly were other options and other roads we could have gone and we chose not to take those roads.

"The statement that government is living within its means is just not true. While the Legislature may be living within its means, unfortunately, it's not living within the means of our taxpayers -- the people who are called upon to give up their income to pay for our expenditures. Our problem, I repeat, our problems for seven years now, are not economic. They're not the fault of the Asian economies. They're not the fault of the mainland. They're right here. They're right in this building and up on the fifth floor. They are political, rather than economic.

"We had opportunities to address them boldly and we watched through the compromising process as we changed and gave a little bit here and gave a little bit there and worked on our principles. I have a little problem with the budget in that I'm not sure what the priorities really are. I think that at best we're sending mixed and unclear signals. If the priority is to restructure our government and to live within the means of the taxpayers who are called upon to support us, then this budget does not do that.

"On the other hand, it represents a great deal of work and a great deal of input. The input, however, was not as open as it could be or as it should be. Many of us are continually shut out of the budget process. Many of us do not have access to the accountability sheets or the budget sheets. We constantly hear about mistakes -- 'Oh, that wasn't supposed to be in there,' or 'Oh, that's the wrong figure,' or it was an omission or a commission. No individual, no family, no business would budget the way our Legislature budgets. But then, their objectives are different. Their objectives are to continue the family and to live within their own means and to balance their revenues and their expenditures. Neither the individuals nor the families nor the businesses have the ability to tax others, to go deeper into debt, or to make political arrangements. They have to do the best they can with the idea being that they have to occasionally say no, and they absolutely have to prioritize.

"And I think we can do a better job. As we look through this 604 page document and lament more trees that have been killed, we find things in there like a \$19 million bond issue for another office building in Kakaako where the appraisal of that building was less than half that amount. And we ask questions as to why certain things are in that budget and why certain things are not in the budget. And up until the very end we put a lot of people in distress because they worried about their jobs, they worried about their income, they worried about their programs. And we played with them, and we used them in a game with the House -- in a political game, not an economic game, because you would not do this economically.

"And the budget is also inclusive with continuing emergency appropriations. Every year we have emergency appropriations. Good budgeting, good fiscal responsibility, good economics, removes almost all emergencies, and those emergencies that do remain are emergencies that no rational woman nor rational man could anticipate. And yet the things that are in this budget and the things that we've talked about here since January, we've talked about the year before and the year before that and the year before that. We just don't seem to be able to resolve them because we're not listening to the right voices.

"There's no major reduction in personnel here. I count 120 full-time equivalent positions, most of which are vacant. If we look at the reports from the legislative auditor, there were plenty of ideas of how we could save money, how we could better and more responsively spend money, but we don't implement them. We have task force, after task force, after task force, and commissions and blue ribbon panels. And some of them actually come up with some viable ideas but we don't implement them. All we do is say let's have another task force, let's talk about it again.

"And so we have a budget. Yes, I'm very happy that we resisted as a body. We stayed together and resisted a general excise increase. I thank you, Mr. President. I thank my colleagues. I can finally take off all my badges, now, that I've been wearing every day on every shirt and every jacket since January. Thank goodness we did that.

"But, wait a minute, wait a minute, there's nothing in this 604 pages about contracts already signed by this state government with public employees. Where's the money for those contracts that our government officials pledged that they would honor? What I see is no tax increase this year but I see that somebody next year is going to have to come back and deal with that because those employees are going to want that commitment in that contract, and we haven't done that. So again we pushed it off to the next group of rookies that come out on the Senate team next year.

"But I do respect the work that has been done and the efforts, and so, as I say, I will support this with reservations, and hope that we can always strive for the best because, you know, in those conference committees, Mr. President, I kept hearing the term 'limbo' too, and I was confused. I thought we were talking about some Jamaican music. And I remember that in

the 'limbo' game, the idea there is to get as low and close to the ground as you can as you go under the bar. Instead of trying to go low, we should be aiming as high as we can because the taxpayers deserve it, our families and businesses deserve it and our children deserve it, and we should settle for no less.

"Thank you, Mr. President."

Senator Anderson rose to speak on the measure with reservations and said:

"Mr. President, I, too, will be going with reservations, and I also would like to have the words of the Minority Floor Leader put in there.

"What bothers me more than anything else is that we've stood on this floor and talked about all kinds of reductions on taxes. Not one thing did we ever do for jobs. I said over and over, we should build cultural parks. Well, we do have cultural parks. It's one of the most Mickey Mouse deals that I've ever seen and it's in this budget. On page 98 we have \$200,000 going to a historical Chinese center. We have on page 111 a Japanese cultural center for \$500,000. We also have on page 568 the Ka'u Hawaiian cultural center, \$245,000 to be spent by the County of Hawaii. And then we have a Maui economic opportunity facility, whatever that is, for \$2,500,000. And on page 562, we have a Filipino cultural center for \$1,500,000. I have said, if we were to get all of the cultural centers together, utilize state land, get the developers and the builders and the landscapers and everybody else, you would have one helluva damn deal for the tourists to come here, and have something for the ones that have been here before and the ones that are going to come -- not Mickey Mouse 1 million, 2 million, 500,000, and 245,000 for Ka'u. I don't think that's fair and I don't think it's equitable.

"Also, Mr. President, on this budget, I was very happy that the two chairs congratulated all of the hard work of all of the staff. They are hardworking people and I do congratulate them. But we have a very minimal staff so it's hard to get information from that budget as readily as everybody else who puts it in. But I would like to say that some of the things that I wasn't sure about, and I'm not sure if some of our constituency would be looking at and I might mention those other ones again, but a visitor Aloha society for \$56,900; DLNR project for state parks, \$50,000; \$586,000 for a Volcano art center; the orangutan for \$987,000; DOT works of art at the airport (I'm not sure if we're using the airport special funds), \$1,071,000; the state office building remodeling, \$970,000; Kona coffee living history farm, \$300,000.

"Mr. President, there's all kinds of money that we've put out there, and we're having hard economic times. But the Minority Floor Leader mentioned Kakaako. Kakaako happens to be \$19 million and it's going to be funded with bonds. The GO bonds, there's 1, 2, 3, 4, 5, 6, 7, 9 different items that we're going to use GO bonds for, but this one here, I've been looking at. I wrote to every congressional person and I received a letter that the good Representative Patsy Mink sent me. It was a reply from the headquarters of the Army Air Force Exchange Service that said in reality, yes, we owe them 17.5 million. We're going to have to pay it by this July of '98. If not, we will go to court.

"I did have here in 1992, when I wasn't here in the Legislature, or 1993, a letter by former Representative David Hagino where this was appraised at \$3 million or thereabout. I'm not sure, Mr. President, but I asked our attorney to look into this and our legal opinion, I think, is by law, which means by statute and not by agency rule. But we have to okay that. But they signed it and we were committed to it. And the important part of a point, I think, is that the agency has not acquired sufficient authorization for funding by '98 and if the Legislature has not designated sufficient funds, the contract is unenforceable. That means, I guess, that the AG would have to take us to court and we could be sued.

"I'd like to know, Mr. President, if we have a law that says the Kakaako Authority can go ahead and acquire land without any input from this Legislature and we're bound, then we darn well better change that law because the law that we have on the books is that nobody can bind us without coming to this Legislature for funding. So we're kind of in between, a Catch 22, and I'm not sure if any of our good attorneys have looked at it or any of our chairmen or the Ways and Means or anybody else. But I don't think that this is proper that we have this type of legislation. We put everything in the budget and it's questionable and that's why I will be voting with reservations.

"Thank you very much, Mr. President."

Senator Kawamoto rose in support of the measure and said:

"Mr. President, I rise to speak in favor of the bill.

"First of all, Mr. President, I'd like to thank the Ways and Means staff who worked very hard. Sometimes when I leave the Capitol at 1:00 in the morning, they're still there and they were probably working for another four or five hours for the rest of the morning. On behalf of Senator Sakamoto, co-chair of Transportation and Intergovernmental Affairs, I'd like to thank the staff and the Ways and Means chairs for putting out a product that we can be proud of.

"The other thing I'd like to say is that on behalf of the transportation agencies, we have put out projects that have a 20/80 match with the federal government. These projects will go out and provide jobs for our local residents if the procurement officer passes out the projects in the way we would like to have him pass it out. I'd like to also thank them for allowing some of the programs in defense. You know that the defense budget is funded 25/75 with the federal government and they do a very good job for our state.

"Therefore, Mr. President, I'd like to thank the Ways and Means chairs for their effort in this area.

"Thank you."

Senator Bunda also rose in support of the measure and said:

"Mr. President, I rise to speak in support of the measure.

"Mr. President, I, too, would like to commend the co-chairs of the Ways and Means Committee for their courage to resist any kind of a general excise tax increase and for producing a balanced budget.

"Mr. President, this budget and work on other measures like privatization and stress-related workers' compensation will provide some relief to our business community. However, I personally don't believe that these measures will significantly help our ailing economy. I feel we could have developed a better budget plan to stimulate the economy had we not been obliged to address these issues, issues that arose as a result of the judicial branch's inappropriate actions in the Konno and Mitchell cases.

"Mr. President, all of us know that what we're faced with today is a tax base that has deteriorated to a point where education, health and human services are seriously threatened. It was only through the diligence of our Ways and Means co-chairs that we achieved a balanced budget that maintains vital state services.

"Mr. President, I was surprised by this morning's *Advertiser* that predicted our comments on the budget plan, almost putting the very words in our mouths, so sure were they of how we would evaluate ourselves. The editorial even called our final tax plan a victory, yet how many of us feel triumphant? I feel any victory will be short lived. It is what we didn't do this year that will send us scrambling to find the solution next year and

the year after because we spent our time trying to decide whether to burden the public with higher taxes or not. What will be the alternative when we are faced with a \$400 million deficit the next time around?

"Mr. President, I really don't feel that we've changed anything this session to make way for the future. In other words, we didn't do anything to bring in new businesses, not even provide a corporate income tax reduction. We need to pave the way, Mr. President, for new industry to expand our tax base. For example, I believe Hawaii could attract and support a captive insurance and reinsurance industry, an industry that Guam attracted by offering generous, long-term tax abatements and rebates.

"Mr. President and colleagues, we need to rethink, significantly rethink, our vision and change our laws to allow these new opportunities to happen. We have no choice. We need to make it happen for our families and for our state's future. And I'm sure many of you have lots of ideas. Those ideas need to be ushered in before the new millennium begins, and it can only happen if we do it collectively and with our minds open to the possibilities.

"Thank you, Mr. President."

Senator Iwase rose to speak on the measure with reservations and said:

"Mr. President, I'm rising to speak in support of the budget with reservations.

"Like the previous speakers, I would like to commend the co-chairs as well as the members of this body for taking such a firm position in opposition to the increase in the general excise tax, which I believe would have been harmful to this economy during these very difficult economic times. But unfortunately, I cannot vote straight up on this budget and I wanted to express those reasons why because it is recorded and we'll have to explain those votes.

"I think what the budget we have before us today, and I would like to echo the sentiments of the Senators from Waimanalo, Hawaii Kai, Wahiawa and Kohala because I think what the budget is symbolic of and what, perhaps, this Legislature will be known as, is a Legislature which could have, which should have, and which did not. There was high expectations for us to accomplish great feats to deal with this economy. And we did not accomplish those tasks as we adjourn.

"But before I go on, I would like to say that there are some things about this budget, a number of things about this budget before us today which I am pleased with. First, that the Senate reassessed, stepped back from, some very troubling provisions in the Senate version of the budget or matters relating to the budget. If you recall, there was an unconstitutional 10 percent pay cut bill that was passed by the Senate. It is no longer alive, and I'm pleased with that. Second, the Senate version of the budget had some drastic cuts to special education, to adult education, to the QUEST program, and those funds have been restored. We zeroed out the public television budget; that has been restored. There were deep cuts in positions for the University of Hawaii and the Department of Education, and thankfully they were restored. But there was so much more that we could have done.

"As the Senator from Kohala said, the budget is the na'au of the Legislature of the State. It represents what we're going to do. It represents what we believe in. It represents what we think should be done to get this state moving. And I think when people look at the budget they're going to ask, where is the Legislature leading us? Where are we going? And I think the speakers before me have said that perhaps the only answer that can be given is that we're going to next year and leave the

issues, the unresolved issues, for the next Legislature to address. And I don't think the public can wait that long.

"How valid are the terms could have and should have? For those of us who are running, and I happen to be one of them, I don't think that term is going to be very meaningful to me if on election day a voter comes to me and says to me, 'Senator Iwase, I could have voted for you, but I did not,' because then it's meaningless to me. There is no meaning for me. And I don't think this budget and what we are going to be symbolic of is going to be very meaningful to the people. There will be other bills that we're going to be voting on today that I think the term could have and should have and did not, will apply.

"Mr. President, I could have voted for this budget straight up. I should have voted for this budget straight up, but I will not. I will vote for it with reservations.

"Thank you."

Senator McCartney rose in support of the measure and said:

"Mr. President, I rise to speak in favor of the budget.

"First of all, Mr. President, I believe this is the toughest year in Hawaii's history to be the Ways and Means chairs or the Finance chair. I believe it's the toughest year in Hawaii's economic history to be a member of the Senate and voting in this body. But if I look at what happened and I look at the unlimited needs and the competing interests and the limited resources, we did good with the people's money. This is the first time I can remember, Mr. President, where there is a 3.7 percent decrease -- decrease -- in the base budget, not the requests that came in, but in the base budget.

"Mr. President, there were many plans, many dreams, many hopes. We had the ERTF plan. We had the bi-partisan coalition plan in this body. We had the House minority plan. We had the community economic revitalization plan. We had the human services plan. We had the economic sustainability plan. We had plans by unions. But, Mr. President, we all know that a plan is only as good as the people who support it, and if I look at these plans and all these hopes and dreams that everybody submitted, what we're doing today in the Legislature is we're taking pieces of all of them and putting them together to make a product we can be proud of. We can honestly say that everyone here contributed to the final product. Everyone here had a say. We all cared about Hawaii's economic well-being and we did something about it.

"If we ask the question, Is it a step forward? I'd say, yes. Is there more to be done? Yes. Is it out of the box? Yes. And if you take a look at some of the facts, we downsized government; we didn't increase the general excise tax; we passed the largest single tax decrease in the history of the State of Hawaii. For the short term, we're boosting Hawaii's opportunity to bring in more tourism and economic development with the \$60 million. For the long term, we passed an autonomy bill that we can be proud of for the University of Hawaii that will take us into the next millennium for job creation.

"We did things on restructuring and for business. We passed the privatization bill, a CCO bill, a stress bill, a job reference liability bill, a criminal history records bill. We streamlined government. We passed some bills relating to making it easier for permitting. The record is good, Mr. President. I believe if you look back, in my term, this is the healthiest package we've ever passed to make a difference in this economy.

"Mr. President, we had Miss Universe last night. And if we just take that energy, that enthusiasm, that vision that the whole State of Hawaii pulled together last night to pull off that one event where we became part of the world community, we can fix our economy. That's the kind of effort it's going to take -- everybody getting together on that one team, as the Senator from Manoa said, to make a difference. And that's what we did

last night. And to me, Miss Universe, and the State of Hawaii pulling it off, gives us that hope that we can do something to make Hawaii a better place.

"And as I leave, Mr. President, I know the process isn't right, it isn't completely the best it can be. And I continue to have frustrations about the budget process, but I do believe that the seeds have been planted to move forward. And I want to commend the co-chairs for taking their stand, for not giving in to maybe some of the old ways. And I think in the future these seeds have been planted, so here's the nine points that I dream of for you in the future:

1. We move from negotiations to collaboration;
2. We move from advocating to understanding;
3. We move from me and I to we and us;
4. We move from win-lose to win-win;
5. We move from blame to accepting responsibility;
6. We move from compromise to co-creating;
7. We move from House vs. Senate to common sense;
8. We move from exclusion to inclusion; and
9. We move from competition to cooperation.

"And, Mr. President, that's my wish for all of you next session, so we can continue to move forward to make Hawaii's economy what it needs to be for our children.

"Thank you."

Senator Levin rose to speak in favor of the budget and said:

"Mr. President, I rise to speak in favor of the bill.

"If there was any doubt prior to the discussion on this measure, there's no doubt now; this most certainly is an election year. But before we are totally overwhelmed with politics and before we totally focus on November rather than on the task at hand, it seems to me that we ought to ask our colleagues and the public to think about how far we've come and who brought us this far.

"I support this measure, but I rise much more to speak in praise of the job that was done by the chairs of the Ways and Means Committee. It was done with grace. It was done with wit. It was done with compassion. They took the lead against the general excise tax increase that so many people feared, and yet they still managed to balance the budget without decimating programs or the safety net that so many people rely on. I can't imagine who could have done a better job. I am proud of the job that they did. I believe they deserve the accolades of all who care about Hawaii, who understand the process, who recognize the barriers that were faced and how difficult the decisions are, both this year and in the future.

"The job is not going to get any easier. It's going to get tougher, but we need to work together and in the words of the previous speaker, we need to get out of the politics of blame and enter the politics of cooperation and working together to reach a common good. That is the direction that the Ways and Means chairs took us this year and I commend them and thank them for the job they did."

Senator Iwase rose in response to the previous remarks as follows:

"Mr. President, just a brief response to the comments made by the previous speaker.

"I don't know what he is alluding to when he talks about politics in the context of the comments that he made. But it's unfortunate that there would be such a misunderstanding. I assume that the previous speaker would understand that on this floor, in this body, those of us who have opinions have a right to express them freely, without those kinds of gloss being put on them.

"I think everyone who has spoken here understands how difficult this task was in 1998. Everyone in this body has very strong feelings about what must be done. Collaboration necessarily involves discussion. Collaboration necessarily involves debate. Collaboration necessarily involves disagreement. And I am terribly sorry the previous speaker does not understand that.

"Thank you."

Senator Metcalf rose in support and said:

"Mr. President, I rise to speak in support of the bill. I have some written remarks I'd like to include in the Journal.

"Thank you."

The Chair having so ordered, Senator Metcalf's remarks read as follows:

"I would like to thank the co-chairs of Ways and Means for their leadership under difficult circumstances. I would also like to thank the WAM Committee members and staff for their dedication and hard work. Additionally, I would like to thank all of them for supporting special needs in East Hawaii."

Senators Aki, Sakamoto, Anderson, Solomon, Iwase and Slom 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. 147 was adopted and H.B. No. 2500, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 5:47 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate stood in recess subject to the call of the Chair to meet in Joint Session with the House of Representatives in accordance with H.C.R. No. 251 to appoint the Ombudsman of the State of Hawaii. Senator Ihara then moved that the Senate reconvene at 7:00 o'clock p.m., seconded by Senator Slom and carried.

### JOINT SESSION

The Joint Session of the Senate and the House of Representatives, Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, was called to order at 5:58 o'clock p.m. by the Honorable Joseph M. Souki, Speaker of the House of Representatives.

Representative Okamura moved that Patricia Mau-Shimizu be appointed Clerk of the Joint Session, seconded by Senator Ihara and carried unanimously.

At this time, Senate President Norman Mizuguchi assumed the rostrum.

President Mizuguchi then announced that the purpose of the Joint Session is to appoint the Ombudsman for the State of Hawaii, pursuant to Section 96-2 of the Hawaii Revised Statutes.

Senator McCartney then nominated Robin K. Matsunaga for the Office of Ombudsman of the State of Hawaii, for a term of six years, commencing July 1, 1998.

Representative Okamura moved that the nominations for the Office of the Ombudsman of the State of Hawaii be closed, seconded by Senator Ihara and carried.

Senator McCartney moved that the Senate of the Nineteenth Legislature of the State of Hawaii confirm the appointment of Robin K. Matsunaga as Ombudsman for the State of Hawaii for a term of six years commencing July 1, 1998, seconded by Senator Ihara.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Speaker Souki returned to the rostrum.

Representative Okamura moved that the House of Representatives of the Nineteenth Legislature of the State of Hawaii confirm the appointment of Robin K. Matsunaga as Ombudsman for the State of Hawaii for a term of six years commencing July 1, 1998, seconded by Representative M. Oshiro.

Representative Marumoto then rose to speak in support and said:

"Mr. Speaker, I'd like to speak in favor of this motion.

"It has been my privilege to have worked with Mr. Matsunaga for the past 10 or 12 years. As chief clerk of the House Finance Committee, I learned that he is very knowledgeable about state government. He knows who the players are and how the departments work. He knows what closets the skeletons reside and where the bones are buried.

"To lose that much expertise from the Legislature is unfortunate -- we need it here. Therefore, we will miss Robin from these halls, but perhaps he will give us his recommendations for legislative changes from his new vantage point. He will do well there.

"We legislators and the public will benefit from his work and his future endeavors in the Ombudsman's Office.

"From the House GOP caucus -- good luck, Robin."

Representative Okamura also rose in support and stated:

"Mr. Speaker, I rise in favor of the resolution.

"Mr. Speaker, we have all known Robin for many, many years. He is a dedicated and committed public servant who has routinely gone out of his way, beyond the call of duty, to fulfill his responsibilities to this institution and to all of its members. Robin is honest, knowledgeable, caring, and above all, he always operates with integrity -- precisely the qualities needed to fulfill the responsibilities of the State Ombudsman.

"Mr. Speaker, with this appointment, the House has a huge void to fill. Robin's wise counsel, his easy smile, and his sharp wit will be missed by all of us. If there is any consolation, it is that our loss will be the people's gain.

"Robin -- from all of us -- congratulations and best wishes."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 48. Noes, none. Excused, 3 (Kawanakoa, Takumi, Whalen).



The ballots having been so cast by the members of the Nineteenth Legislature of the State of Hawaii, Robin K. Matsunaga was declared unanimously elected as Ombudsman for the State of Hawaii.

The Speaker, on behalf of the Joint Session, introduced newly elected officer Robin K. Matsunaga, State Ombudsman, who was extended congratulations and a round of applause.

At this time, Representative Okamura introduced Tammy Matsunaga, wife of the newly appointed State Ombudsman.

At 6:07 o'clock p.m., the Speaker declared the Joint Session of the Senate and the House of Representatives adjourned.

### EVENING SESSION

The Senate reconvened at 7:46 o'clock p.m.

### FINAL READING

#### MATTERS DEFERRED FROM MONDAY, MAY 11, 1998

Conf. Com. Rep. No. 117 (H.B. No. 2823, H.D. 1, S.D. 1, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 117 be adopted and H.B. No. 2823, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Metcalf.

Senator Sakamoto rose to speak with reservations on the measure and said:

"Mr. President, I'd like to speak with reservations on this measure.

"Mr. President, I'm concerned that any reduction in premiums that some of our citizens may have received during the past year will be reduced by possible cost drivers in this measure. I'm concerned that the acupuncture and massage therapy outlined in the bill may increase the PIP, even with the limit set. Industry experts have also expressed concern with the voluntary binding arbitration, which is intended to decrease litigation, however, and therefore decrease cost, but may in fact do just the opposite by establishing a negotiating floor for which injured persons may opt for litigation. Additionally, I'm concerned that Hawaii's citizens who are hit by a rental car will now have to pursue claims on their own, and be forced, possibly, to hire an attorney to seek compensation in the home state or country of the rental car driver.

"There are other things in the bill, Mr. President -- immunity for agents for simple negligence. I'm not sure why some of these things are included. For these reasons, Mr. President, I'll be voting with reservations."

Senators Slom, Iwase, Tanaka, Anderson, Aki and Solomon 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. 117 was adopted 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 124 (S.B. No. 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, 25. Noes, none.

Conf. Com. Rep. No. 136 (S.B. No. 2633, S.D. 1, H.D. 1, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 136 be adopted and S.B. No. 2633, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Metcalf.

Senator Anderson requested his vote be cast "Aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 136 was adopted and S.B. No. 2633, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY APPRAISALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 137 (H.B. No. 2680, H.D. 2, S.D. 1, C.D. 2):

Senator Tam moved that Conf. Com. Rep. No. 137 be adopted and H.B. No. 2680, H.D. 2, S.D. 1, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator Aki.

Senator D. Ige rose to speak in support of the measure and stated:

"Mr. President, I rise to speak in support of this measure.

"Mr. President, five years ago my colleague from the windward side travelled statewide to meet and talk with teachers, principals, parents, students, across this state about what we needed to do to help the public school system. I would like to note that I was also joined by my colleague from Kihei, Maui, on many of those trips as well as our colleague from Liliha who was not married and the youngest member of the House at that time. We travelled across the state to listen to those most directly impacted about what would improve the public school system. The one thing that came clear through all of those hours and hours of public hearings that we had across the state, schools said repeatedly, set me free. They were bogged down by the bureaucracy. They were smothered by rules and regulations that the board and the department had adopted that swamped any innovation. Anything new that they wanted to try was repeatedly shut down.

"This measure that's before us today, five years later, intends to complete the job that we had embarked on four years ago to set the schools free. What this bill does is provides an opportunity for absolute school empowerment. We're saying that we entrust that those closest to the children are in the best position to make decisions on their behalf. We're providing that 25 schools be set free from the public school system to develop a program that is student-centered and performance based to establish a local school board limited to dealing only with school policies and setting goals and evaluations. We provide the schools the ultimate waiver, the waiver of all laws except those dealing with procurement, discrimination and collective bargaining. We're asking that these schools be set free so that they can innovate and change the way that the public school system does business.

"Mr. President, I know that we've been working very hard on school-based budgeting, and clearly, student-centered schools reduces school-based budgeting to its simplest form. Grant

each and every school the pro-rata share that this Legislature appropriates to run the public school system and see what those people at the school can do with the funds that we provide. By the department's own accounting, this body appropriates \$4,028 per pupil, on average, to run and operate the public school system. Now the department takes this money and by the time that it gets shredded and allocated and reallocated and restricted, what actually makes it to the average public school system in this state is probably about \$2,900 per pupil. Where does the other \$1,100 per pupil go? It's always a mystery to me, Mr. President, and we've never been able to get a straight answer.

"But let me provide a real example. If you take an average school with a thousand students, and we in this body are appropriating to the Department of Education \$4,028 per pupil, the difference between what the average school gets today for all of the teachers and cafeteria workers and janitorial staff and everything to operate that school is about \$2,900 per pupil. That other \$1,200 per pupil or, for a school of 1,000 students, \$1.2 million in other support services gets eaten up by the system. You know, I asked my principal what would he be able to do with \$1.2 million in terms of transforming the school, and he almost had a fit.

"You know, Mr. President, if the school decided to put that additional money into more teachers in the classroom, if we could reduce student/teacher ratio in a school with 1,000 students from 26:1 to 14:1, if every single additional dollar went into reducing class size, I am convinced in these days of fiscal constraint that our best opportunity for public school success and public school reform is student-centered schools and allowing principals and professionals at the schools to make those budgetary decisions on behalf of our students.

"I urge all of my colleagues to vote in support."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 137 was adopted and H.B. No. 2680, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENT-CENTERED SCHOOLS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 141 (S.B. No. 379, S.D. 2, H.D. 2, C.D. 1):

Senator Levin moved that Conf. Com. Rep. No. 141 be adopted and S.B. No. 379, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Iwase rose to speak in opposition of the measure and stated:

"Mr. President, I'm rising to speak in opposition to this bill.

"Mr. President, this bill would require the collection of a \$7 deposit for every tire purchased by a customer not accompanied by a tire trade-in. Before the bill got to conference, the amount was \$1.75. The amount is bumped up to \$7 without any explanation in this conference committee report. This is a real big hit and will hit hardest on the working people with limited income and I will not be able to support it.

"Thank you."

Senator Slom also rose in opposition to the measure and said:

"Mr. President, I, too, rise to speak against the bill.

"I echo the sentiments of the good Senator from Mililani but in addition to that what we're doing is adding more paper work, more requirements and more record keeping for both scrap tire

haulers and also retail tire dealers. I think we all support recycling but we can have recycling programs without all of this additional paperwork. So, I will vote 'no.'

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 141 was adopted and S.B. No. 379, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Anderson, Fernandes Salling, Iwase, Sakamoto, Slom, Solomon, Tanaka).

Conf. Com. Rep. No. 142 (S.B. No. 760, H.D. 2, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, Conf. Com. Rep. No. 142 was adopted and S.B. No. 760, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS-WITHIN-SCHOOLS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 143 (S.B. No. 2204, S.D. 2, H.D. 2, C.D. 1):

Senator D. Ige moved that Conf. Com. Rep. No. 143 be adopted and S.B. No. 2204, 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 in support of this measure.

"This bill requires agencies to establish and adhere to maximum time periods for review and approval of business and business-related permits. I believe this bill is necessary to create efficient, effective and responsive government.

"The existing processes have been the basis of business horror stories that have been retold in national business publications and help create a perception of Hawaii as an unfriendly business environment. Passing this bill will not change this perception, but add to it bills such as workers' comp, regulatory flexibility, privatization, the Hawaii Maritime Authority, job reference liability, conviction records, coordinated care, duplication of government services and managed competition, then maybe we start to create a new picture. We will have started to remove or have moved some of the rocks that are in the road -- the road to economic recovery, the road to more jobs.

"Many, many more rocks and boulders remain. But if we are to make this picture a reality and we want to create a business-friendly environment in Hawaii where people and the land prosper, then we must go much farther. The bi-partisan coalition has worked hard to make this picture a reality. We know we need to make our Land Use Commission more effective and responsive. We know we must remove the undue burden of pyramiding taxes. We know we must allow and encourage entrepreneurs and self-employment. We know we must remove the fear of frivolous or unreasonable litigation. And we must work hard to provide for our children a foundation that will allow them to choose their place to live, whether it be in Hawaii or anywhere in the world.

"Mr. President, we're committed to making real change, to creating a new business environment in Hawaii, to laying the foundation for a better Hawaii for our children. So far, we have fallen far short. But again, it's a beginning.

"So, Mr. President, we may be able to get rocks and boulders off the road, not just moved an inch, not just turned over. The people need our help. So in spite of the rocks in the road, may God continue to bless our state and our people."

Senator Kawamoto rose to speak in favor of the bill and said:

"Mr. President, I rise to speak in favor of this bill.

"Mr. President, I have a project in my community that has been on the books going on 14 years and still on the books. This bill will provide the opportunity that we can cut the process shorter, we can save money in consultant fees and the homes that we buy so dearly for our young people would be affordable for them.

"Thank you."

Senator Metcalf rose and stated:

"Mr. President, I have some written remarks in support of the measure that I would ask to be included in the Journal.

"Thank you."

The Chair having so ordered, Senator Metcalf's remarks read as follows:

"This bill places the burden for business permit license approvals where it should be -- on government agencies. The bill requires government to be both responsible and responsive. We owe it to business to tell them in a timely manner whether their request is approved or denied. This measure may mean more denials but it will create a time certain for action. This bill is not intended to affect existing voting requirements for one approval of matters voted on by boards and commissions as long as the vote is taken within the time limit."

Senators Matsunaga, Ihara, Taniguchi, Anderson, McCartney and Solomon 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. 143 was adopted and S.B. No. 2204, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY PROCESSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Fernandes Salling, Levin).

Conf. Com. Rep. No. 144 (S.B. No. 2350, 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. 144 was adopted and S.B. No. 2350, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 145 (H.B. No. 3403, H.D. 2, S.D. 1, C.D. 2):

Senator Taniguchi moved that Conf. Com. Rep. No. 145 be adopted and H.B. No. 3403, H.D. 2, S.D. 1, C.D. 2, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Slom rose to speak on the measure with reservations and said:

"Mr. President, I rise in support of the bill with reservations.

"I think the bill is a good bill in terms of its objectives to deter theft and trespass on agricultural and aquacultural lands. However, it's an extremely broad bill and the way it could be interpreted is to criminalize petty innocent activities between neighbors and so forth. And I think also we have a basic constitutional due process concept which requires that citizens be given adequate notice, and that's not part of the bill.

"So, reservations, please."

Senator Anderson rose and said:

"Reservations, please."

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 145 was adopted and H.B. No. 3403, H.D. 2, S.D. 1, C.D. 2, 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 (Fukunaga).

### THIRD READING

#### MATTER DEFERRED FROM MONDAY, MAY 11, 1998

Stand. Com. Rep. No. 3171 (H.B. No. 2547, H.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3171 be adopted and H.B. No. 2547, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Slom spoke against the measure as follows:

"Mr. President, I rise to speak against the bill.

"Lord knows I'm not a vegetarian and I like meat, but I have a problem with this bill. I've had a problem all along. It requires the issuance of state-backed special purpose revenue bonds for one company and for one purpose, the meat processing plant on Oahu Campbell Industrial Park property. The argument has been made that the lease expires in six years in the year 2004. I think that's true. That gives us six years to find an alternative solution. Secondly, we have just dedicated a slaughter house facility on the Island of Molokai. Thirdly, I think it's bad policy as the state continues to get involved in private business activities and to provide funding or guarantees of funding for one specific business or industry. And I don't think that it meets the purpose clause of this special purpose revenue bond. So I will be voting 'no.'

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3171 was adopted and H.B. No. 2547, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Fukunaga).

### FINAL READING

#### MATTERS DEFERRED FROM MONDAY, MAY 11, 1998

S.B. No. 3024, S.D. 1, H.D. 1:

Senator Taniguchi moved that S.B. No. 3024, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tanaka.

Senator Slom rose to speak in opposition to the measure as follows:

"Mr. President, I rise to speak against the bill.

"As I have done all session, I'm consistently opposed to the addition of any special funds and we're about ready to vote on a bill that's going to transfer special fund monies into the general fund. It doesn't make any sense if we set up special funds and we don't use them for those purposes or later on raid those funds for general purposes. So I stand opposed to the bill.

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3024, S.D. 1, and S.B. No. 3024, S.D. 1, H.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, 17. Noes, 7 (Fernandes Salling, Ige, M., Iwase, Sakamoto, Slom, Solomon, Tanaka). Excused, 1 (Fukunaga).

S.B. No. 3025, S.D. 1, H.D. 1:

Senator Taniguchi moved that S.B. No. 3025, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tanaka.

Senator Slom, rising in opposition to the measure, then said:

"Mr. President, again I rise to speak against this bill.

"Again, for the foregoing reasons, it creates a special fund, and more importantly, I don't think it helps the local fresh milk industry. We have seen what government involvement has done over the years. The idea of price setting and controls and special funds have actually destroyed our industry, rather than make it more competitive. So I'll be voting 'no.'"

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3025, S.D. 1, and S.B. No. 3025, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 7 (Anderson, Fernandes Salling, Iwase, Sakamoto, Slom, Solomon, Tanaka). Excused, 1 (Fukunaga).

Conf. Com. Rep. No. 33 (S.B. No. 3248, 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. 33 was adopted 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," 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. 119 (H.B. No. 3446, S.D. 2, C.D. 1):

On motion by Senator M. Ige, seconded by Senator Bunda and carried, Conf. Com. Rep. No. 119 was adopted 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," 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. 138 (H.B. No. 2990, H.D. 2, S.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 138 be adopted and H.B. No. 2990, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Iwase.

Senator Kawamoto rose to support the measure and said:

"Mr. President, I rise to speak in favor of this bill.

"Mr. President, this bill provides the opportunity to have the state acquire the Waiahole Ditch, provides water-sharing both in the leeward and windward sides. With this bill we dedicate or we promise to the diversified ag people that they can now obtain long-term leases and they can obtain loans for their projects.

"I urge all my colleagues to vote 'aye' on this bill. Thank you."

Senator Slom then rose in opposition to the bill and stated:

"Mr. President, I rise to speak against the bill.

"As I have mentioned previously, we had asked for a reporting and an accounting as to what we're getting with this ditch. And I think what we're getting is a ditch that's going to require the expenditure of more millions of dollars for upkeep and maintenance and operation. The state now owns and maintains, or at least owns, four ditches. The state is not doing a good job as evidenced particularly in the Hamakua region.

"The issue is not water. The issue is not the allocation between the leeward and windward sides of Oahu. The issue is the financing and where the money comes from and what we're actually getting. As my colleague, the Minority Leader, has said many times, the company that owns this ditch which is going through financial problems of its own has made a great deal of money from it and should really dedicate or donate the ditch to the state. We've had at least one firm offer for the private purchase of the ditch. We should remember that this ditch started out and has always been a private purchase. And again when we talk about privatization and we talk about options for financing, we should be looking to other means. The issue is financing, not the delivery of water.

"I'll be voting 'no.'"

Senator Anderson also rose in opposition to the measure and stated:

"Mr. President, I'll be going 'no.'"

"Unfortunately, a lot of us are accused of voting because of different people coming down to ask us not to vote for things and whatever. On this particular issue, I have some friends that are for the bill. However, the bill is \$10.5 million. It says that we're going to have general obligation bonds, like we're never going to have to pay for them. The bill also says that we're going to help the Pearl Harbor aquifer by having this. That means we can go ahead and develop more on that side for Campbell Estate and others. It also says assessments and tolls and I'm not sure what that is. And I know we're going to have to raise the price for the farmers.

"I want you to understand I've always been for agriculture. But this bill turns around and says that 'No expenditure, use, or transfer of funds from the Waiahole water system revolving fund by the corporation will be subject to chapter 42D, 42F, 103 or 103D.' That means that 42D, Grants, Subsidies, Purchases of Service, they don't have to worry about that; 42F, Grants and Subsidies, they're not subject to that; 103, Expenditure of Public Monies and Contracts; 103D, Hawaii

Public Procurement Code. Then if you go to the next page on the bill, they're also excluded from sections 91, 76, 77 and 171, Mr. President. That means administrative procedure rules and regs, civil service laws, compensation laws, public lands and management disposition. They also don't have to worry about 269 which is Public Utilities Commission, and establishes assessment areas. And I don't even know what all of these other things are. But they are excluded from so many things that I don't think they're included in anything.

"Now, we went ahead and looked at this, Mr. President. I have said many times that I thought the place should be appraised. We lease it first, know what the heck we're buying. I asked our attorney and again I say we're limited with staff so it takes us a little while to get all of the information we need. But according to the attorney, the laws we said earlier for the Kakaako building, stands with this. But it also says, 'water resources, the state has an obligation to protect, control and regulate the use of water for the people's benefit.' We've never denied that, but they must obtain an appraisal before purchasing land. That's what it says.

"I have asked over and over, have we ever had an appraisal? We've had nothing to the best of my knowledge. Any property that the state purchases must be appraised. Without an appraisal there is no official way to prove that the state is paying a fair market value. Paying over fair market value would violate the appropriations and public purpose provisions outlined above. First, an appropriation cannot be properly made without adequately and properly determined a correct amount to appropriate. This requires an appraisal. Second, Mr. President, spending too much of the taxpayers' money for a property purchased undermines any required public purpose served by the acquisition.

"Mr. President, I've said over and over I think we owe an obligation to ag. I've always been for diversified ag, but we're here to implement the laws that we have, not circumvent them. And if we want to help a particular group and then we're going to circumvent any law that we have on the books, we're going to help a company and give them money without even knowing why, then telling people we're helping the economy, is 'shibai.' And I think that this is a shame. I think we should lease it, get all of the appraisals that are needed according to law, and if in fact it's worth \$12 million, then we should buy it. But if it's worth \$6 million, then we should pay that amount. You don't give an amount over and above what is required by law and the appraisal value.

"Thank you very much, Mr. President. That's why I'm going 'no.'"

Senator McCartney spoke with reservations on the measure as follows:

"Mr. President, I rise to speak in favor of the bill with reservations.

"This is a bill that I have many concerns about, but in my end analysis I can live with the decision that has come about. There's been many good comments made on the floor today about some of the concerns, but as a Senator who represents Waiahole, I wanted to insert some remarks into the Journal with this floor speech to just share with you the context of some of the troubles and the concerns that the community faces.

"First of all, Mr. President, this goes way back, many generations, in a time when there wasn't a State of Hawaii, in a time when the people who had a lot of power in the state could do things without any government oversight or regulation. So they went and dug a ditch. They went and dug a tunnel. And that diverted water from the valleys of Waiahole and Waikane and sent it over to the leeward side to grow sugar cane for economic development. On the windward side, you can talk to people like Calvin or Charlene Ho. Mr. Ho has grown up there for generations. Their family has lived there and is probably

one of the indigenous people to the valley, and that impact of taking away the water changed their lifestyle for generations to come because it denied them of some of the opportunities to farm and live a lifestyle that they chose to live by growing taro.

"That battle and issue continue to go back and forth, but in the end, Mr. President, what I believe most is that today we are an island community and when we are an island community we have to learn how to live together. And maybe we can't change the past, but we can learn how to share in the future. And so, Mr. President, I do join my colleagues from Mililani and Waipahu who need the water very badly, who believe in diversified agriculture, who believe in a future in the leeward plains, not for development but for agriculture, that this water will provide that opportunity, provide that life. And if we look at water as a resource, water belongs to all the people of the State of Hawaii, and our Constitution gives us the mandate to preserve and protect ag and also to regulate and control water.

"There's an important provision that's been put in this bill and I want to thank the managers of the bill who've worked on it. It says that the passing of this bill does not affect or change any allocation by the Commission on Water Resource Management.

"There's another provision in the bill that says the Agriculture Development Corporation, which is a private/public corporation, not necessarily an entity of the state government, must work with the land owners to seek long-term leases for the farmers on the land.

"I, too, have concerns about Amfac and I do believe that they took advantage of the water, the people and the people of Hawaii, and they do owe the state a lot. And maybe, in a way, I'm very concerned that they're getting away with something that they shouldn't. But the bottom line, if I looked at this, is that line, that system right now, there's three to four million gallons a day that's leaking out of that system on the leeward side. When the state comes in and purchases it, we'll fix the sifs and that's three to four million gallons of water that the leeward side can have, and it's three to four million gallons of water that we don't need to ask the windward side to take. On the windward side, we're concerned about lifestyle, economic development, stream restoration, Kaneohe Bay, and we also, I believe, need to be concerned about our neighbors on the leeward side.

"And so in the end, Mr. President, there were a lot of hard decisions that had to be made, but I chose to not get in the way, but to say I have reservations, but I will support this bill and know that many issues still need to be resolved as we look at managing our most precious resource, our water.

"Thank you."

Senator Anderson rose to respond as follows:

"A short rebuttal, please.

"Because I realize that there's so much contained in this bill, I'm very glad that the Senator from Kahaluu brought it up. He says that he represents it. I think that every one of us represents the ditch, regardless of leeward or windward side.

"But what bothers me, also, in the very first page of the conference committee in (1) it says, authorizes the issuance of the bonds, and then it goes on to say on page 2, (3) 'Delete the requirement that all water allocations in the Commission on Water Resource Management's final decision and order on the Waiahole Water System existing as of the effective date of this bill, remain in force until the general obligation bond debt . . . expires or for 20 years commencing from the effective date . . . ' Now, how do we know that there's even going to be water in that ditch in 20 years. And they're holding it, it's going to be in concrete.

"Never mind what the commission said, it's going to be the allocation that's there now and it's 20 years. That's as bad as what we did with Kakaako saying that we're allowing an authority to make a commitment for this Legislature on a building that's higher, or appraised low and we're paying higher. This is saying that we're going to be stuck for 20 years if there's a drought or whatever. There's no way you can get more water or the other side can get more water, or that we can look at the allocation. Then we're going to have to come back and change the law because we're putting it into concrete, according to the conference committee report, page 2, (3).

"Thank you very much, Mr President."

Senator McCartney rose and said:

"Mr. President, I just wanted to thank my colleague from the windward side. That provision on page 2, item (3) says that we deleted that provision. It's no longer in the bill anymore, and we replaced it with language that would insure that wouldn't happen. And so, that was one of the reasons why I can support the bill now because in the bill we did insert a provision to make sure that we didn't get locked in for 20 years, and the Water Resource Allocation Commission will have jurisdiction over that because if we did lock the water in, he is correct that it would be 20 years and no one could appeal, no reallocation could be made.

"So therefore, Mr. President, I think those points are well taken and that was the very reason why the bill was amended to not have that type of language in the bill, and the committee report actually reflects the deletion of that provision.

"Thank you."

Senator Anderson then said:

"I stand corrected on that part. Thank you very much, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 138 was adopted and H.B. No. 2990, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Anderson, Fernandes Salling, Ige, M., Slom).

Conf. Com. Rep. No. 139 (H.B. No. 3443, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Conf. Com. Rep. No. 139 was adopted and H.B. No. 3443, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 140 (H.B. No. 2560, H.D. 2, S.D. 2, C.D. 1):

Senator Aki moved that Conf. Com. Rep. No. 140 be adopted and H.B. No. 2560, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tam.

Senator McCartney rose to support the measure and said:

"Mr. President, I just wanted to thank the co-chairs of Education along with the co-chairs of the Ways and Means Committee. This is a bill you can truly be proud of. I think in years to come, people will be saying this is what helped make a difference to make our university truly world class. So I'd like to commend both of you who worked on the bill.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 140 was adopted and H.B. No. 2560, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 146 (H.B. No. 1824, H.D. 2, S.D. 2, C.D. 1):

Senator Levin moved that Conf. Com. Rep. No. 146 be adopted and H.B. No. 1824, 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 rise to speak in support of the bill with reservations.

"The bill's original contents have been gutted and the purpose of the new bill was really supposed to be modernization on the computer system. Basically, there's an exchange between the Health Services Corporation and the Attorney General. The \$650,000 which the corporation must expend, basically, is going for salaries, fringe benefits, furnishings, software, planning, design, and computers. I think we should have taken a closer look at how the monies were being expended.

"So I will vote with reservations."

Senators Solomon and Anderson also 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. 146 was adopted and H.B. No. 1824, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### FINAL READING

Conf. Com. Rep. No. 148 (H.B. No. 2710, H.D. 1, S.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 148 be adopted and H.B. No. 2710, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak on the measure with reservations:

"Mr. President, I rise to speak in support with reservations.

"What disturbs me about this bill, Mr. President, is we talk in here about a \$2.9 million windfall for the state's general fund in this the supplemental budget for the judiciary, and it's a windfall only because in another bill we have upped the fees for the judiciary, in many cases without any kind of rationale or logic as to why the fees were being raised. And I think it becomes plain now that what this was, was an attempt to provide additional revenue for the judiciary budget. As I had said the other day in speaking against the fee bill, in many cases we're going to price people out of our already beleaguered judiciary system.

"So I vote with reservations on this bill."

Senator Anderson then requested his vote be cast "Aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 148 was adopted and H.B. No. 2710, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 149 (H.B. No. 1800, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Kawamoto and carried, Conf. Com. Rep. No. 149 was adopted and H.B. No. 1800, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CASH MANAGEMENT OF STATE FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 150 (H.B. No. 2800, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 150 was adopted and H.B. No. 2800, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANAGEMENT OF STATE FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 151 (H.B. No. 2803, S.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 151 was adopted and H.B. No. 2803, 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, 25. Noes, none.

Conf. Com. Rep. No. 152 (S.B. No. 2386, S.D. 2, H.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 152 be adopted and S.B. No. 2386, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Kanno rose to support the measure and said:

"Mr. President, I rise to speak in support of this measure.

"Mr. President, this bill represents a positive step forward for our workers' compensation system. It enables coordinated care organizations to provide medical care to injured workers through a system that's coordinated and comprehensive. The first place to address workers' compensation costs is through preventive safety measures in the workplace, and this measure provides for that -- a coordinated system with cooperation and communication among the employer, the insurance company, the health care provider and the employee; prompt access to high quality care, appropriate treatment and getting workers back to the job.

"I'd like to acknowledge our Majority Leader from Kahaluu for the key role that he played in bringing the many parties together on this measure. A number of Senators worked throughout the interim with a large group of interested parties, together with Elizabeth Kent, the director of the Judiciary's Center for Alternative Dispute Resolution. We had the

assistance with facilitating the large group through Elizabeth Kent, DeeDee Letz, Neal Milner and Kem Lowry. Finally, I'd like to acknowledge Chris Pablo from Kaiser Permanente for his unique and special role with this legislation. When CCOs are up and running, injured workers and their employers are the true beneficiaries of this legislation; a large part of the credit for that should go to Chris Pablo.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 152 was adopted and S.B. No. 2386, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COORDINATED CARE ORGANIZATIONS," 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. 153 (S.B. No. 2689, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 153 was adopted and S.B. No. 2689, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fukunaga).

Conf. Com. Rep. No. 154 (H.B. No. 3625, H.D. 3, S.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 154 be adopted and H.B. No. 3625, H.D. 3, 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'm all for the streamlining and elimination of duplication in government offices, but it seems like in this bill here we've been trading offices back and forth, and we really haven't achieved that purpose. In addition to that, the bill eliminates the appropriations for the aquaculture program which has the potential of being one of our more successful programs.

"Thank you, Mr. President."

Senator Baker rose to support the measure and said:

"Mr. President, I rise to speak in support of this measure.

"Contrary to the previous speaker, this measure actually moves the aquaculture development program from the Department of Land and Natural Resources to the Department of Agriculture where it more appropriately belongs, we believe, because it's merely agriculture in the ocean or in the water as opposed to soil. Actually, the funding for these positions, the six of the ten that were retained, is found in the executive supplemental budget. So this program has not been eliminated.

"I agree with the Senator. This is a very important program.

"Thank you, Mr. President."

Senator Anderson then rose and said:

"I'll be voting 'no' but I would like to ask the co-chair of Ways and Means if she would kindly answer a question."

Senator Baker having answered in the affirmative, Senator Anderson continued:

"On page 3, No. 2, it says, 'Eliminating the appropriations for the Aquaculture Program and the ADC' and I think that's what we're reading and if you put it somewhere else and there is funding, we looked and we couldn't find it. So all we can go by is your committee report which says that it's been eliminated."

At 8:29 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:47 o'clock p.m.

Senator Slom then rose and said:

"Mr. President, I'm still trying to figure out if we're all singing off the same sheet here because we were told that the aquaculture function was transferred to the Department of Agriculture. Then we're told that in the budget it's under DLNR as an item, so what I'm looking for is the connection between the enabling legislation. Do we have that in this existing bill that we're voting on right now?"

Senator Baker responded:

"Mr. President, the bill that we're voting on moves the aquaculture program from DLNR to the Department of Agriculture. The funding for the program remains in Land and Natural Resources and once the bill passes, the positions and program funds will go over to Agriculture."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 154 was adopted and H.B. No. 3625, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT REORGANIZATION," 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. 155 (S.B. No. 2254, S.D. 2, H.D. 2, C.D. 1):

Senator Matsunaga moved that Conf. Com. Rep. No. 155 be adopted and S.B. No. 2254, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Slom rose in opposition to the measure and said:

"Mr. President, I rise to speak against this bill.

"I don't know why I have been involved in so many of these prostitution bills this session. I guess it's because they're so poorly drawn. I learned from the section 1 here that the reasons that we're concerned about prostitution is because it affects our visitor industry. And then I learn on page 1, line 12, that we're worried about people freeing themselves from the sex industry. I guess that's like the visitor industry and the sex industry and maybe the aquaculture industry.

"What I'm most concerned about is this is supposed to be an intervention. And on the last page of the bill, page 3, lines 11 and 12, it says as a condition of probation the defendant complete 'a course of prostitution intervention classes.' Nowhere in the bill, nowhere does it say what these classes are about, who's going to teach these classes, who's going to fund the classes, where they're going to be paid for, and so forth. So, if anybody can answer that for me, possibly one of the Judiciary co-chairs, I'd be very happy to learn about the prostitution intervention.

"Thank you."

Senator Matsunaga rose to support the measure and said:

"Mr. President, I rise in support of this measure.

"Actually, I just wanted to ask the good Senator if he was volunteering to give courses in that nature. (Laughter.)

"Actually, there is no mandate for the prostitution intervention classes. It is discretionary, at the judge's discretion. There is no funding provided. The applicable agencies that I am aware of that provide these types of services are seeking private funding to help provide these necessary services.

"Mr. President, we did pass a variety of measures aimed at curbing prostitution, especially in Waikiki, with the street walking problem. As I mentioned previously, this is one of the attempts to try and give those prostitutes a ray of hope, and a way out of this industry. And hopefully, the other measures that we passed will also go a long way in addressing this problem.

"Thank you, Mr. President."

Senator Slom then said:

"Will the good Senator yield to a question?"

Senator Matsunaga replied:

"Certainly."

Senator Slom inquired:

"What are the organizations or the agencies or the content of these classes that will give the prostitutes a ray of hope?"

Senator Matsunaga responded:

"There are two agencies that I am aware of that provide these types of services. One is Sisters Offering Support and the other is the Waikiki Health Center. Actually, the nature of the courses was contained in the Senate draft that we originally passed out. The House objected to specifying the nature of the services because they wanted the judge to have more flexibility in sentencing, so we did take that description out of the final version. But if you go back to the Senate version, there is some description of what those courses might entail.

Senator Slom then said:

"Thank you, Mr. President. Thank you, Mr. Co-Chair."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 155 was adopted and S.B. No. 2254, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," 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. 156 (S.B. No. 2966, S.D. 2, H.D. 2, C.D. 1):

Senator Matsunaga moved that Conf. Com. Rep. No. 156 be adopted and S.B. No. 2966, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chumbley.

Senator Slom rose to speak against the measure and stated:

"Mr. President, I will be voting 'no' on this bill also.

"It is my understanding that right now the court can try to impose fees, but I think part of the problem has been that it's been the imposition and the collection of the fees, and I'm just wondering what the mechanism is going to be in this bill if this bill were to pass into law. How are we going to impose and



guarantee that the fees, in fact, are collected because I think there is a provision in the bill that if the person, the defendant, is unable to pay, then we will waive the imposition of fees. So, if we can do it now in existing law, if we're going to exempt people that say that they can't pay, I want to know really what is the purpose and what kind of revenues would be generated from such a bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 156 was adopted 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," 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. 157 (S.B. No. 3220, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Bunda, seconded by Senator M. Ige and carried, Conf. Com. Rep. No. 157 was adopted and S.B. No. 3220, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### RECONSIDERATION OF ACTIONS TAKEN

There being no objections, the President announced that motions for reconsideration of actions would be taken up at this time.

S.B. No. 1559, S.D. 2 (H.D. 3):

Senator Levin 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. 1559, S.D. 2, seconded by Senator Fernandes Salling and carried.

Senator Levin moved that the Senate agree to the amendments proposed by the House to S.B. No. 1559, S.D. 2, seconded by Senator Fernandes Salling.

Senator Levin noted:

"Mr. President, S.B. No. 1559, H.D. 3, will provide for a lead abatement program."

The motion was put by the Chair and carried.

By unanimous consent, action on S.B. No. 1559, S.D. 2, H.D. 3, was deferred until later on the calendar.

S.B. No. 2757, S.D. 1 (H.D. 1):

Senator Levin 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. 2757, S.D. 1, seconded by Senator Fernandes Salling and carried.

Senator Levin moved that the Senate agree to the amendments proposed by the House to S.B. No. 2757, S.D. 1, seconded by Senator Fernandes Salling.

Senator Levin then noted:

"Mr. President, S.B. No. 2757 deals with environmental assessments and allows them to be withdrawn by an applicant and also allows an applicant to extend the comment period for up to 15 days."

The motion was put by the Chair and carried.

By unanimous consent, action on S.B. No. 2757, S.D. 1, H.D. 1, was deferred until later on the calendar.

At 8:55 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:59 o'clock p.m.

S.B. No. 3213, S.D. 2 (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. 3213, S.D. 2, 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. 3213, S.D. 2, seconded by Senator Metcalf.

Senator D. Ige then noted:

"Mr. President, S.B. No. 3213 establishes continuing education requirement as a condition for license renewal for insurance licensees. It also establishes a process to determine continuing education course providers, materials and other requirements and establishes an insurance licensing administration revolving fund. It also increases the fees for licenses.

"The Senate position was that 100 percent of the fees should go into the revolving fund for administration of the program. The House amendment essentially deposited 50 percent into the revolving fund with the remaining 50 percent going into the general fund. Although this is not the position we'd like to proceed on, the insurance agents have requested and do want the continuing education requirements to be established this session. It does help them with dual licensing and concurrent licensing in other states, and it does make it easier for insurance agents to practice in other states."

The motion was put by the Chair and carried.

By unanimous consent, action on S.B. No. 3213, S.D. 2, H.D. 1, was deferred until later on the calendar.

S.B. No. 2782 (H.D. 2):

Senator Chumbley 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. 2782, seconded by Senator Matsunaga and carried.

Senator Chumbley moved that the Senate agree to the amendments proposed by the House to S.B. No. 2782, seconded by Senator Matsunaga.

Senator Chumbley explained:

"Mr. President, we've had time to give those amendments further consideration and agree to them at this point."

The motion was put by the Chair and carried.

By unanimous consent, action on S.B. No. 2782, H.D. 2, was deferred until later on the calendar.

#### FINAL READING

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

S.B. No. 1559, S.D. 2, H.D. 3:

Senator Levin moved that S.B. No. 1559, S.D. 2, H.D. 3, having been read throughout, pass Final Reading, seconded by Senator Fernandes Salling.

Senator Slom rose to speak against the measure and said:

"Mr. President, I rise to speak against the bill.

"The bill, again, creates a special fund, the lead and asbestos abatement special fund. I'll be voting 'no.'"

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1559, S.D. 2, and S.B. No. 1559, S.D. 2, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Anderson, Fernandes Salling, Iwase, Sakamoto, Slom, Solomon, Tanaka).

S.B. No. 2757, S.D. 1, H.D. 1:

On motion by Senator Levin, seconded by Senator Fernandes Salling and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2757, S.D. 1, and S.B. No. 2757, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL ASSESSMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2782, H.D. 2:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2782 and S.B. No. 2782, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3213, S.D. 2, H.D. 1:

Senator D. Ige moved that S.B. No. 3213, S.D. 2, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Metcalf.

Senator Slom rose to speak in opposition to the measure and stated:

"Mr. President, I rise to speak against the bill.

"There are several problems with this bill. The co-chair of CPI mentioned one of them, that we're raising the fees, first of all, for all insurance people. And secondly, the original purpose of those fees was to go into the revolving fund but now 50 percent of those fees are going to go into the general fund. So again, this is a tax increase.

"Secondarily, as testimony brought out, a greater education, continuing education, does not seem to be such that it's going to improve either the life insurance product or lower the premiums. I'm going to vote 'no.'"

Senators Solomon and Iwase requested their votes be cast "Aye, with reservations," and 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. 3213, S.D. 2, and S.B. No. 3213, S.D. 2, 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, 23. Noes, 2 (Anderson, Slom).

The President then said:

"Because the next bill on the Order of the Day has a 9:48 p.m. clocking, I will call on Senator Chumbley to make a presentation at this time.

Senator Chumbley rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, last week on Friday night the good Senator from Mililani recognized a departing friend on behalf of the members of this honorable institution. But tonight, Mr. President, I have the privilege and the honor, on behalf of the family of the Senator from Kahuku/Kaneohe, to present him with a token of their commitment and love to him.

"Mr. President and colleagues, over the past ten years the good Senator has been the subject of numerous cartoons. But tonight he is given his diploma in the form of a cartoon. Tonight he graduates from this public institution that we call the Legislature, and on behalf of Darlene McCartney, Bricen McCartney and Jaren McCartney, they commissioned Corky Trinidad to immortalize their husband and their father through this cartoon. And, Mr. President, it reads: 'Educator, legislator, and da kine people guy.' So Mike, on behalf of your family, congratulations on your contributions to your community and to the citizens of our state, and we're glad to have you back home with us.

"Mr. President, at this time the good Senator from Palolo has some additional comments to make, with your consent."

Senator Matsunaga then rose and said:

"Mr. President, I rise on a point of personal privilege.

"Mr. President, I just wanted to add some personal thoughts on what the Senator from Kahaluu has meant to me. He's been a great inspiration to me and a sound role model. He's always encouraged me and challenged me, and has repeatedly been the source of sage advice. As a matter of fact, during our last conference committee of the Judiciary when one of the House conferees made a particularly ignorant remark, the Senator turned to me and whispered, 'Take 'em to the hoop, Matt.' (Laughter.) We have laughed together, perhaps more than we should have; we've cried together when we've had to take painful positions, and we've stood firm together during scary moments. And we also founded the Bad Boys Club of the Senate.

"And I know the Senator from Mililani has eloquently expressed all the reasons why we're going to miss the Senator from Kahaluu, but I thought I'd share the top eight reasons why we're not going to miss him:

8. No more suggestions of guava stew for caucus lunch;
7. No more anonymous phone calls from Walter Pacheco;
6. No more hair envy from follicly challenged Senators;
5. No more raids on our junk food stash by a foraging Mike;
4. No more herbal drugs thrust on us, whether it's kava, St. John's wort or viagra (he's a walking pharmacy);
3. No more bad Joe Souki impressions;
2. No more being paged, and when you call the number you get Fantasy Escort Services;

and finally, Mr. President, the number one reason why we're not going to miss Mike McCartney is:

1. No more being questioned by the police about Iron Mike's alleged terroristic threatening.

"Thank you, Mr. President." (Laughter.)

Senator Ihara rose and said:

"Mr. President, I'd like to take this opportunity to thank my Co-Majority Leader and partner for two years of great adventure and experimenting and building our collaborative leadership model, as we call it, really a new political culture in the Senate, and we hope beyond the Senate, and Senator McCartney will hopefully be our first model Senate partner outside the Senate.

"Instead of being firemen, which I think is probably the macho culture image, we were called on to be innovators and creativity catalysts in very, very unique and difficult situations where we'd be called in where there were communication needs, I guess, amongst co-chairs, etc., if you know what I mean. And these situations called for a lot of creativity and, Mr. President, I must say that I'm going to miss Senator McCartney because together our minds and our creative ideas have produced, if I might say, a number of successes this session and the last session.

"Also, I want to thank Mike for being the spokesperson for our co-majority leadership partnership and I'd like to wish you the best in your future endeavors. I'd also like to thank Darlene, Bricen and Jaren for allowing us to have Mike for all of those many, many hours that he was with us to make our state a better place to live.

"And finally, Mr. President, just like the idea of peace, I think, arose in the midst of war, it must have been in those rough and tumble days of the 80's with, I think it was, Senator Charlie Toguchi when maybe Mike came up with the idea of collaboration in the Senate when he served as a staff member. And I'd like to ask former Senator Charlie Toguchi to rise, as Mike's mentor, and acknowledge him. (Mr. Toguchi who was seated in the gallery then rose to be recognized.)

"Thank you, Mr. President."

Senator D. Ige then rose to add his remarks as follows:

"Mr. President, I would also like to rise on a point of personal privilege.

"Last Friday, I guess I wasn't really prepared and my staff was shocked when I had nothing to say, but I did have a lot to say and the Senator from Liliha kind of screwed me up because I couldn't get the words out. But I did want to thank the Senator from Kahuku and Kahaluu on behalf of all the children of Hawaii. I think everyone in this building and everyone in the Department of Education recognizes Mike's efforts on behalf of public school students throughout the state.

"You know, we made a good team because we covered the full spectrum. I was the techy nerd with the pocket protector and all the pencils and the Pan Am bag who went to every class and tried to do all the right things, and Mike was the guy who showed up with no pencil and borrowed folder paper from the student next to him and just tried to make it through. I was the student who got all A's and one B and Mike was the student who got all C's and one A. And somehow in our working to improve the public school system, we were certain that we, collectively, were more than we were individually. And I just wanted to thank him on behalf of all the public school students in the state."

Senator Metcalf rose and said:

"Mr. President, actually there was more than one art work that was commissioned. In fact, in my judgment it was actually rather superior to Mr. Trinidad's work. (Laughter.) And I ask the good Senator to display that as well, as a token of our esteem for his outstanding legislative achievements. Thank you." (More laughter.)

The President then said:

"I'd like to invite Mike's wife, Darlene, and his two sons and his mentor, Charles Toguchi, to the floor so that they may join in accepting our portraits and drawings from the Senator from Hilo.

"And at this time I'd like to yield the floor to our departing Senator."

Senator McCartney then rose to say:

"Mr. President and colleagues, first of all I would just like to publicly thank my wife. I don't know if she knew what she was getting into, but I remember the days when we would walk door to door, house to house, every single day; holding signs on Likelike Highway at 5:00 in the morning to 8:00 in the morning, and the rocks flying in her face and dirt getting into her hair and then having to go to work after that. And I just want to acknowledge that it was through her efforts that we were able to get elected. And I want to thank my sons for putting up with me for not always being home, not always being there when I should be.

"I want to thank my friend up there, Charles Toguchi, who has taught me so much. I remember him telling me before I got in when I decided to work for him, he said, you know, a lot of people want to run for office and get into office, but once they get there, that's their goal. But he said if you want to run for office, you've got to know what you want to do after you get there and have other goals than just getting in office. And I really appreciate his support and his counsel, and I'm really honored to have him here tonight.

"And I just want to thank all of you. This has been one of the most memorable experiences of my life, something that I'll never forget. And I guess in life everything changes and time moves on. And for me this is not a retirement but just a transformation to do something different, but I still support all of you and I'll work very hard to make a difference. The time we spent together will always mean a lot to me. And again, as I said, no matter whether we agreed or disagreed, we may have had arguments, I still love and appreciate all of you. And I'm really proud to say that I'm a member of this body and that I served here. And so, from the bottom of my heart I just want to say Mahalo and thank you very much. Aloha."

At 9:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:09 o'clock p.m.

#### MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 343, dated May 13, 1998, transmitting the Executive Order providing for a further 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, pursuant to said Section 10 of Article III, the Regular Session of 1998 of the Nineteenth Legislature of the State of Hawaii has been extended; and

WHEREAS, the Governor has been requested to grant a further extension and it appears that such a further 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 1 hour following 12:00 o'clock midnight, May 13, 1998.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 13th  
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.

At this time, the President made the following announcement:

"Members of the Senate, from this point on, if there are no objections, we will be calling for discussion only, for the remaining bills listed on the Order of the Day. We will then vote on these measures after all the discussion has been completed."

#### FINAL READING

There being no objections, the Senate commenced with the discussion of the following bills for Final Reading:

Conf. Com. Rep. No. 158 (S.B. No. 2092, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 158 and S.B. No. 2092, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX LAW," was deferred until later on the calendar.

Conf. Com. Rep. No. 159 (H.B. No. 2750, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 159 and H.B. No. 2750, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred until later on the calendar.

Conf. Com. Rep. No. 160 (H.B. No. 1533, H.D. 2, S.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 160 be adopted and H.B. No. 1533, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose to speak against the measure and said:

"Mr. President, I'll be speaking against H.B. No. 1533.

"That's the bill, of course, that transfers all of the special funds, but unless I'm incorrect, in one of the earlier versions this was going to extend the moratorium on the unemployment compensation employment payroll training fund. And I think that the current version, the C.D. 1, does not extend that moratorium, which means that if it does not then the employers will have to pay that tax again, beginning January 1. So if I could have a clarification on that I would appreciate it. Otherwise, I will be voting 'no' on that bill."

Senator Fukunaga responded as follows:

"Mr. President, the bill no longer contains any references to the employment training fund. That's correct."

Senator Slom then said:

"Thank you."

By unanimous consent, action on Conf. Com. Rep. No. 160 and H.B. No. 1533, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred until later on the calendar.

Conf. Com. Rep. No. 161 (S.B. No. 2213, S.D. 2, H.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 161 be adopted and S.B. No. 2213, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Kanno rose in support of the measure and said:

"Mr. President, I rise to speak in support of this measure.

"This measure addresses the Konno ruling by allowing the state and counties to privatize without threat of lawsuit. The measure also transforms the state's accounting, procurement, and budgeting systems with the implementation of a new performance based budgeting system. The measure also provides for a managed competition process to implement public/private competition for government services. Once implemented, this measure provides for a system of government that's accountable, competitive and cost effective.

"I do not believe that any of the parties is totally happy with the outcome on this bill. It's a compromise measure that allows the counties and state to privatize while protecting the interests of the affected employees.

"Thank you."

Senator Slom rose to speak on the measure with reservations and said:

"Mr. President, I rise to speak in support of the bill with reservations.

"Contrary to the last speaker, I think there is at least one party that's very happy with the bill. That's the head of the United Public Workers Union because the bill does not directly address the Konno decision. It does not directly address what the four county mayors have asked for; does not solve the problem of long-term contracts; does not provide tools of privatization. So it's better than what we had last year which was absolutely nothing, nada, zippo, but it is not a good bill and it's not the best that we could have done."

Senator Kanno responded as follows:

"I'd like to respond to the previous speaker.

"I read with much interest that the Mayor of the Big Island indicated that the bill addressed at least 90 percent of the concerns raised in his county.

"Thank you."

Senator Anderson rose to speak on the measure with reservations and said:

"I'll also be with reservations, and I'm sure that what the chairman of labor said is quite true. However, it'll take care of 90 percent of the problems that we're having now. If you're in private enterprise and you have a long-term contract that's coming up, we don't have future work. They will do only short term. So that's the problem with this bill. It's a very shortsighted bill. It doesn't allow for future expansion, so people will not go into a long-term type of business that we would like to go into.

"So I'm going to vote for the bill, but I certainly do have reservations when we're going to really not be as open to the idea of privatization as we should be.

"Thank you very much, Mr. President."

Senator Kanno rose to respond to the previous speaker and said:

"If I could address the concerns raised that contracts shall be terminated at the end of the three-year period on June 30, 2001. Through the conference committee discussions it was made clear with clarifying language that the bill doesn't do that at all. It doesn't terminate any contract. Rather, any contract that extends past 2001 shall go under a single review under the new managed competition process. It's not our intent to terminate or limit any long-term contracts. We are looking for long-term solutions for our state's accounting, procurement and budgeting systems as well as creating a system for the long term for public and private competition to provide government services that are accountable, competitive and cost effective.

"The bill provides for a transition period where over the next three years there is a moratorium on any law suits through which period the counties can privatize, on June 30, 2001, when the managed competition process is up and running, contracts that extend into that period will be reviewed one time to compare whether the public sector or private sector could provide those services more efficiently and more effectively.

"Thank you."

Senator Anderson then said:

"A very fast rebuttal, Mr. President.

"Just for information for the chairman, I used to bid with the state and the counties. I no longer bid. It's not profitable for most businesses. The way the law is written up, it's junk. And if you're looking at payment, we're late. The economy is down. And that's why businesses are not wanting to come aboard. So we're not helping when we're not trying to help look and help businesses for the future.

"So, just for your information as a former person that used to do business with the state and counties, I don't want to anymore, and I don't bid.

"Thank you very much."

By unanimous consent, action on Conf. Com. Rep. No. 161 and S.B. No. 2213, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," was deferred until later on the calendar.

Conf. Com. Rep. No. 162 (H.B. No. 2648, H.D. 2, S.D. 1, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 162 be adopted and H.B. No. 2648, H.D. 2, S.D. 1, C.D. 1, having

been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Kanno rose in support of the measure and stated:

"Mr. President, I rise to speak in support of the measure.

"This measure addresses the Mitchell ruling by prohibiting workers' compensation stress claims resulting from discipline. Mr. President, this measure is one of five priority employment bills meant to help the economy and assist the employers in our state. The four other bills include privatization, coordinated care organizations, job reference liability, and providing employers access to conviction records.

"Thank you."

Senator Iwase rose to speak against the measure and said:

"Mr. President, I rise to speak in opposition to the bill.

"Mr. President, earlier on this evening I talked about the Legislature being perhaps called the could have, should have, but did not Legislature. This bill represents one of the more egregious examples of the Legislature not achieving what it could have.

"Mr. President, if someone is drowning and you see that person drowning, you don't throw him half the length of the rope. Some may think that it's helping the person who's drowning because now he only has to swim half the distance to save himself. Well, I don't think that's enough. You throw in enough rope to save that person from drowning, and we didn't do that with this bill.

"On first crossover, a similar proposal passed the Senate by a 15 to 10 vote. This measure really does not philosophically change that version which was voted against by 10 Senators. It is still mental stress resulting from disciplinary action. There is a change in just cause to good faith, but it limits itself to the facts of the Mitchell case. We did not go far enough because I don't think we are addressing the scope of the Mitchell case.

"Mr. President, I think some of us received from the attorney general stress cases from personnel action. And I would like to read two cases -- one settled, one pending -- that would not be covered by this bill if it becomes law because it is not disciplinary action. It is, maybe, employment action. It may be personnel action, but it is not disciplinary action.

"First, an employee claimed stress after verbal disagreements with supervisor over employee's job assignment. The employer made a decision that the employee should perform a particular assignment due to the employee's experience and was discussing this assignment with the employee when employee left and never returned to work.

"Second, an employee who was promoted -- promoted -- filed a stress claim because the employee was having difficulty in the new job. The compensation division found the claim compensable. The employer is appealing to the Labor Industrial Relations Board.

"Both fact situations would not fall under this bill and that is why when this bill was originally before us, 10 Senators said that we had to expand the scope to deal with the full implications of the Mitchell decision, and we didn't. Mr. President, we could have. We could have, before us today, an acceptable bill. I assume it's the ERTF proposal -- it says ERTF-5 on the bottom and let me read from it: 'Senate Bill 2206, no compensation shall be allowed for an employee's physical or mental impairment' -- physical or mental impairment -- 'if it results from a justified disciplinary action or other bona fide personnel action.'

"We could have this bill before us today, we should have this bill before us today, and we don't have this bill before us today. Should have, could have, didn't.

"Mr. President, early on when we had this debate I talked about the statute from the State of Maine, which is also quoted in the Mitchell case, the statute from the State of Maine. So let me read you this provision from the Maine statute. The State of Maine has a Democratic governor and a Democratic legislature. I assume Democrats in Maine have some sympathy to labor as do Democrats in Hawaii. 'A mental injury is not considered to arise out of and in the course of employment if it results from any disciplinary action, work evaluation, job transfer, lay off, demotion, termination, or any similar action taken in good faith by the employer.' This is the statute from the State of Maine.

"The Mitchell case also quotes a statute from the State of New Mexico and it talks about disciplinary action being exempt, also corrective or job evaluation action or cessation of the worker's employment.

"Again, Mr. President, if we just want to go with the Maine statute, we could have, we should have, and we didn't. We don't have this bill before us today.

"The effects of the Mitchell case, as we checked it out, millions of dollars of impact on an already beleaguered small business class of people, state government, county governments. The attorney general's examples to us demonstrate that cases are not for stress, are not limited to stress caused by disciplinary action. If you've read this digest from the attorney general, you will see that very few of these cases involve disciplinary action. This cost is a recurring cost, it's a 3 percent hit on workers' compensation cost. It is \$7 million, perhaps, in the first year. Because it's recurring it may end up to be \$35 million, this at a time when we're talking about helping the economy.

"I agree with the Senator from Kapolei that the major issues that we should have dealt with are privatization, coordinated care, job reference liability, the Mitchell case. We should have, we could have, we did not.

"What you hear from many of these cases and bills before us is -- it's better than nothing; it's better than last year. Well, Mr. President, that is not good enough! We should have the ERTF bill before us today, and it's not. And so I'm going to be voting 'no.'

"Thank you."

By unanimous consent, action on Conf. Com. Rep. No. 162 and H.B. No. 2648, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was deferred until later on the calendar.

Conf. Com. Rep. No. 163 (H.B. No. 2563, S.D. 2, C.D. 1):

Senator Tam moved that Conf. Com. Rep. No. 163 be adopted and H.B. No. 2563, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Aki.

Senator Tam rose to support the measure and said:

"Mr. President, I stand to speak in favor of H.B. No. 2563, S.D. 2, C.D. 1.

"This bill is relating to school-based budgeting. In the late 1980's the Legislature adopted legislation entitled or called School/Community-Based Management. Today we're adding to School/Community-Based Management in order to make it a reality by embracing the necessary financial application called school-based budgeting. Specifically, school-based budgeting does the following:

1. Decision making at the school level. This is a bottom-up approach to decision making, not a top-down approach.
2. Collaboration of the parties within the school.
3. Acknowledgement of the funding of school's priorities in achieving quality education in accordance with the goals of 2000.
4. Enables the Legislature to move more adequately towards budgeting properly for public education in its classroom needs.

"In this legislation we are embracing a form of government called 'Democracy.'

"Thank you."

By unanimous consent, action on Conf. Com. Rep. No. 163 and H.B. No. 2563, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED BUDGETING," was deferred until later on the calendar.

Conf. Com. Rep. No. 164 (H.B. No. 2564, H.D. 1, S.D. 2, C.D. 1):

Senator Tam moved that Conf. Com. Rep. No. 164 be adopted and H.B. No. 2564, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Aki.

Senator Kawamoto then rose and said:

"Mr. President, I want to rise not with reservation but with a comment. The comment is that with this bill and the previous bill, school-based budgeting and the student-centered schools, my concern is we are pushing the fiscal responsibility down to the schools, and yet they do not have the personnel to handle this type of responsibility. That's the reason why I hope that the co-chairs of Education could relay to the Board of Education and the Department of Education for the need of a business manager at the high schools. The business manager would handle the fiscal responsibility of all the monies that we are providing the schools under these three bills.

"The importance of the business manager can be related by my school, Waipahu High School, where we've had a business manager for four years now. And we bought the position from our allotment. This gentleman has proven himself. He has saved three times his salary in the school and for the Department of Education.

"People know the type of fiscal responsibility that goes along with the monies that are sent down to schools. And we need to have somebody to speak out and say we have a responsibility to have someone with this fiscal responsibility. Currently, unless we hire business managers, many of our educational officers do not have the training or the background for this kind of fiscal responsibility. And I think all of the school principals will join me and say they need a business manager. So I hope that the co-chairs of Education can again relay to the Department of Education and the Board of Education the requirement of this essential position.

"Thank you."

Senator Tam then said:

"Mr. President and fellow colleagues, I thank my fellow Senator who just spoke.

"We're very pleased to say that the Education Committee does support the business manager approach. Unfortunately, at this time not enough dollars are available to fund these positions. There is flexibility within the schools whereby they

have cost savings. They can fund those positions on a temporary basis.

"And also, if I may state, earlier I had mentioned that the Education Committee has talked to the Board of Education and we intend to work on a partnership basis in going around the State of Hawaii with public hearings in reference to this budget and future budgets before us.

"Thank you."

By unanimous consent, action on Conf. Com. Rep. No. 164 and H.B. No. 2564, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until later on the calendar.

Conf. Com. Rep. No. 165 (H.B. No. 2749, H.D. 1, S.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 165 be adopted and H.B. No. 2749, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Baker rose to support the measure and said:

"Mr. President, I rise to speak in favor of H.B. No. 2749, C.D. 1.

"Mr. President, this measure brings significant tax relief to our families and many small businesses. Throughout this past session we've considered many different proposals. The original ERTF proposal and House proposals offered a bigger break but were unaffordable and untenable because both were premised on raising the general excise tax.

"The Senate remained firm in its opposition to any GE tax increase and successfully held off attempts to implement a tax increase by offering a larger personal income tax cut as a sweetener. Some of our best economic minds indicated that such a move would not be in the best interest of our constituents or small business community. The Senate advanced a plan to provide meaningful relief that we could afford.

"This measure provides meaningful and timely tax relief to Hawaii's families. I should note that the Senate plan offered \$159 million worth of tax relief. The bill before us offers \$159 million worth of tax relief in the first year. Although all tax payers will realize a reduction, the proposal before us, as did the Senate plan, is designed to give middle and lower income families the most profound and immediate tax relief.

"This bill amends the income tax brackets and phases in a reduction over four years. We propose to reduce the top income tax rate from its current 10 percent to 8.25 percent by the year 2002. This will bring our state in line with many other states throughout the country in the range of personal income tax rates.

"In an effort to provide further relief to families and individuals who need it the most, H.B. No. 2749, C.D. 1, replaces the food tax credit with a low-income refundable tax credit, targeted at those with incomes below \$20,000. This makes our tax system more fair, more progressive, and really assists those who have the greatest difficulty in handling the tax burden.

"Mr. President, your Committee on Ways and Means believes that this tax proposal implements significant tax relief for the people of Hawaii, while at the same time preserving our economic integrity. This is a very important measure for our times and I urge all my colleagues to support this measure."

By unanimous consent, action on Conf. Com. Rep. No. 165 and H.B. No. 2749, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO TAXATION," was deferred until later on the calendar.

Conf. Com. Rep. No. 166 (H.B. No. 2909, H.D. 2, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 166 and H.B. No. 2909, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," was deferred until later on the calendar.

Conf. Com. Rep. No. 167 (S.B. No. 2259, S.D. 1, H.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 167 be adopted and S.B. No. 2259, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose in opposition to the measure and said:

"Mr. President, I will be voting against this bill.

"I've spoken against this bill on several occasions before, or on the provisions of the bill. First of all, the transient accommodations tax, I think, is ill conceived. Even though some of the people in the hotel industry had gone along with the idea of a 1 percent increase, they're going to get a 1.5 percent increase or more at a time when we're being told that around the world we're becoming less competitive as a visitor destination area because of our increase in costs.

"The counties, because they are going to be losing money in the revenue measures that we're passing this evening, have already indicated that they may take a look at hotel properties and raise the hotel property tax rate. So I think that's going to be a lose-lose situation for the industry.

"As far as the transient occupancy tax, the tax on time-share rentals, I've said on at least four separate occasions, I believe this to be unconstitutional. I think that the attorneys will welcome the passage of this bill because it will give them a great deal of new business. We're talking about taxing private property that has already been paying taxes. It is not in the same position as transient hotel rentals.

"So I think that this bill is ill-conceived. I don't think it's going to revitalize anything. I think that it's going to hurt the one primary industry that we still have left.

"Thank you, Mr. President."

Senator Iwase also rose to speak against the measure and stated:

"Mr. President, I'm rising to speak in opposition to the bill.

"Mr. President, it's with great reluctance that I rise to speak in opposition to the bill. Everyone in this state knows that tourism is our number one industry and this government ought to support it to the fullest extent possible. I'm pleased that we funded the Miss Universe Pageant and got all that free publicity at a time when we need to have people come to this state and help to revitalize our tourist industry.

"Unlike my colleague from Hawaii Kai, however, I did support the 11 percent tax that was proposed by the visitor industry coalition. I supported it because it provided full funding for the \$60 million for tourist promotion. At least the House version would have made the convention center whole in its debt service or close to it. And most importantly, it would make the counties whole. The counties will not lose money.

"As I understand what we have today, Mr. President, we presently give about \$25 million to \$30 million in general funds

to the tourist industry for promotions. With this new package, we won't have to give that money. Thus we get back \$25 million to \$30 million in the general fund. What is interesting to note, Mr. President, is this is a new proposal. In this proposal the state is not going to be funding tourist promotion because it's really going to be on the backs of the counties. At the budget conference, the chair of the Finance Committee said that the hit on the counties will be somewhere between \$27 million to \$29 million, and that at least next year they could make it up, \$20.4 million, possibly, to the adjustment to the ERS salary assumption and the refund from the Employees Health Fund, but that amount drops the following year. And therefore, the counties' share is reduced. The counties have to make up more money.

"It is important to understand that the counties have a very limited tax base to raise funds to cover this loss. They can raise real property tax. That's one taxing authority we've given them. They can raise the motor vehicle weight tax, which is another taxing authority we've given them. They can raise the gasoline tax, which is another taxing authority we, the state, has given them. Other than that there is no big money generator for the counties.

"In this morning's paper the budget chair of the City Council talked about raising the RPT on the hotels. I hope they don't do that because it's really going to hurt the tourist industry even further. But the counties are being asked to fund this new program -- not the state -- the counties are. The statement that everybody must share the pain presumes that at this very moment the government of the City and County of Honolulu and the governments of the County of Hawaii and Kauai and Maui have no pain. They do. The Mayor of Kauai is already talking about raising the real property tax because of the loss of revenue. This adds to the county's burden. How come we are asking them, then, to fund this program? Perhaps the suggestions made by the neighbor islanders that we should just abolish the state authority and let each county have its own tourist promotion agency makes sense if we're going to ask the counties to fund the promotion of tourism for the entire State of Hawaii.

"Finally, Mr. President, I'm very concerned that this bill will not make the convention center whole when its debt service hits \$40 million. The convention center is up. It is there. You can drive by it. You can touch it. You can see it. Walk up close enough, you can even smell it. It's there. We have to make it work -- we have to make it work. If that fails, good God, what is left?

"Thank you, Mr. President."

Senator Kawamoto rose to speak on the measure with reservations and said:

"Mr. President, I rise to speak in favor of the bill with reservations.

"Mr. President, as co-chair of the TIA Committee, we handle the counties' concerns and this is where we have some concerns. The counties came in as we started the process of the TAT. They came in. We had meetings before the session started and then we had meetings during the session. They were concerned about the possibility of cuts for the counties in the proposed TAT.

"The first year with the health fund and the ERS, it appears that the county portions would be cut by about 8 to 10 percent, and Honolulu County would receive more monies than they had in the past. But as we go on to the second and third years, we see that the County of Kauai would have a negative of about 31 percent; Hawaii County about 29 percent; Honolulu County about 25; and Maui County about 26 percent. I can see where Honolulu County and Maui County may be able to withstand the negative figures under the TAT. My concern is the small counties of Kauai and the Big Island. To try to recover 30

percent of the TAT from their means, it would be difficult at best.

"Therefore, as co-chair of TIA I'm voting with reservations on this bill."

Senator Fukunaga rose in support of the measure and stated:

"Mr. President, I rise to speak in support of this measure.

"This bill represents the forging of a set of partnerships between the visitor industry, the broader community at large, the Legislature and the state administration. All of you will remember when we first began, the visitor industry coalition's consensus was for an 11 percent increase in the TAT in conjunction with the reduction of the GET on hotel room rates. Unfortunately, as time progressed and as our budget picture began to worsen, the House of Representatives changed its position. Accordingly, as we began moving toward our budget conference, we faced the specter of the House's position limiting an increase to 7 percent only. Consequently, in moving forward on this particular compromise, the Senate was able to get the House to agree to increase county funding from \$50 million and by capping the counties' portion going forward into the next years of the biennium.

"The compromise bill that you see before you shifts the rate so that we have a dedicated source of funding for tourism promotion. For fiscal '99, this amounts TAT to upwards of \$28 million, increasing to \$59 million and \$60.1 million in fiscal years 2000 to 2001. Additionally, the measure increases the amount of the convention center's debt service covered by the TAT revenues from \$20.6 million in fiscal '99 to \$27.5 million in fiscal year 2001.

"While the co-chairs of Ways and Means share many of the concerns that have been raised by the prior speakers, since the House of Representatives was willing to support only a 7 percent increase in the TAT, it was very difficult to fund all of our respective priorities without making reductions. The current compromise position reduces the rate of TAT funding support to the counties by about \$31 million in the year 2000. Nevertheless, during fiscal '99 and 2000 that reduction is partially off set by reimbursements from the Employees' Retirement System and the Public Employees Health Fund which will give the counties time to plan for alternative means of meeting their fiscal obligations.

"These are tough times, indeed, and while this is not a pleasant spectre to have to reduce some of our subsidies to the neighbor Island counties, we felt that this was a reasonable package to present to the members. We believe that if members look carefully at the many objectives the bill does accomplish, they will find that this is a reasonable solution for our times.

"We, therefore, urge all members to vote in support. Thank you."

Senator Sakamoto rose to speak on the measure with reservations and said:

"I also rise with reservations, Mr. President.

"Just as our co-chair of TIA, the Senator from Waipahu, God's country, yes, we have concern over the counties and through the session the counties have expressed concern over this issue, privatization, and other issues. And it's a problem. And I agree it's a difficult situation with the dollars, but as I mentioned on this floor before, we only can jiggle with ERS and health fund and other things for a little while and these are temporary measures.

"We need to look at the five priority bills mentioned by the Senator from Ewa. The real solution is not how to jiggle taxes, who to take money from. The real solution is to get jobs and get our economy going. And some of these bills are not even



half a rope length. They're not even one thread of a rope length. Maybe we threw the rope in the water and said we did something. There was a splash. So really, the answer is, if there are priority bills for business, let's do them 100 percent. And certainly, the answer here is about doing it, not about talking about it!"

Senator Anderson rose to speak against the measure and said:

"Mr. President, I'll be going 'no' on this measure.

"If I remember correctly, when the hotel industry was talking about this it was 11.5, like stated. It's now 7.25. And as usual, once the industry says why don't you folks go ahead and let us get involved and we need some help, we get . . . they get screwed. I used to say we because we were involved years back in the industry. And I don't think that the industry is getting a fair share.

"Also, the good Senator from Mililani, at one point a while back, called this a white elephant. As far as the convention center, it's a white donkey. It's not a white elephant. I didn't go along with that terminology. We built something that originally was going to be able to have some income. That was the original intent of the convention center. It was going to be built so that it would generate tax dollars. Now, you're trying to find out how to pay its debt. So you come up with a bill that is going to put 17 percent to pay the debt. Had it been built in a proper way, it would have generated tax dollars. It doesn't do that.

"Also, now that the industry has decided they needed a partner to help pay off some of the dollars that's going to be needed, they put the time share in there. And my understanding is that the Hawaii Revised Statute, Section 514E-2, says that real property is considered real property and the Hawaii State Constitution, Article 8, Section 3, with regards to the taxing power granting the taxation of real property. So this is a real property. You can't go ahead and say that it is like a hotel. It is different. Three or four people own it. It is not considered a hotel type operation. That's according to law.

"So I have problems when we're willing to circumvent so that we can pay off debts that we have encountered. We are going to be willing to allow the tourist people to get involved. And when I asked, if you're going to be having a new authority that's going to get \$60 million in the beginning, where does some of this money go? Because originally we had the HVB with the Hawaiian warrior and it took us years to promote that so that people knew what Hawaii was all about. Then we changed it -- Hawaii with a rainbow. Now we're going to have a new authority. How many millions of dollars are going to be spent to make sure that authority gets to be noted as the Hawaii organization? They said that's a good point, we really don't know.

"I would rather that we look at something and know what the heck we're doing when we vote. Make sure that the laws are followed and then go ahead and proceed. But we jumble it up with a whole bunch of packaging of different ideas and calling it a compromise when, in fact, all it is, is trying to see how we're going to get enough dollars to pay off something that we goofed on. For that reason, I'll be going 'no,' Mr. President.

"Thank you very much."

Senator Fernandes Salling then rose and said:

"Would somebody please answer some questions on this bill? I might preface it by first stating that I'm a little bit bothered by this discussion now because as we were led to believe, in that final conference hearing, the counties were going to be made whole through other measures that were being considered by both the House and the Senate. That's what I thought I heard at the time at the table."

The Chair interjected:

"Are you going to be voting for or against this measure?"

Senator Fernandes Salling replied:

"I will be voting against it, yes. And those statements, I think, will be reflected at the proper time.

"Now I have before me the breakdown, and if I am reading it correctly, it indicates that come next year 1999 -- next year, which isn't too long from now -- certain counties, smaller counties, poorer counties are going to take a hit of approximately \$1,800,000. Is that correct?"

Senator Fukunaga responded as follows:

"Yes, I will yield to a question. Some of the preliminary projections that we are currently attempting to gather from the Employees' Retirement System are only projections. At this time we do not yet have actual information from the Retirement System as to the amounts to be refunded to the counties. I believe the staff has tried to come up with some rough extrapolations based upon the counties' shares and their portion of the Retirement System refund payments."

Senator Fernandes Salling further inquired:

"Are you implying or leading us to believe then, Senator, that the figures that we see here could perhaps be lower than what the projections could in effect be, and that therefore there won't be that kind of loss?"

Senator Fukunaga replied:

"That is certainly possible. At this time we have requested the information from the Retirement System, as well as from the Health Fund, and we have not yet received confirmed information."

Senator Fernandes Salling then said:

"Senator, thank you very much, but this is what is very disturbing. You don't come to the table and reassure Senators and the public and county people and those sitting out there that have to dip into their pockets to pay for this white elephant sitting down at Kalakaua by saying, we have measures that are going to make this whole, so you won't be seeing it taking a hit on your pocketbook until you get on your feet. Well, now the projections aren't even accurate. It could be higher. It could be less. It could go either way. We could see a loss in the smaller counties of over a million dollars, come June 1999 -- June next year. And the following year, from what I read, there's a loss here -- at least to Kauai County and I believe the Big Island is approximately the same -- of about \$5 million. Are there any other measures . . ."

Senator Fukunaga interjected:

"That would certainly be the case based upon the current projections. What we remind you is that during the final conference discussions we did advocate the Senate position, which was not to harm the counties. However, in the final discussions, the only way that we were able to minimize the effects on the counties was to pass two bills which will provide for reimbursements to the counties from the Health Fund as well as from the Retirement System. The House's position was essentially to reduce the counties' share downwards immediately, without any form of offset. The comments that were made at the conference table reflected was the Senate position to keep the counties as whole as possible. I don't believe there was any statement that the counties would be made fully whole, but it was the Senate position to keep the counties as whole as possible."

Senator Fernandes Salling then stated:

"Well, it's really a shame because, just speaking for those from Kauai, immediately after the hurricane, I would say that people across the island had to dip into their pockets. I'd say this was about a year after, when all of the insurance money was gone and people had bought their new little trucks and new cars and they were all kind of happy and then they realized, oh my, we don't have any hotels open; oh gosh, I'm still going to have to go on unemployment. And then the tax bill came, and our real property tax figures were increased and they had to pay approximately \$400 across the board for the higher property tax rate, or I should say they did it in assessments. Even though the rates, as I would see it as just a common person would say, my property isn't worth as much now as it was before the hurricane. And it wasn't. You can't sell property on Kauai now for the kind of money that you could prior to the hurricane.

"Four hundred dollars -- two hundred each six months. You heard complaints, it was quiet, but people bought it. This is going to go into effect. It may not seem like a lot to you, but it's a lot to us. Five million dollars to hit that island that is in an economic slump and hasn't been able to pick up itself is a lot of money. She's going to turn around, we've heard comments made that the real property taxes will have to be increased to deal with this. I can assure you that money is going to come out of our pockets at a time when people just cannot afford it. And for comments to be made that everyone should suffer and take the hit -- we're all taking the hit. Even though I may live on Kauai County, I'm still taking the hit for other decisions that have been made here in this Legislature, and that applies to all of us.

"I'm really, really, very disappointed because of how this was handled and where we came from a position that we were going to try to keep the counties whole -- keep the counties whole. I left with the impression that we were going to, initially, when the bill first got out of the first committee and went over to the House that we were going to keep the counties whole. And then it came back to the table and it was mentioned last night that we had other measures on the table to help keep the counties whole, so I really did walk away with that impression in my head that we had other measures that if you were to look at the ERS savings and the Health Fund savings that would really keep the counties whole. That's not what I see here today.

"We're going to be paying for it and we're going to be paying for it soon -- and it's going to hurt."

Senator Iwase then said:

"Mr. President, very briefly in response to the questions and answers that just occurred.

"I, too, was under the impression when I left -- because I had asked the question of the Finance Committee chair, what's the hit on the counties? -- that this \$20.4 million figure was a solid figure, at least for the first year. And now I'm finding out that we don't have the actual information from the ERS as to the actual amounts projected, and that the hit on the counties could be even greater.

"Mr. President, if you make \$50,000 a year, \$100 is not much money, a \$100 loss. If you make \$5,000 a year, then \$100 is a lot of money to lose. Having been at the city government, having been a member of the county budget committee, I can tell you that when we talk here about \$10 million and \$15 million and \$100 million, as we did six or seven years ago like a drop in the bucket, that's a big, big amount for the county government. That's a huge amount for the county government.

"The Senator from Waipahu talked about, I believe his term was, the richer counties of Oahu and Maui. I don't know what that means because I don't think Oahu is a rich county. I don't think Maui is a rich county. They are counties struggling to

make their budgets balance at a time when we are in the economic doldrums. This hit on the counties is going to be a big one -- a million, 2 million for Kauai, let's say it's Kauai, 2 million. It's a big, big hit. Their budget is smaller than Honolulu's. And they're going to be asked to eat that.

"Now, when we talk about counties, this impersonal thing called counties, we forget that the big money maker for counties is the RPT, real property tax, and that for most counties the cost of running the government is borne by those who own homes and who own property. We are going to ask this portion of the population to carry the cost of this new program.

"I believe we should give the tourist industry \$60 million, Mr. President. We should have. We could have. We are. But with respect to the counties, we did not make them whole as we promised we would. They are going to be asked to bear the cost. Every homeowner, every property owner on the island of Oahu, Kauai, Maui, the Big Island, they are going to be asked to fund the tourist promotion for the State of Hawaii -- not the State of Hawaii, but the property owners, the residential owners.

"Tourism is our number one industry, and to repeat again the statement from the budget chair of the Honolulu City Council that they're going to look at increasing the hotel property tax. That is a terrible way to treat the number one industry in the State of Hawaii, to tell them now we're going to give you this money; yes, the counties are going to get hit; yes, they're going to have to make up that money; yes, they may hit you; but that's not our problem anymore because the City Council imposes the real property tax, not us. And we're going to send them over there to go fight with John Henry Felix, and we're going to send them to the counties of Kauai and Maui and the Big Island to fight with their budget chairs. What a way to treat our number one industry.

"We could have done this. The 11 percent, 11.5 percent, there are two entities involved with this issue -- (1) the tourist industry; (2) the government of the State of Hawaii. The tourist industry came to us and said 11 percent is good enough for us; we can live with that; that's partnering. But we didn't accept that.

"I agree that perhaps the House should learn something of what the Co-Majority Leaders have been talking about. Maybe they ought to collaborate with the tourist industry instead of sitting there saying 7 percent is somehow better, that we can sit on the hill and look down and tell people what Shangrila is.

"But we are leaving the hotel industry with a very, very difficult choice. They are now going to have to fight the county governments to stop the RPT from being increased and we're going to be the cause of it, but we're going to say that we are not involved, don't blame us, when, in fact, the blame falls right here because we made this possible. This is one of the should have, could have, and did, that perhaps should not have.

"Thank you."

Senator Kawamoto then rose and said:

"Just to respond to the Senator from Mililani.

"What I meant by rich counties was the fact that they're greater in population. And there are areas where they can pick up some money, but the smaller counties because of their population it may be difficult at best.

"Also, I'd like to add, Mr. President, that as the hotel industry and the visitor industry came to our committees to discuss this matter, it was indicated to us that if the counties would have raised the property tax the hotel industry would be hit by another tax. The property tax and the TAT, both avenues or both taxes would cost the visitor industry to have a 15

percent increase in their operating costs. And I'm concerned if they can handle a 15 percent increase in the visitor industry which is our number one industry as mentioned before.

"Thank you."

Senator Solomon rose in opposition to the measure and stated:

"I will be voting 'no' on this bill, Mr. President, and I just would like the Journal to reflect the remarks of my colleague from Kauai because I think that they are applicable to the Big Island. We are in the same kind of economic distress. We've had the closures of our industries.

"I was very disappointed in that even if it was upon the insistence of the House, the bottom line is it takes two people to agree. I felt that we should have done more to help the counties.

"As you know, Mr. President, if this is the direction that the Senate is going to be moving, then perhaps we should look at giving the counties more autonomy in terms of how they promote their respective counties in tourism. Maybe that would be helpful to the various counties.

"I was very disappointed in the advertising campaign during the Miss Universe Pageant. I felt that most of the focus was on Oahu and Waikiki. I think that we did have some generic images of the neighbor islands, but there was really nothing that promoted beyond Waikiki. And I feel, again, that we have been treated as the stepchild when it comes to tourism promotion in the State of Hawaii. Mr. President, it doesn't take a nuclear scientist to realize that if you read any of the business week magazines and others, that the tourist are bypassing Waikiki and are now looking more toward the neighbor islands to enjoy the real Hawaiian experience.

"So if this is going to be the intent of the Senate, if we are going to be moving in that direction, then why just go half way? Why don't we come up with a restructuring plan that makes sense for our tourism industries, empowering the counties so that they could become responsible for their own promotions. If the problem is the convention center coming up with a plan of how we are going to in fact fund that convention center, I'm very much in agreement with the remarks that were made by my colleague from Mililani. The convention center is there. We can feel it. I wouldn't go as far as agreeing with him about smelling it, but it's there. We see it every day. For us to ignore that would just be ridiculous to the point of absurdity.

"But, Mr. President, that seems to be the direction that we are going. It's disappointing. In times of economic doldrums, the bottom line is that the tourism industry is the industry that is working for us. It's up to us to keep moving it forward and everyone knows that to have a healthy tourism industry the most important thing is you have to have happy residents because it's the residents of those particular communities and those counties that support the tourism industry. And if the residents and the counties, especially on the neighbor islands, feel that they are going to be shouldering the burden of the tourism industry, such as funding the convention center or whatever else, that is going to create a feeling of negativism toward our tourism industry when instead we should be focussing on creating a positive attitude towards our tourism industry. This does not help us create this attitude.

"For those reasons, Mr. President, I will be voting 'no.'"

By unanimous consent, action on Conf. Com. Rep. No. 167 and S.B. No. 2259, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until later on the calendar.

Conf. Com. Rep. No. 168 (S.B. No. 3004, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 168 and S.B. No. 3004, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was deferred until later on the calendar.

Conf. Com. Rep. No. 169 (S.B. No. 2338, S.D. 2, H.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 169 be adopted and S.B. No. 2338, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Kawamoto rose to support the measure and said:

"Mr. President, I'm speaking in favor of this bill.

"Mr. President, this is a safety issue. This would eliminate the practices of some contractors using non-licensed qualified crane operators to run cranes that need a license and to prevent mishaps that have been major in the past. Therefore, I urge my colleagues to vote 'aye' on this bill."

By unanimous consent, action on Conf. Com. Rep. No. 169 and S.B. No. 2338, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF HOISTING MACHINE OPERATORS," was deferred until later on the calendar.

Conf. Com. Rep. No. 170 (H.B. No. 2222, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 170 and H.B. No. 2222, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR ESTABLISHMENT OF MANUFACTURING EXTENSION PROGRAMS," was deferred until later on the calendar.

Conf. Com. Rep. No. 171 (S.B. No. 2922, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 171 and S.B. No. 2922, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was deferred until later on the calendar.

Conf. Com. Rep. No. 172 (H.B. No. 2552, H.D. 1, S.D. 3, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 172 be adopted and H.B. No. 2552, H.D. 1, S.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Slom rose in opposition to the measure and stated:

"Mr. President, I'll be voting 'no' on this bill, again, because it raises fees substantially, again, raising the fees without any relation to the cost of actually providing the services and looking at it as a tax measure or a new revenue measure."

Senator Ihara rose in opposition of the measure and said:

"Mr. President, I have comments in opposition to H.B. No. 2552 for insertion into the Journal regarding the per page fee for copies of government documents."

The Chair having so ordered, Senator Ihara's remarks read as follows:

"Mr. President, I rise to speak against H.B. No. 2552 because it imposes a higher fee on the general public to access government documents.

"Section 4 of the bill doubles the minimum fee that a government agency must charge ordinary citizens for each sheet of a copied document.

"Passage of this bill will require citizens to pay 50 cents for each page of a government document -- not the previous fee of 25 cents per page.

"For these reasons, I oppose the adoption of H.B. No. 2552."

Senator Anderson also rose in opposition to the measure and said:

"Would you put me as 'no' for the same reason as the Minority Leader suggested. Would you put his words in the Journal as though they were my own."

The Chair so ordered.

By unanimous consent, action on Conf. Com. Rep. No. 172 and H.B. No. 2552, H.D. 1, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was deferred until later on the calendar.

Conf. Com. Rep. No. 173 (H.B. No. 1624, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 173 and H.B. No. 1624, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOILER AND ELEVATOR SAFETY LAW," was deferred until later on the calendar.

Conf. Com. Rep. No. 174 (S.B. No. 2618, S.D. 1, H.D. 1, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 174 be adopted and S.B. No. 2618, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kanno.

Senator Slom rose to speak on the measure with reservations and said:

"Mr. President, I'll be supporting the bill with reservations, and my reservations continue with my problems with the Department of Human Services and their lack of accountability and responsibility for public funds. I think certainly we want to take care of the medically underserved, but increasing the amount to \$500,000 to DHS with their very poor track record is not a prudent financial thing to do.

"Thank you."

Senator Baker rose to support the measure as follows:

"Mr. President, I rise to speak in support of this measure, S.B. No. 2618, C.D. 1.

"Mr. President, this measure provides modest, almost too modest, relief for the primary care centers that serve folks who don't have insurance, or perhaps rely on QUEST insurance for which providers receive very little reimbursement. This money does not go to the Department of Human Services it goes to the provider of services, places like the Community Clinic of Maui, the Bay Clinic on the Big Island, and the Waianae Coast Comprehensive Health Center.

"This is part of our safety net and actually the original version of this bill called for \$7 million which more closely approximates what the need is in our community. Unfortunately, the House would only agree to \$1 million. Nevertheless, it is a million dollars desperately needed to preserve critical community health services.

"Thank you, Mr. President."

By unanimous consent, action on Conf. Com. Rep. No. 174 and S.B. No. 2618, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICALLY UNDERSERVED," was deferred until later on the calendar.

At 11:10 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:43 o'clock p.m.

### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

#### FINAL READING

Conf. Com. Rep. No. 158 (S.B. No. 2092, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 158 was adopted and S.B. No. 2092, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX LAW," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Anderson, Bunda, Metcalf).

Conf. Com. Rep. No. 159 (H.B. No. 2750, H.D. 1, S.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 159 be adopted and H.B. No. 2750, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

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. 159 was adopted and H.B. No. 2750, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Anderson, Bunda, Metcalf).

Conf. Com. Rep. No. 160 (H.B. No. 1533, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 160 was adopted and H.B. No. 1533, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Kanno, Slom). Excused, 3 (Anderson, Bunda, Metcalf).

Conf. Com. Rep. No. 161 (S.B. No. 2213, S.D. 2, H.D. 2, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 161 be adopted and S.B. No. 2213, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senators Slom and Fernandes Salling 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. 161 was adopted and S.B. No. 2213, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson, Metcalf).

Conf. Com. Rep. No. 162 (H.B. No. 2648, H.D. 2, S.D. 1, C.D. 1):

Senator Kanno moved that Conf. Com. Rep. No. 162 be adopted and H.B. No. 2648, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senators Slom and Bunda 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. 162 was adopted and H.B. No. 2648, H.D. 2, S.D. 1, 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, 18. Noes, 5 (Aki, Fernandes Salling, Iwase, Solomon, Tanaka). Excused, 2 (Anderson, Metcalf).

Conf. Com. Rep. No. 163 (H.B. No. 2563, S.D. 2, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, Conf. Com. Rep. No. 163 was adopted and H.B. No. 2563, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL-BASED BUDGETING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Anderson, Metcalf).

Conf. Com. Rep. No. 164 (H.B. No. 2564, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Tam, seconded by Senator Aki and carried, Conf. Com. Rep. No. 164 was adopted and H.B. No. 2564, H.D. 1, S.D. 2, 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, 24. Noes, none. Excused, 1 (Metcalf).

Conf. Com. Rep. No. 165 (H.B. No. 2749, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 165 was adopted and H.B. No. 2749, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 166 (H.B. No. 2909, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Conf. Com. Rep. No. 166 was adopted and H.B. No. 2909, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 167 (S.B. No. 2259, S.D. 1, H.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 167 be adopted and S.B. No. 2259, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senators Kawamoto, Sakamoto, Bunda and Tam 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. 167 was adopted and S.B. No. 2259, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Aki, Anderson, Fernandes Salling, Ige, M., Iwase, Slom, Solomon, Tanaka).

Conf. Com. Rep. No. 168 (S.B. No. 3004, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 168 was adopted and S.B. No. 3004, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 169 (S.B. No. 2338, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 169 was adopted and S.B. No. 2338, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF HOISTING MACHINE OPERATORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 170 (H.B. No. 2222, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Conf. Com. Rep. No. 170 was adopted and H.B. No. 2222, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR ESTABLISHMENT OF MANUFACTURING EXTENSION PROGRAMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:48 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock p.m.

Conf. Com. Rep. No. 171 (S.B. No. 2922, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 171 was adopted and S.B. No. 2922, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," having been read

throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 172 (H.B. No. 2552, H.D. 1, S.D. 3, C.D. 1):

On motion by Senator Kanno, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 172 was adopted and H.B. No. 2552, H.D. 1, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Anderson, Ihara, Slom).

Conf. Com. Rep. No. 173 (H.B. No. 1624, 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. 173 was adopted and H.B. No. 1624, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOILER AND ELEVATOR SAFETY LAW," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:56 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock p.m.

Conf. Com. Rep. No. 174 (S.B. No. 2618, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kanno and carried, Conf. Com. Rep. No. 174 was adopted and S.B. No. 2618, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICALLY UNDERSERVED," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### ADJOURNMENT

At 11:59 o'clock p.m., on motion by Senator Ihara, seconded by Senator Slom and carried, the Senate adjourned until 12:01 o'clock a.m., Thursday, May 14, 1998.

## SIXTY-FIFTH DAY

Thursday, May 14, 1998

The Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, convened at 12:17 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Cal Kawamoto, Hawaii State Senate, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Sixty-Fourth Day.

At this time, Senator Baker introduced Governor Benjamin Cayetano, who was seated in the press gallery.

**MESSAGE FROM THE GOVERNOR**

Gov. Msg. No. 344, dated May 14, 1998, transmitting the Executive Order providing for a further 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, pursuant to said Section 10 of Article III, the Regular Session of 1998 of the Nineteenth Legislature of the State of Hawaii has been extended; and

WHEREAS, the Governor has been requested to grant a further extension and it appears that such a further 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 further extend the Regular Session of 1998 of the Nineteenth Legislature of the State of Hawaii for a period of 1 hour following 1:00 a.m., May 14, 1998.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 14th  
day of May, 1998

/s/Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Margery S. Bronster  
MARGERY S. BRONSTER  
Attorney General"

was read by the Clerk and was placed on file.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 108 to 115) were read by the Clerk and were disposed of as follows:

Senate Resolution

No. 108 "SENATE RESOLUTION RECOGNIZING WITH GRATITUDE EACH OF THE INDIVIDUALS WHO OPENED A DAY OF THE SENATE, NINETEENTH LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 1998, WITH AN INSPIRATIONAL INVOCATION."

Offered by: Senators Ihara, McCartney, Anderson.

On motion by Senator Ihara, seconded by Senator Slom and carried, S.R. No. 108 was adopted.

No. 109 "SENATE RESOLUTION EXPRESSING DEEPEST APPRECIATION TO THE MEMBERS OF THE VARIOUS MEDIA FOR THEIR COVERAGE OF THE ACTIVITIES OF THE NINETEENTH LEGISLATURE, REGULAR SESSION OF 1998."

Offered by: Senators Ihara, McCartney, Anderson.

On motion by Senator Ihara, seconded by Senator Slom and carried, S.R. No. 109 was adopted.

No. 110 "SENATE RESOLUTION REGARDING COMPLETION OF THE WORK OF THE NINETEENTH LEGISLATURE SUBSEQUENT TO THE ADJOURNMENT THEREOF."

Offered by: Senators Ihara, McCartney, Anderson.

On motion by Senator Ihara, seconded by Senator Slom and carried, S.R. No. 110 was adopted.

No. 111 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE THE EMPLOYEES WHO WILL WORK AFTER ADJOURNMENT."

Offered by: Senators Ihara, McCartney, Anderson.

On motion by Senator Ihara, seconded by Senator Slom and carried, S.R. No. 111 was adopted.

No. 112 "SENATE RESOLUTION RETURNING ALL BILLS, CONCURRENT RESOLUTIONS, AND RESOLUTIONS TO THE CLERK'S DESK."

Offered by: Senators Ihara, McCartney, Anderson.

On motion by Senator Ihara, seconded by Senator Slom and carried, S.R. No. 112 was adopted.

No. 113 "SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SIXTY-FOURTH AND SIXTY-FIFTH DAY."

Offered by: Senators Ihara, McCartney, Anderson.

On motion by Senator Ihara, seconded by Senator Slom and carried, S.R. No. 113 was adopted.

No. 114 "SENATE RESOLUTION RELATING TO THE PRINTING OF THE JOURNAL OF THE SENATE."

Offered by: Senators Ihara, McCartney, Anderson.

On motion by Senator Ihara, seconded by Senator Slom and carried, S.R. No. 114 was adopted.

No. 115 "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE."

Offered by: Senators Ihara, McCartney, Anderson.

On motion by Senator Ihara, seconded by Senator Slom and carried, S.R. No. 115 was adopted.

At this time, Senator Chumbley rose on a point of personal privilege and stated:

"Mr. President, I rise on a point of personal privilege.

"Mr. President and members, I do have some very lengthy comments on H.B. No. 2362, S.D. 1, Relating to Charitable Trusts, and given the lateness of the hour, Mr. President, I ask that they be inserted into the Journal.

"Thank you."

The Chair having so ordered, Senator Chumbley's remarks read as follows:

"Historically, trustees of private trusts in Hawaii were not compensated, and the work of a trustee was viewed as a position of service. As trusts became more prolific, the legislature decided to establish a percentage that trustees could receive based upon the activity level of the trust, presuming that the smaller trusts would not enrich anyone, and the larger trusts were not at a level that would allow windfall profits for trustees. Until this time, charitable trusts were not included in these deliberations. However, in 1943, the legislature revisited the trust laws and decided to adjust the schedule for private trusts and impose a schedule of commissions on charitable trusts as well.

"During this session, we found ourselves faced with evaluating the adequacy and efficacy of this schedule. As we discussed the various options available to us, we determined that the statutory schedule was no longer effective and therefore it was appropriate to repeal it. However, we also realized that we needed to provide the court with some direction regarding the appropriate level of compensation for trustees of charitable trusts.

"Despite criticisms to the contrary by the Senate Minority Leader and others, H.B. No. 2362, S.D. 1, which was adopted by both the House and the Senate, and which is presently pending before the governor, is an improvement over the current law. By setting trustee compensation to a **'reasonable amount under the circumstances'** we are providing a standard for the court that is supported in both common law principles and federal law. Common law principles provide that in determining the amount of compensation, the court should consider the nature of the job itself, the character of the trust, and the roles and responsibilities of each trustee. Federal intermediate sanctions law, as provided in the Internal Revenue Code, includes regulations to determine the reasonableness of trustee compensation.

"Therefore, based upon our understanding of legal precedent and placing our trust in the probate court, we believe that H.B. No. 2362, S.D. 1, as adopted, provides adequate direction for both the court and the charitable trusts to determine a reasonable level of compensation.

"Mr. President, I have additional comments which I would like to insert into the Journal.

"First, H.B. No. 2362, S.D. 1, unburdens charitable trusts of a long-standing problem regarding setting trustee compensation by a statutory fee schedule, and improves the law by providing a reasonableness standard based in common law principles and existing federal law.

"Repealing the statutory fee schedule is meant to improve the law by removing the presumption that the fees set by this schedule are reasonable notwithstanding common law principles. This presumption, we have come to understand, is

extremely difficult to overcome, especially in light of the Hawaii Supreme Court opinion *In re: Estate of Bishop*, 53 Haw. 604 (1972). In that case, the Hawaii Supreme Court held that:

'The question of whether the formula used in computing trustee's commissions should be reexamined, however, is a legislative problem, and we are unable to reduce the amounts of the commissions awarded in the absence of legislative actions.' (Id. at 606)

"Thus, while the Hawaii Supreme Court recognized the need to reevaluate the schedule, the Court determined that it was bound by legislative action from remedying the situation. Further, it would have been difficult for the Court to reach the issue as to whether the compensation met the requisites of reasonableness under the common law as there was no factual record nor independent fact-finding, at the time, on the reasonableness of the compensation.

"We have agreed that trustees of all charitable trusts should be bound by the standard of reasonableness, and we are ready to explicitly so state because repealing the statutory fee schedule by itself will create a void in the law where legislative guidance has been provided for over 50 years. Prior to the enactment of the schedule of percentage commission, we understand that charitable trustees, including Bishop Estate trustees, received little or no compensation. In fact, the will of Princess Bernice Pauahi Bishop did not make any provision whatsoever with respect to trustee compensation. Merely repealing the statute, without providing some direction, would create a chaotic situation wherein trustees would seek guidance from the governing documents, the settlor's intent, and common law in order to determine to what extent compensation should be provided.

"Second, by virtue of codifying the common law, we believe that trustees compensation will be limited to a reasonable amount, and determination of reasonableness is for the courts to decide. These common law principles are established pursuant to the Restatement of Trusts, Section 242:

'Among the circumstances to be considered in determining the amount of compensation are (1) the amount and character of the trust property, (2) extent of risk and responsibility of the trustee, (3) the character of the services rendered by the trustee, (4) the degree of difficulty in administering the trust, (5) the skill and success of the trustee in administering the trust, and (6) the statutory rates of compensation for executors and administrators.'

"The fact is that reasonableness is based on more than merely the job itself, contrary to what we heard from Trustee Henry Peters to justify his argument that reasonable compensation for the Bishop Estate trustees is even greater than that currently set in statute. And it is excessive commissions that this measure is intended to remedy. Citing testimony from the Attorney General and Professor Randall Roth of the Richardson School of Law choosing a reasonableness standard does not guarantee that excessive compensation will be reduced.

"Finally, some people have criticized the reasonableness standard, indicating that it could open the door for higher compensation for Bishop Estate trustees, because now the trustees may simply hire a compensation expert to justify the amount sought by the trustees, at the expense of the trust. If this should occur, we also anticipate that the probate court will select an independent compensation expert who will advise the court regarding the value of each trustee's services within the local marketplace. Hopefully, this independent expert will be assigned to determine the value of each individual trustee's services to the trust, and the expenses of using this expert will be paid by the trust. Further, since the attorney general's job is to protect the interest of the beneficiaries, the attorney general's costs should be reimbursed by the trust, as is the usual case in probate matters dealing with charitable trusts.



"However, what is of most concern, is that the cost of any efforts by the trustees to influence the court, or to appeal the court's decision, should be borne by the trustees, and not the trust. We do not intend that this law result in 'bleeding' the trust to justify excessive or increase compensation for trustees by engaging in extensive litigation.

"As Judge Cardozo stated in 1929:

"Many forms of conduct permissible in a workday world for those acting at arms length, are forbidden by those bound by fiduciary ties. A trustee is held to something stricter than the morals or the marketplace. Not honesty alone, but the punctilio of honor, the most sensitive, is then the standard of behavior. As to this there has developed a tradition that is unbending and inveterate. Uncompromising rigidity has been the attitude of the courts of equity when petitioned to undermine the rule of undivided loyalty..." (Meinhard v Salmon, 164 N.E. 545, (N.Y. Ct. App. 1929))

"Princess Bernice Pauahi Bishop chose her initial trustees because of their loyalty, over and above all else, to carry out her legacy as she wished. It is our duty as legislators to ensure that this is done, and that is our intent in adopting H.B. No. 2362, S.D. 1.

### Reasonable Compensation

- Guidelines for determining a reasonable amount: 'Among the circumstances to be considered in determining the amount of compensation are (1) the amount and character of the trust property, (2) the extent of the risk and responsibility of the trustee, (3) the character of the services rendered by the trustee, (4) the degree of difficulty in administering the trust, (5) the skill and success of the trustee in administering the trust, and (6) the statutory rates of compensation for executors and administrators.'
- As stated in Hopkins and Tesdahl's Intermediate Sanctions: Curbing Nonprofit Abuse, 'The process for determining reasonable compensation is much like that for appraising an item of property: it is an evaluation and application of generally recognized factors that have a bearing on computation of value. It is an exercise of comparing a mix of variables that also pertains to the compensation of others.'
- Title 30A. Uniform Probate Code HRS 560, uses the term reasonable compensation in the following three sections:
  - §560:3-719 **Compensation of personal representative.**
  - §560:5-105 **Compensation of guardian ad litem, etc.**
  - §560:5-414 **Compensation and expenses.**
- Black's Law Dictionary- Reasonable- Fair, proper, just, moderate, suitable under the circumstances. Fit and appropriate to the end in view. Having the faculty reason; rational; governed by reason; under the influence of reason; agreeable to reason. Thinking, speaking, or acting according to the dictates of reason. Not immoderate or excessive, being synonymous with rational, honest, equitable, fair, suitable, moderate, tolerable.
- Reasonable compensation already is required by the common law of trusts over the past several centuries.
- Reasonable compensation is required under Federal Intermediate Sanctions Law. (July '96)

- Reasonable compensation is required by tax law in related areas under the Federal Internal Revenue Services Code.
- The United States Treasury Department has extensive legislative history on reasonable compensation."

Senator Slom rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"I just want to thank you, Mr. President, and thank my colleagues for another session in which you extended courtesy and patience, and I learned a great deal. I think that we produced a product here that in many ways was much better than what we did last year. As was said this evening, however, or last evening, we could always strive to do better. But we are a team. We stayed together this year. We, I think, stood against some tremendous pressures and I think the public will be responsive to that.

"It seems like just yesterday, the Senator from Manoa was giving his analogy about baseball. Well, yes it was yesterday just several hours ago. And I want to say that we are a team, although we did see a little bit of sliding that went on during the session. We saw some stealing, a balk or two. But we do know that there will be some new team members next year because a couple of our colleagues have been put out on waivers, and we possibly will have a new general manager and field general. But the Senate will come back better than ever to attack the problems, solve the problems for our community because our community is worth it, because our people are worth it. They have put their faith and their confidence in us.

"And I know that right now we've spent a great deal of time talking about the negative things within our community and the problems that many of our friends and neighbors have had. Almost all of us in this room, I think, have been touched by saying good-bye to loved ones, friends, or associates. We are aware of the struggles, economic and otherwise, that people are having. But I think that the message that we want to send this morning to everyone is that we are going to continue working and we urge our citizens, the best and most hardworking and most creative and innovative anywhere in the world, not to give up and not to give in because this, too, we shall overcome. We will have a brighter day and we will make Hawaii work again.

"And so in the words, Mr. President, of that great poet and that leader that has influenced so many of us on so many occasions, 'could have, should have, would have, might have, but we did.' And the main thing is we are willing to continue to work.

"So again, Mr. President and colleagues, thank you and Aloha."

Senator Sakamoto also rose on a point of personal privilege and said:

"Personal privilege, Mr. President.

"Just following up, also, to the Senator from Manoa. I was inspired to hear that. And I'm glad, well, just for the Co-Majority Leader from Kahaluu, I guess as coach of the team. Even though some of us played outfield, left field, at least he threw the ball once in a while and sometimes when we were in right field he'd come up and at least keep the ball in play. So I appreciate that."

At this time, the President delivered the following closing remarks:

"As presiding officer, I have a few remarks. The hour is late so I'll keep my remarks very brief. I know that you need to

catch up on much needed rest rather than listening to a long closing session speech.

"As the Senate, we were faced with many complexed issues this session. And after careful consideration and deliberation, we came to agreement with the House of Representatives on several measures that will lay the foundation for improving Hawaii's economy and helping all of our people in this State of Hawaii.

"First and foremost, with the assistance of the governor, we will provide our residents with the largest personal income tax relief in the history of this state. We will create a tourism authority and give our number one industry in this state a permanent source of funding for marketing and promotion. We will give our University of Hawaii autonomy to take care of its business. And we will establish a managed competition process to allow public workers to compete with private contractors for government work. We will streamline the regulatory processes for all businesses and development-related permit approvals and licenses that don't fall under federal guidelines. Last but not least, there will be no increase in the general excise tax.

"We kept the safety net intact for people by preserving direct services, especially for our schools, and at the same time we listened to the people's loud and clear message -- no new taxes.

"Just because a session ends does not mean our work ends. We face many more challenges in the year ahead. As an island state in a global economy, so much of our economy depends on outside factors. While we must be the first to help ourselves, we can't do it alone. We must continue to remind the federal government that we need its help to provide jobs for our people. We must also continue to pursue opportunities for job creation through high technology, life-long learning, and health care incentives. These are but a couple of areas that we need to work on.

"On a personal note, I want to take a moment to thank Senator Mike McCartney as he retires from the State Senate. He came to this body ten years ago as one of the youngest Senators and leaves a legacy that will not be forgotten. His people skills are without equal. He has earned the admiration and respect of his colleagues for his style in building consensus during the legislative process. He lived up to his personal philosophy -- strive to reach your maximum human potential. Mike, we're grateful for your commitment and will miss your wise counsel. You have served the people of Hawaii very well and you have made this institution very proud.

"In closing, I'd like to share a few words from President Theodore Roosevelt which reflect the hard work of all of you Senators. President Roosevelt said, 'The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs and comes up short again and again; who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause; who at the best knows the triumph of high achievement and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.'

"You, as Senators of the Nineteenth State Legislature, have spent yourself in a most worthy cause -- the people's work. And while we may not have triumphed in all areas, you dared greatly.

"I thank all of you and your staff for your hard work. To those of you who face re-election, I wish you all the best. I look forward to working with all of you next session.

"Aloha and Mahalo!"

At this time, the President appointed Senators Ihara, McCartney, Levin, Anderson and Slom to inform the House of Representatives that the Senate is ready to adjourn, Sine Die.

At 12:32 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:59 o'clock a.m.

#### ADJOURNMENT

Senator McCartney moved that the Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, adjourn Sine Die, seconded by Senator Slom and carried.

At 1:00 o'clock a.m., the President rapped his gavel and declared the Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, adjourned Sine Die.

GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT  
OF THE LEGISLATURE SINE DIE

**Gov. Msg. No. 345**, informing the Senate that on May 19, 1998, he signed into law Senate Bill No. 2346 as Act 78, entitled: "RELATING TO INSURANCE."

**Gov. Msg. No. 346**, informing the Senate that on May 19, 1998, he signed the following bills into law:

House Bill No. 2858 as Act 79, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR EMERGENCY MEDICAL SERVICES"; and

House Bill No. 3021 as Act 80, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION."

**Gov. Msg. No. 347**, informing the Senate that on May 20, 1998, he signed into law House Bill No. 2358 as Act 81, entitled: "RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS."

**Gov. Msg. No. 348**, informing the Senate that on May 26, 1998, he signed the following bills into law:

House Bill No. 2774 as Act 82, entitled: "RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)";

House Bill No. 2780 as Act 83, entitled: "RELATING TO CHILD SUPPORT ENFORCEMENT";

House Bill No. 3082 as Act 84, entitled: "RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE";

House Bill No. 3185 as Act 85, entitled: "RELATING TO ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE";

House Bill No. 3581 as Act 86, entitled: "RELATING TO STATEWIDE TRAFFIC CODE";

Senate Bill No. 705 as Act 87, entitled: "RELATING TO CIVIL SERVICE EXEMPTIONS FOR THE JUDICIARY";

Senate Bill No. 1081 as Act 88, entitled: "RELATING TO CONSERVATION AND RESOURCES";

Senate Bill No. 1465 as Act 89, entitled: "RELATING TO PUBLIC EMPLOYEES";

Senate Bill No. 2132 as Act 90, entitled: "RELATING TO LIQUOR LICENSES";

Senate Bill No. 2180 as Act 91, entitled: "RELATING TO MOTOR CARRIERS";

Senate Bill No. 2874 as Act 92, entitled: "RELATING TO CHILD WELFARE SERVICES";

Senate Bill No. 2914 as Act 93, entitled: "RELATING TO COMMERCIAL DRIVER LICENSING";

Senate Bill No. 3002 as Act 94, entitled: "RELATING TO MEDICAL ASSISTANCE";

Senate Bill No. 3094 as Act 95, entitled: "RELATING TO MOTOR VEHICLES"; and

Senate Bill No. 3204 as Act 96, entitled: "RELATING TO TRACKING DEVICES."

**Gov. Msg. No. 349**, informing the Senate that on May 29, 1998, he signed into law Senate Bill No. 2866 as Act 97, entitled: "RELATING TO PERSONNEL FOR MENTAL HEALTH."

**Gov. Msg. No. 350**, informing the Senate that on June 3, 1998, he signed the following bills into law:

House Bill No. 92 as Act 98, entitled: "RELATING TO MOTOR VEHICLES";

House Bill No. 1049 as Act 99, entitled: "RELATING TO PAWNBROKERS";

House Bill No. 1099 as Act 100, entitled: "RELATING TO OCCUPATIONAL THERAPISTS";

House Bill No. 1332 as Act 101, entitled: "RELATING TO THE STATE WATER CODE";

House Bill No. 1577 as Act 102, entitled: "RELATING TO IRRIGATION WATER PROJECTS";

House Bill No. 1649 as Act 103, entitled: "RELATING TO PERJURY";

House Bill No. 1699 as Act 104, entitled: "RELATING TO THE HAWAII CAPITAL LOAN PROGRAM";

House Bill No. 1830 as Act 105, entitled: "RELATING TO EMERGENCY MEDICAL SERVICES";

House Bill No. 1868 as Act 106, entitled: "RELATING TO THE HAWAII HURRICANE RELIEF FUND";

House Bill No. 2331 as Act 107, entitled: "RELATING TO CONDOMINIUM PROPERTY REGIMES"; and

House Bill No. 2778 as Act 108, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR LEGAL SERVICES FOR DEPARTMENT OF HAWAIIAN HOME LANDS INDIVIDUAL CLAIMS REVIEW."

**Gov. Msg. No. 351**, informing the Senate that on June 5, 1998, he signed the following bills into law:

House Bill No. 2760 as Act 109, entitled: "RELATING TO SALARY PERIODS";

House Bill No. 2761 as Act 110, entitled: "RELATING TO SALARY PAYMENTS TO NEW EMPLOYEES"; and

House Bill No. 2990 as Act 111, entitled: "RELATING TO AGRICULTURE."

**Gov. Msg. No. 352**, informing the Senate that on June 12, 1998, he signed the following bills into law:

Senate Bill No. 2782 as Act 112, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR"; and

Senate Bill No. 3004 as Act 113, entitled: "RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE."

**Gov. Msg. No. 353**, informing the Senate that on June 13, 1998, he signed into law House Bill No. 3489 as Act 114, entitled: "RELATING TO HARBORS."

**Gov. Msg. No. 354**, informing the Senate that on June 16, 1998, he signed into law House Bill No. 2500 as Act 116, entitled: "RELATING TO THE STATE BUDGET."

**Gov. Msg. No. 355**, informing the Senate that on June 16, 1998, he signed into law House Bill No. 2560 as Act 115, entitled: "RELATING TO THE UNIVERSITY OF HAWAII."

**Gov. Msg. No. 356**, dated June 19, 1998, transmitting his statements of objections to House Bill Nos. 1815 and 2357 which he has returned to the House of Representatives without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 16, 1998

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1815

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1815, entitled 'A Bill for an Act Relating to the Employees' Retirement System.'

The purposes of House Bill No. 1815 are to authorize the Board of Trustees of the Employees' Retirement System to appoint a chief investment officer and to authorize the Board to retain its own attorney, notwithstanding any other law to the contrary.

Giving the Board the authority to hire private attorneys 'notwithstanding any other law to the contrary' is unnecessary and increases government costs. The Hawaii Public Procurement Code, chapter 103D, Hawaii Revised Statutes, and the statute governing the expenditure of public funds for legal services, section 28-8.3, Hawaii Revised Statutes, provide for the expeditious hiring of private attorneys when necessary. The Department of the Attorney General maintains lists of private attorneys with expertise in various areas of the law, which are reviewed when a request is received from an agency for the services of a private attorney. Chapter 103D requires the Department to include a representative from the client agency on the selection committee to ensure that the client agency is afforded an opportunity to provide input in the selection process.

The present system of hiring private attorneys promotes cost savings. The Hawaii Public Procurement Code requires an agency to articulate its requirements so that an agency does not pay for services it neither wants nor needs. The process of considering more than one attorney promotes competition and reduces costs. Furthermore, it is prudent to have attorneys hiring attorneys since attorneys can best determine and evaluate the particular skills and knowledge required for a particular project.

The money spent on expensive private attorneys would be better used to develop expertise within the Department of the Attorney General to ensure long-term continuity in meeting the State's legal needs and to enable all state agencies to benefit from such in-house expertise. Finally, representation by the Attorney General or a private attorney hired by the Attorney General promotes consistency in the interpretation and application of the law.

For the foregoing reasons, I am returning House Bill No. 1815 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1815, entitled 'A Bill for an Act Relating to the Employees' Retirement System,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1815 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1815 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 16th day of June, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 16, 1998

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2357

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2357, entitled, 'A Bill for an Act Relating to Indemnification of County Agencies.'

The purpose of House Bill No. 2357 is to allow state departments to agree to indemnify, defend, and hold harmless a county agency, its officers, agents, and employees, when participating with the county on a joint state and county project, if the county requests the indemnification, the governor approves the proposed indemnification, and the comptroller obtains adequate insurance to cover the anticipated liability or has made a determination that obtaining such insurance is not in the best interest of the State.

While this bill may encourage joint intergovernmental projects between the State and the various counties by overcoming the counties' reluctance to enter into such agreements with the State due to concern over increased liability, this bill is not reciprocal -- i.e., while the State may have to indemnify the counties, the counties cannot be made to indemnify the State. Moreover, this bill serves to circumvent the protections the Attorney General has been insisting upon on behalf of the State.

For the foregoing reasons, I am returning House Bill No. 2357 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2357, entitled, 'A Bill for an Act Relating to Indemnification of County Agencies,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2357 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2357 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
 Honolulu, State of Hawaii,  
 this 16th day of June, 1998.

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

Gov. Msg. No. 357, dated June 19, 1998, transmitting his statements of objections to Senate Bill Nos. 2580, 2922, 3076, 3213 and 3228 which he has returned to the Senate without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
 HONOLULU

June 16, 1998

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2580

Honorable Members  
 Nineteenth Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2580, entitled 'A Bill for an Act Relating to the Hawaii State Student Council.'

The purpose of this bill is to statutorily establish the Hawaii State Student Council. Section 2 of Article X of the Constitution of the State of Hawaii provides that the 'Hawaii State Student Council shall select a public high school student to serve as a nonvoting member on the board of education.'

There already is a Hawaii State Student Council that is a program that has been implemented and coordinated by the Department of Education for some time. That council was established under the regulations and policies of the Department of Education. The Board of Education adopted guidelines on July 20, 1972, which stated in part 'that the State Student Council is part of the school system governed by laws, policies, and regulations of the State Department of Education.' The guidelines also provided that the council shall work with the Department of Education. As such, this bill is not necessary

to provide for proper operations of the council and there is no compelling need to statutorily establish an amended council at this time.

This bill also seeks to give the council the authority to determine the number of conference representatives. Any increase in representation will increase the conference's operating cost to a point where it will exceed current funding. Moreover, the council's current operating budget may not be able to accommodate a full-time staff adviser.

In addition, there are constitutional concerns regarding this bill. Section 6 of Article V of the State Constitution requires that all executive branch instrumentalities of the state government be allocated by law among and within principal departments. There is no provision in this bill that allocates the council to the Department of Education or any other state department. Consequently, the statutory establishment of the council outside a principal department violates the Constitution of the State of Hawaii. Furthermore, section 14 of article III of the State Constitution requires that each law embrace one subject matter and express it in the title. This bill seeks to do more than its title suggests. The bill amends chapter 302A, Hawaii Revised Statutes, to establish the Hawaii State Student Council and goes further to repeal chapter 317, Hawaii Revised Statutes, eliminating the student conference committee and the student conference advisory committee. This two-fold purpose violates the single subject requirement of section 14 of article III of the State Constitution.

For the foregoing reasons, I am returning Senate Bill No. 2580 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2580, entitled 'A Bill for an Act Relating to the Hawaii State Student Council,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2580 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2580 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
 Honolulu, State of Hawaii,  
 this 16th day of June, 1998.

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

"EXECUTIVE CHAMBERS  
 HONOLULU

June 16, 1998

## STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2922

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2922, entitled 'A Bill for an Act Relating to Government.'

The purposes of this bill are to: (1) expand the current responsibilities of the Ombudsman to allow the Ombudsman to facilitate resolution of disputes on issues involving agencies; (2) provide for first deputies for the Legislative Auditor and the Legislative Analyst, subject to the advice and consent of the Joint Legislative Management Committee; and (3) require that the respective first assistants to the Ombudsman and the Legislative Reference Bureau be subject to the advice and consent of the Joint Legislative Management Committee.

The proposed expansion of the Ombudsman's power to facilitate resolution of disputes on issues involving agencies, as set forth in section 1 of the bill, raises legal and policy concerns in two ways.

First, section 1 of this bill may sanction an unlawful delegation of executive power by the Legislature to the Ombudsman, in that the Ombudsman appears to be allowed to infringe on the Governor's supervisory authority over executive agencies, in violation of sections 1, 5, and 6 of article V of the State Constitution.

Second, section 1 of this bill may sanction an unlawful delegation of judicial power by the Legislature to the Ombudsman. Section 96-8, Hawaii Revised Statutes, currently authorizes the Ombudsman to investigate an administrative act of an agency which might be:

- (1) Contrary to law; [or]
- (2) Unreasonable, unfair, oppressive, or unnecessarily discriminatory, even though in accordance with law [.]

Section 1 of the bill expands these responsibilities to allow the Ombudsman to not only investigate, but 'to facilitate resolution of disputes on issues involving agencies' -- in essence, to interpret the law and be involved in disputes which may, if not resolved, become the focus of further complaints to which the Ombudsman could be viewed as being in conflict because of the Ombudsman's prior involvement.

For the foregoing reasons, I am returning Senate Bill No. 2922 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2922, entitled 'A Bill for an Act Relating to Government,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2922 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2922 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 16th day of June, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 16, 1998

## STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3076

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3076, entitled 'A Bill for an Act Relating to Executive and Administrative Departments.'

The purposes of Senate Bill No. 3076 are to (1) create a contracts office ('office') within the Department of Human Services ('DHS') that is under the joint jurisdiction of DHS and the Department of Health ('DOH'); (2) require the DHS and DOH directors jointly to appoint a director of the office; (3) provide for the reassignment of currently serving employees of DOH and DHS to the office until June 30, 1999; (4) authorize the hiring of civil service employees to staff the office after June 30, 1999; (5) require the office to develop requests for proposals ('RFPs'), coordinate the issuance of RFPs, recommend proposal selection to the DHS and DOH directors, issue contracts, evaluate the effectiveness of contracted services, and, if not otherwise being performed, monitor contract performance and perform fiscal audits; (6) establish conditions of continued employment for transferred employees; (7) transfer all appropriations and personal property relating to the functions transferred from DOH and DHS to the office; (8) ensure that no moneys appropriated or funded to DOH and DHS are used by the office in a manner inconsistent with the measures authorizing the appropriation or funding; (9) require the DOH and DHS directors to submit, prior to the regular session of 1999, a plan of implementation for the office; and (10) require the director of the office to report, prior to the regular session of 2000, on the ability of the office to promote efficiency, avoid duplication, and maximize the use to resources, as well as provide proposed legislation to improve the effectiveness of the office.

The bill appears to be unnecessary. Nothing prohibits DOH and DHS from coordinating and integrating their health and human services contracts now with the Department of Accounting and General Services ('DAGS'). In fact, such an effort is already under way. The Purchase of Service Team, comprised of representatives of agencies that have purchase of service ('POS') contracts, currently meets to assist DAGS in implementing chapter 103F, Hawaii Revised Statutes, the new chapter that will control contracts for health and human services after June 30, 1998.

Creation of the office and appointment of a director of the office and additional staff expands the size of state government. The bill authorizes the hiring of additional civil service employees to staff the office after June 30, 1999. The bill also requires the appointment of a director of the office, although the bill does not appropriate any funds for the position.

Currently, contracts for DOH are developed on a decentralized basis. Each program in DOH develops its own RFPs and scopes of services and monitors and evaluates its own contracts. The result of this decentralization is that the DOH staff who develop contracts have expertise in specific areas and have duties in addition to working on contracts. Accordingly, it would not only be difficult to identify and reassign currently serving DOH employees to the office, but would also cause DOH staff dislocations.

Furthermore, it is not clear that this bill would result in increased efficiency. Because the office would have to contact the various, diverse DOH programs in order to develop RFPs, the addition of the office would likely result in additional delays in the execution of contracts and the encumbering of funds. Any added delays would be especially critical with respect to DOH's efforts to comply with federal requirements in the Felix case consent decree involving child and adolescent mental health services and the United States Department of Justice settlement agreement involving the Hawaii State Hospital.

For the foregoing reasons, I am returning Senate Bill No. 3076 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3076, entitled 'A Bill for an Act Relating to Executive and Administrative Departments,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3076 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3076 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 16th day of June, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 16, 1998

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3213

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3213, entitled 'A Bill for an Act Relating to Insurance.'

The purpose of Senate Bill No. 3213 is to establish continuing education requirements for insurance license renewal, establish a Hawaii insurance education board to assist the insurance commissioner in overseeing the continuing education requirement, and create the insurance licensing administration revolving fund into which a portion of licensing fees and penalties would be deposited to fund non-civil service positions to run the licensing program.

There is no need to create a board and non-civil service positions to staff the board to monitor a continuing education program and process licenses. The Insurance Division already handles licensing functions through civil service employees and the continuing education program does not require additional levels of specialization or expertise. In addition, there is no appropriation to allow expenditure of the funds collected pursuant to this bill.

For the foregoing reasons, I am returning Senate Bill No. 3213 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3213, entitled 'A Bill for an Act Relating to Insurance,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3213 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3213 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 16th day of June, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 16, 1998

## STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3228

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3228, entitled 'A Bill for an Act Relating to Health.'

The purpose of Senate Bill No. 3228 is to amend the civil commitment law to authorize the involuntary psychoactive medication of civilly committed persons. Specifically, the bill would (1) establish standards which a court must find have been met before it may order involuntary medication, including a finding that the person is incompetent; (2) limit the duration of an involuntary medication order to ninety days; and (3) require immediate termination of the involuntary medication order when the subject has regained competency.

Although this bill makes a worthy attempt to codify a procedure to obtain court authority for involuntary psychoactive medication of civilly committed persons, the bill contains various legal problems that will hinder its successful implementation. Among other things, the bill requires proof of incompetence as a necessary condition to involuntary psychoactive medication, but it fails to define the terms 'competence' and 'incompetence.' Moreover, the bill requires that incompetence be proved beyond a reasonable doubt. Requiring proof of incompetence beyond a reasonable doubt unnecessarily limits the number of persons for which the State would be able to obtain involuntary medication orders and thereby fails to recognize the State's legitimate interest in providing a safe environment for its patients and staff. In addition, the bill fails to establish a process for determining that a subject has regained competence, yet requires that an involuntary treatment order cease immediately when the subject of the order has regained competence.

Furthermore, the bill requires the Department of the Attorney General to assist all petitioners, including private physicians, who seek involuntary psychoactive medication orders. The required assistance includes the preparation of the petition, investigation of the facts, and preparation of the case, as well as presentation of the case at hearing. No increase in funding or personnel was provided to the department for the performance of the additional work. In any event, state resources should not be devoted to obtaining patient care orders for private physicians.

Finally, the bill espouses a limited approach to mental health treatment and does not acknowledge the full spectrum of treatment alternatives available to mental health care providers.

For the foregoing reasons, I am returning Senate Bill No. 3228 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature;

WHEREAS, Senate Bill No. 3228, entitled 'A Bill for an Act Relating to Health,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3228 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3228 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 16th day of June, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

**Gov. Msg. No. 358**, informing the Senate that on June 22, 1998, he signed into law Senate Bill No. 3105 as Act 117, entitled: "RELATING TO INSURANCE."

**Gov. Msg. No. 359**, informing the Senate that on June 22, 1998, he signed into law House Bill No. 3443 as Act 118, entitled: "RELATING TO LOANS."

**Gov. Msg. No. 360**, informing the Senate that on June 22, 1998, he signed the following bills into law:

House Bill No. 1800 as Act 119, entitled: "RELATING TO CASH MANAGEMENT OF STATE FUNDS";

House Bill No. 2426 as Act 120, entitled: "RELATING TO TAXATION";

House Bill No. 2496 as Act 121, entitled: "RELATING TO SERVICES FOR THE INDIGENT";

House Bill No. 2506 as Act 122, entitled: "RELATING TO FORECLOSURES";

House Bill No. 2524 as Act 123, entitled: "RELATING TO CONTESTS FOR CAUSE";

House Bill No. 2613 as Act 124, entitled: "RELATING TO THE BOARD OF SUPERVISORS";

House Bill No. 2660 as Act 125, entitled: "RELATING TO THE PUBLIC SERVICE COMPANY TAX";

House Bill No. 2710 as Act 126, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 3024 as Act 127, entitled: "RELATING TO PUBLIC ASSISTANCE";

Senate Bill No. 721 as Act 128, entitled: "RELATING TO THE JUDICIARY";

Senate Bill No. 2078 as Act 129, entitled: "RELATING TO OCEAN RECREATION";

House Bill No. 1824 as Act 130, entitled: "RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION"; and

House Bill No. 3130 as Act 131, entitled: "RELATING TO A CONSTITUTIONAL CONVENTION."

**Gov. Msg. No. 361**, dated June 22, 1998, transmitting his statements of objections to House Bill Nos. 2443 and 2878



which he has returned to the House of Representatives without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 22, 1998

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2443

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2443, entitled 'A Bill for an Act Relating to Real Property Encroachment.'

The purpose of House Bill No. 2443 is to amend the de minimus structure position discrepancy law (allowing small real property encroachments) by expressly including 'industrial property' under the law; changing the reference to 'a modern' survey to 'the most recent' survey; providing that when the property owner who constructed the encroaching improvement is not readily identifiable, the owner of the improvement shall be determined to be the owner of the property upon which the improvement is substantially located; changing the applicability of the law, which now applies to structure position discrepancies in effect on the effective date of the original law, June 16, 1997, to cover position discrepancies without regard to when they occurred; and making the amendments made by this bill retroactive to June 16, 1997.

The de minimus structure discrepancy law enacted last year allows encroaching structures to remain in place until removed or replaced for other reasons, as long as the structure is on privately owned land and not on public lands, the improvement was 'legally constructed along what was reasonably believed to be the boundary line,' and the amount of the encroachment is very small. The amount of the encroachment must be no more than 0.25 foot or 3 inches for commercial property (and industrial property under this bill) and multi-unit residential property, no more than 0.5 foot or 6 inches for all other residential property, no more than 0.75 foot or 9 inches for agricultural and rural property, and no more than 1.5 feet or 18 inches for conservation property. The original law was intended to allow for small encroachments that resulted from older, less accurate measurements that were reasonably believed to be accurate.

However, this bill will remove the limitation that the encroaching structure must have been in existence on June 16, 1997, and will allow future real property encroachments to remain under the conditions of the de minimus structure position discrepancy law. The applicability of the law to future encroachments may promote abuse. Real property encroachments should not be encouraged.

For the foregoing reason, I am returning House Bill No. 2443 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2443, entitled 'A Bill for an Act Relating to Real Property Encroachment,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2443 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2443 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 22, 1998

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2878

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2878, entitled 'A Bill for an Act Relating to Aquatic Resources.'

The purpose of House Bill No. 2878 is to give the Department of Land and Natural Resources (DLNR) unusually limited authority to adopt administrative rules relating to aquatic resources that specify bag limits, sales restrictions, seasons, and restrictions on fishing gear.

These rules are to be reported to the Legislature for consideration as amendments to chapter 188, Hawaii Revised Statutes. If the Legislature does not enact changes to chapter 188 that correspond to the rules, the rules are nullified no later than ninety days following the adjournment of the legislative regular session during which the rules were reported.

Rulemaking authority subject to legislative standards has been delegated to executive branch agencies for decades. The extremely limited and unusual delegation of rulemaking authority to the DLNR contained in this bill is a major step backward and would result in unnecessary delay and considerable confusion for the public given the changeable status of the rules.

For the foregoing reason, I am returning House Bill No. 2878 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his

objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature;

WHEREAS, House Bill No. 2878, entitled 'A Bill for an Act Relating to Aquatic Resources,' passed by the Legislature, was presented to the Governor within the aforementioned period;

WHEREAS, House Bill No. 2878 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2878 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

Gov. Msg. No. 362, dated June 23, 1998, transmitting his statements of objections to Senate Bill Nos. 379, 2349 and 2586 which he has returned to the Senate without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

June 22, 1998

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 379

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 379, entitled 'A Bill for an Act Relating to Recycling.'

The purpose of Senate Bill No. 379 is to impose a refundable deposit of \$7.00 on the sale of each new motor vehicle tire that is not accompanied by a trade-in tire and to ensure that used tires are disposed of through a permitted facility.

I support this bill's worthy attempt to ensure that used tires are not disposed of at illegal dump sites. However, section 342I-23(a) (2) (D), Hawaii Revised Statutes, already requires the price of a new tire to include the disposal of the used tire. This bill may require the consumer to pay an additional \$7.00 per tire. From the perspective of the consumer, the \$7.00 per tire deposit means that consumers who buy four new tires without returning the old tires will pay an additional \$28.00. Therefore, this bill may create an increased economic burden on the consumer.

In addition, this bill creates problems for the tire retailer. Since the deposit is mandatory, the assessment of the deposit must be disclosed in all quotations of price including all advertising. This will result in an increase in advertising costs to the tire retailer. Furthermore, the bill does not address how long the retailer would be required to hold the deposit and whether the unclaimed deposit should be treated as income to the retailer or unclaimed property pursuant to chapter 523A, Hawaii Revised Statutes. Finally, it does not address how the deposit should be treated when a tire retailer goes out of business.

For the foregoing reasons, I am returning Senate Bill No. 379 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature;

WHEREAS, Senate Bill No. 379, entitled 'A Bill for an Act Relating to Recycling,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 379 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 379 with my objections thereon to the Legislature as provided in said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 22, 1998

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2349

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2349, entitled 'A Bill for an Act Relating to Environmental Health.'

The purposes of this bill are to (1) change the name of the Environmental Health Program Enhancement and Education Fund to the Environmental Health Education Fund; (2) expand the purposes for which moneys in the fund are to be expended by including consultations and educational programs for industries regulated by the Department of Health; (3) eliminate the automatic repeal provision of the enabling legislation; and (4) create a Hawaii Strategic Environmental Initiative Task Force to develop a proposal for a matching grant award from the State Environmental Initiative Program of the Council of State Governments and the United States-Asia Environmental Partnership.

Creation of the Hawaii Strategic Environmental Initiative Task Force does not appear to be necessary, because the Department of Business, Economic Development, and Tourism has recently received federal funds for fiscal year 1998-1999

under this program and is already submitting additional proposals pursuant to existing budget execution policies. In addition, provisions affecting the Environmental Health Program Enhancement and Education Fund that accomplish the same purposes as this bill are contained in House Bill No. 2552, which was also passed by the Legislature and is a more comprehensive bill that contains provisions amending the laws pertaining to other health programs. Since I intend to approve House Bill No. 2552, there is no necessity to also approve this bill.

For the foregoing reasons, I am returning Senate Bill No. 2349 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2349, entitled 'A Bill for an Act Relating to Environmental Health,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2349 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2349 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
 Honolulu, State of Hawaii,  
 this 22nd day of June, 1998.

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

"EXECUTIVE CHAMBERS  
 HONOLULU

June 22, 1998

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2586

Honorable Members  
 Nineteenth Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2586, entitled 'A Bill for an Act Relating to Captive Insurance Companies.'

The purpose of Senate Bill No. 2586 is to clarify the scope, licensure requirements, and law applicable to pure captive insurance companies and association captive insurance companies.

The amendments made by this bill are included, with other amendments, in House Bill No. 2672, also entitled 'A Bill for an Act Relating to Captive Insurance Companies' and also passed by the Legislature. Since I intend to approve House Bill No. 2672, there is no necessity to also approve this bill.

For the foregoing reasons, I am returning Senate Bill No. 2586 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2586, entitled 'A Bill for an Act Relating to Captive Insurance Companies,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2586 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2586 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
 Honolulu, State of Hawaii,  
 this 22nd day of June, 1998.

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

Gov. Msg. No. 363, dated June 23, 1998, transmitting his statements of objections to Senate Bill Nos. 2618 and 2887 which he has returned to the Senate without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
 HONOLULU

June 22, 1998

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2618

Honorable Members  
 Nineteenth Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2618, entitled 'A Bill for an Act Relating to the Medically Underserved.'

The purposes of Senate Bill No. 2618 are to: (1) require the Department of Health ('DOH') to provide resources to nonprofit community-based providers for community-based health care services to the uninsured; (2) appropriate \$500,000 to the DOH for the provision of primary health care for medically underserved populations; (3) require that health plans

under the Department of Human Services' ('DHS') QUEST program pay federally qualified health centers ('FQHC') and rural health centers ('RHC') compensation in amounts comparable to what the plans pay their other providers in the same geographic area for comparable services; (4) require DHS to pay FQHCs and RHCs any difference between their reasonable costs to provide medical services and the compensation from the QUEST health plans for such services, pursuant to the Social Security Act; and (5) appropriate an additional \$500,000 to DHS for the provision of primary health care for medically underserved populations.

Presently, section 1902(a) (13) (C) of the Social Security Act requires Medicaid state agencies to reimburse FQHCs and RHCs for the difference between what they are paid by health plans and their reasonable costs. However, under the QUEST program, the State has the discretion to decide whether to reimburse FQHCs and RHCs. In addition, when the State decides to make such supplemental payments, reimbursement is based on a payment formula that results in a lower payment than that which is required under the Social Security Act.

It is well recognized that the broad scope of services provided by health centers contributes greatly to the well-being of the medically underserved in our community. While I recognize this bill's laudable goals in supporting the valuable service provided by community health centers, there are a number of significant legal and fiscal concerns associated with this bill. First, this bill has the potential of placing a tremendous financial burden upon the State indefinitely. The State would be increasing its financial obligations, because the bill requires the State to provide higher supplemental payments in perpetuity to FQHCs and RHCs than are currently required under the QUEST program. Second, beginning in the year 2000, the State would be obligating itself to the provision of even higher payments than the Social Security Act would require. Recent amendments to the Social Security Act (section 4712 of the Balanced Budget Act of 1997) provide for the gradual 'phase out' of reasonable cost reimbursements beginning in fiscal year 2000. There is also a serious concern that the \$500,000 appropriation, combined with other funds available to DHS for these payments, will be insufficient to provide full supplemental payments to FQHCs and RHCs for the entire 1998-1999 fiscal year. In addition, the State may be exposing itself to an even greater, unspecified financial obligation should health plans choose to amend their provider agreements by decreasing the compensation provided to FQHCs and RHCs. Depending on the extent of the reduction in health plan payments to these centers, the State may find itself in need of large sums of money toward the end of this fiscal year to make up for health plan spending cuts.

The State recognizes the great value the FQHCs play in providing services to the medically underserved in our community. Therefore, I have directed the DHS to provide a portion of the funding for the provision of primary health care for medically underserved populations.

For the foregoing reasons, I am returning Senate Bill No. 2618 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

#### "P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature;

WHEREAS, Senate Bill No. 2618, entitled 'A Bill for an Act Relating to the Medically Underserved,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2618 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2618 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

June 22, 1998

#### STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2887

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2887, entitled 'A Bill for an Act Relating to Amusement Rides, Including Bungee Jumping.'

The purposes of Senate Bill No. 2887 are to allow the Department of Labor and Industrial Relations (DLIR) to regulate bungee jumping; exempt coin-operated and kiddie rides from DLIR regulation; authorize the DLIR to enter any premises to determine compliance with chapter 397, Hawaii Revised Statutes (HRS), or investigate any accident; require the DLIR to adopt rules to require contractors, owners, and operators to report to the DLIR accidents, injuries, and deaths related to the construction, use, or maintenance of boilers, pressure systems, amusement rides, bungee jumps, and elevators and kindred equipment; permit the DLIR to assess fees for the training of its inspectors; permit the DLIR to prohibit the use of a boiler, pressure system, amusement ride, bungee jump, or elevator and kindred equipment when there is an imminent hazard situation; and delete the provision allowing the DLIR to apply to the circuit court for a temporary restraining order.

Section 14 of Article III of the State Constitution requires that '[e]ach law shall embrace but one subject, which shall be expressed in its title.' The subject of this bill, as expressed in its title, is 'amusement rides, including bungee jumping.' However, the amendments made by this bill go beyond affecting only amusement rides, including bungee jumping, in the statutes. The amendments change statutory provisions that literally also apply to boilers, pressure systems, and elevators and kindred equipment. To the extent that the amendments do make substantive changes that affect boilers, pressure systems, and elevators and kindred equipment, the amendments in this bill are beyond the scope of the title of this bill and are subject to challenge as having been enacted in violation of the single-subject requirement of Section 14 of Article III of the State Constitution.

Although the amendments in this bill pertaining to amusement rides are within the scope of the title to this bill, the presence of both valid and invalid provisions throughout the statutes amended by this bill will result in confusion and difficulties in administration. Under the existing statutory scheme in the Boiler and Elevator Safety Law, chapter 397, HRS, and the definition of 'amusement ride' found in section 12-250-2, Hawaii Administrative Rules, bungee jumps appear to be amusement rides. Since the DLIR already has the authority to regulate bungee jumps in this State under its administrative rules and bungee jumps may be regulated without amendment of chapter 397, there is no need to make the statutory amendments that will result in confusion and administrative difficulties.

For the foregoing reasons, I am returning Senate Bill No. 2887 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2887, entitled 'A Bill for an Act Relating to Amusement Rides, Including Bungee Jumping,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2887 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2887 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 22nd day of June, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

**Gov. Msg. No. 364**, informing the Senate that on June 24, 1998, he signed the following bills into law:

House Bill No. 1966 as Act 132, entitled: "RELATING TO ADULT RESIDENTIAL CARE HOMES";

House Bill No. 2862 as Act 133, entitled: "RELATING TO SERVICES FOR DEVELOPMENTAL DISABILITIES"; and

Senate Bill No. 2987 as Act 134, entitled: "RELATING TO CHILD PROTECTION."

**Gov. Msg. No. 365**, informing the Senate that on June 24, 1998, he signed the following bills into law:

House Bill No. 3527 as Act 135, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR PROJECTS ON THE ISLAND OF HAWAII";

Senate Bill No. 2334 as Act 136, entitled: "RELATING TO TIME SHARING PLANS"; and

Senate Bill No. 2983 as Act 137, entitled: "RELATING TO OFFICE OF INFORMATION PRACTICES."

**Gov. Msg. No. 366**, informing the Senate that on June 24, 1998, he signed the following bills into law:

House Bill No. 2361 as Act 138, entitled: "RELATING TO MOTOR VEHICLE TOWING FEES"; and

Senate Bill No. 2759 as Act 139, entitled: "RELATING TO THE TRAFFIC CODE."

**Gov. Msg. No. 367**, dated July 7, 1998, transmitting his statements of objections to House Bill Nos. 2563, 2564, 2670, 2675 and 3065 which he has returned to the House of Representatives without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

July 7, 1998

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2563

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2563, entitled 'A Bill for an Act Relating to School-Based Budgeting.'

The primary purpose of House Bill No. 2563 is to provide guidelines to ensure implementation of school-based budgeting beginning with the fiscal biennium 1999-2001. The Economic Revitalization Task Force recommended school-by-school budgeting in order to evaluate the spending priorities of the Department of Education (DOE) by making available to the public information on how the DOE is allocating and expending funds for specific educational programs, particularly at the school level.

The provisions of this bill will unreasonably increase the workload of the DOE, and will also impact the workloads of the Department of Budget and Finance and the Department of Accounting and General Services at a time when positions are being eliminated. The bill will require the DOE's budget to include over 200 budget programs, one for each school, including the adult community schools. Each school must engage in mandatory school-by-school budgeting, which will greatly increase the administrative duties of school principals.

Representatives of the DOE testified during the legislative session that the department could not meet the July 1, 1998, start date imposed by the bill. Principals will not be at work during the critical months of July and August, when the schools must be developing their biennium budgets. Moreover, school principals have previously never prepared budgets as contemplated by this bill, and concerns exist as to whether sufficient training can be completed within the next few months.

The DOE and the Department of Budget and Finance have proposed alternative means of disseminating information regarding school-by-school expenditures, which should be considered.

The new Superintendent of Education and the Hawaii State Teachers Association support my decision to return this bill without my approval and concur that the requirements of this bill are too burdensome.

For the above-stated reasons, I am returning House Bill No. 2563 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2563, entitled 'A Bill for an Act Relating to School-Based Budgeting,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2563 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2563 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 7th day of July, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

July 7, 1998

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2564

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2564, entitled 'A Bill for an Act Relating to Education.'

The purpose of this bill is to establish a temporary commission on educational accountability. The Department of Education ('DOE') has serious concerns with this bill because the bill provides for unnecessary duplication of duties and responsibilities already being performed by the DOE's Planning and Evaluation Branch. The Planning and Evaluation Branch is responsible for evaluating schools as part of its Comprehensive Assessment and Accountability System. The Planning and Evaluation Branch also monitors schools to ensure compliance with federal requirements under the Improving America's Schools Act.

Furthermore, the proposed temporary commission would duplicate the work already being performed by the Western Association of Schools and Colleges ('WASC') accreditation teams, which regularly review and accredit all secondary schools.

The cost to support the operations of this temporary commission, I believe, would not be a wise use of limited resources. As to other aspects of the bill, with the exception of the authority to charge a deposit fee for textbooks, the DOE already has the authority to hire part-time teachers, currently prepares cross-sectional and longitudinal reports, and is in the process of developing a system similar to the 'comprehensive student support system' proposed by the bill.

The new Superintendent of Education and the Hawaii State Teachers Association support my decision to return this bill without my approval to allow the new Superintendent the opportunity to address the concerns raised in this bill.

For the foregoing reasons, I am returning House Bill No. 2564 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2564, entitled 'A Bill for an Act Relating to Education,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2564 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2564 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 7th day of July, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

July 7, 1998

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2670

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2670, entitled 'A Bill for an Act Relating to Psychologists.'

The purpose of House Bill No. 2670 is to clarify that certain licensed professionals other than psychologists may practice psychotherapy.

Section 465-3(5), Hawaii Revised Statutes, currently exempts from the regulation of psychologists '[a]ny person who is a member of another profession licensed under the laws of this jurisdiction to render services within the scope of practice as defined in the statutes regulating the person's professional practice.' If the statutes regulating another profession do not specify any academic or clinical training requirements and the minimum professional standards to offer mental health services, including psychotherapy, the licensed members of that profession are not exempted from the requirements of the regulation of psychologists under chapter 465, Hawaii Revised Statutes. This bill will amend section 465-3(5) to delete the words 'as defined in the statutes regulating' and will allow those other professions to begin the unregulated practice of psychology without specifying minimum professional standards.

Instead of deleting the requirement that the statutes regulating the other professions define their practice, those other statutes should be amended to define the practice of the other professions to include the practice of psychotherapy. The academic and clinical training requirements and the minimum professional standards should be specified in the statutes regulating the other professions in order to ensure the protection of the health-care consumers.

For the foregoing reasons, I am returning House Bill No. 2670 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2670, entitled 'A Bill for an Act Relating to Psychologists,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2670 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2670 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
 Honolulu, State of Hawaii,  
 this 7th day of July, 1998.

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

"EXECUTIVE CHAMBERS  
 HONOLULU

July 7, 1998

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2675

Honorable Members

Nineteenth Legislature  
 State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2675, entitled 'A Bill for an Act Relating to Consumer Protection.'

The purposes of House Bill No. 2675 are to: (1) eliminate certain regulatory boards and transfer the licensing and regulatory functions of these boards to the Director of Commerce and Consumer Affairs; (2) eliminate the Board of Osteopathic Examiners and transfer the licensing and regulatory functions of this board to the Board of Medical Examiners; (3) require the state chiropractic licensing examination to be prepared, administered, and graded by a professional testing agency and require the Board of Chiropractic Examiners to determine the passing score; (4) require the Legislative Reference Bureau to conduct a study on the dental licensing examination and a study on the dental provider reimbursement practices of insurers and related activities; (5) define 'premium' as it relates to surety bonds; and (6) designate as an unfair and deceptive trade practice the use of an agreement or instrument that eliminates or diminishes the protections that a bond provides to a homeowner of home construction or improvements.

Although I believe that the purpose of this bill to increase government efficiency and professional and vocational regulatory processes by eliminating certain regulatory boards has merit, the amendment pertaining to home construction bonds will inadvertently eliminate the use of material house bonds used by owner-builders. This bill will declare to be a deceptive trade practice the use of any document that 'eliminates or diminishes the protections that a bond provides to a homeowner for home construction or home improvements.' However, the bill does not take into consideration owner-builders. Material houses that have issued material house bonds have taken indemnifications from the builders. When the builder is also the homeowner, the indemnification of the homeowner as the builder will eliminate or diminish the protection of the bond. Consequently, the effect of this bill will be to eliminate the issuance of material house bonds when the homeowners are attempting to build their own homes and thereby prevent homeowner self-help projects. In the present economy, the availability of self-help projects may be the only alternative for some homeowners to build or improve their homes.

While the Legislature's concerns about the legality of material house bonds is understandable, the use of material house bonds should be further studied before legislative action is taken. These type of bonds are intended to satisfy the requirements of lending institutions and are not intended to protect the homeowner who is the builder.

For the foregoing reasons, I am returning House Bill No. 2675 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
 BENJAMIN J. CAYETANO  
 Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2675, entitled 'A Bill for an Act Relating to Consumer Protection,' passed by the Legislature,

was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2675 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2675 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 7th day of July, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

July 7, 1998

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 3065

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 3065, entitled 'A Bill for an Act Relating to Taxation.'

The stated purpose of House Bill No. 3065 is to create a system for collecting the cigarette tax by requiring cigarettes sold in Hawaii to be affixed with a tax stamp. This bill also delays the current statute's June 30, 1998, cigarette tax increase until December 31, 1998. Finally, the bill amends the income tax credit for television and motion film production by clarifying where the credit applies to 'transient accommodations costs and adding definitions for 'benefits,' 'labor costs,' and 'production costs.'

This bill is unacceptable for a number of reasons.

In delaying the current law's June 30, 1998, cigarette tax increase until December 31, 1998, this bill undermines the original purpose of the tax increase, to discourage smoking, especially among Hawaii's youth. The Department of the Attorney General and many public health organizations, including the Department of Health, the Hawaii Medical Association, the Hawaii Nurses' Association, the American Lung Association, the American Cancer Association, the Coalition for a Tobacco Free Hawaii, the Campaign for Tobacco Free Kids, and Effective National Action to Control Tobacco (ENACT), testified against any deferral or repeal of the tax increase.

Next, there is no evidence of large-scale black market cigarette sales according to federal agencies, including the United States Customs Service and the Bureau of Alcohol, Tobacco and Firearms. Further, this bill will not solve the problem, if one exists, without appropriate monitoring and enforcement. However, since this bill does not allocate funds or personnel for these purposes, it is doubtful that this bill could accomplish its objective of preventing the sale of black market cigarettes.

Further, this bill requires the use of tax stamps beginning September 1, 1998, which is too short a period for the planning and implementation of such an ambitious tax collection

mechanism. Before implementing this collection system, stamps and tax forms would have to be designed and printed and a system for distribution, collection, reporting, and enforcement would have to be created.

Finally, this bill's discrimination in favor of employing Hawaii residents over out-of-state residents presents a constitutional problem. The film credit portion of the bill limits the 'labor cost' component of the tax credit to expenditures for employees who are Hawaii residents. The Interstate Privileges and Immunities Clause of Section 2 of Article IV of the United States Constitution prohibits discrimination by a state in favor of its own citizens when the denial concerns 'fundamental rights' such as the pursuit of a livelihood. Under the Commerce Clause, state laws that discriminate against out-of-state competition to the benefit of local economic interests are almost always held invalid. The bill's discrimination against out-of-state residents opens the door to a challenge on one or both of these grounds.

For the foregoing reasons, I am returning House Bill No. 3065 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 3065, entitled 'A Bill for an Act Relating to Taxation,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3065 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 3065 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 7th day of July, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

**Gov. Msg. No. 368**, dated July 7, 1998, transmitting his statements of objections to Senate Bill Nos. 760, 2757 and 3000 which he has returned to the Senate without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

July 7, 1998

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 760

Honorable Members  
Nineteenth Legislature  
State of Hawaii



Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 760, entitled, 'A Bill for an Act Relating to Schools-Within-Schools.'

The purpose of Senate Bill No. 760 is to establish a process for creating schools-within-schools pursuant to rules adopted by the Board of Education under chapter 91, Hawaii Revised Statutes. Schools-within-schools is an education model that includes an alternative curriculum, instructional, and management approach, and which may also encompass alternative days, weeks, and school years. The bill requires the Department of Education to adopt rules regarding schools-within-schools pursuant to chapter 91, Hawaii Revised Statutes, by March 31, 1999.

Although I support the intent of this bill to have a process established for creating schools-within-schools, the development of specific procedures to create schools-within-schools are policy matters that should be left to the Board of Education to determine.

How a school operates is a matter of internal management and is for the Department of Education and Board of Education to determine. This is not a matter that should be mandated by statute or rule to prescribe how a school is to operate. This bill also conflicts with the direction of School/Community-Based Management

Since the Department of Education can determine the specific procedures under its internal management authority under the existing statutes, this bill is unnecessary.

The recently appointed Superintendent of Education, himself a strong proponent of the 'school within a school' concept, has reviewed the bill and supports my decision.

For the foregoing reasons, I am returning Senate Bill No. 760 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

#### "P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 760, entitled 'A Bill for an Act Relating to Schools-Within-Schools,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 760 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 760 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 7th day of July, 1998.

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

July 7, 1998

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2757

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2757, entitled 'A Bill for an Act Relating to Environmental Assessments.'

The purpose of Senate Bill No. 2757 is to amend sections 343-3 and 343-5, Hawaii Revised Statutes, (1) to allow public agencies or private entities to not respond to public comments on environmental assessments and to decline to prepare environmental impact statements ('EISs') when they cancel the proposed actions that were the subject of an environmental assessment; (2) to require the Office of Environmental Quality Control (OEQC) to provide public notice of cancellation of a proposed action; and (3) to allow for a fifteen-day extension of the public comment period on environmental assessments when the agency or the private entity sponsoring the relevant action requests such an extension.

Chapter 343, Hawaii Revised Statutes, and the administrative rules adopted by OEQC already allow public agencies and private entities to decline to respond to public comments on environmental assessments and drafts EISs and to decline to prepare final EISs when they have canceled the projects in issue. In addition, OEQC already may provide public notice of cancellation of a proposed action. Consequently, this bill is in part unnecessary. We should not use the State's limited resources for the enactment of laws that are unnecessary.

Furthermore, the bill is ill-advised, providing only for fifteen-day extensions of the public comment periods on environmental assessments and omitting any provision for extension of the public comment period on EISs. In various circumstances, it will benefit the public, the relevant state agencies, and project sponsors to allow for longer extensions of the public comment periods on environmental assessments and to provide for some extensions of the public comment periods on EISs. Any amendment to chapter 343 that allows extension to public comment periods should provide for the possibility of longer extensions of the public comment periods on environmental assessments and for the possibility of extensions of the public comment period on EISs, as well.

For the foregoing reasons, I am returning Senate Bill No. 2757 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

#### "P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2757, entitled 'A Bill for an Act Relating to Environmental Assessments,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2757 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2757 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 7th day of July, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

"EXECUTIVE CHAMBERS  
HONOLULU

July 7, 1998

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3000

Honorable Members  
Nineteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3000, entitled 'A Bill for an Act Relating to the Employees' Retirement System.'

The purposes of Senate Bill No. 3000 are to authorize a designee of the Employees' Retirement System ('ERS') Board of Trustees to approve service retirements; to repeal occupational and total disability retirements and establish a single service-connected disability retirement benefit; clarify the amount payable to beneficiaries upon death of a retiree under the various pay out options for benefits; allow retirees who return to state employment to have their retirement benefit attributable to the second period of employment added to the benefit attributable to the first period of employment; allow elected officials and judges to terminate membership in the ERS anytime after attaining the maximum pension benefit ceiling of seventy-five per cent; and, eliminate partial cash and reduced annuity payments to simplify benefit calculations and reduce the number of semimonthly annuity payments.

The provisions of this bill are duplicated in House Bill No. 2803, which was also passed by the Legislature. Since I intend to approve House Bill No. 2803, there is no necessity to also approve this bill.

For the foregoing reason, I am returning Senate Bill No. 3000 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his

objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3000, entitled 'A Bill for an Act Relating to the Employees' Retirement System,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3000 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3000 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 7th day of July, 1998.

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

**Gov. Msg. No. 369**, informing the Senate that on July 2, 1998, he signed the following bills into law:

House Bill No. 503 as Act 140, entitled: "RELATING TO CORRECTIONAL INDUSTRIES";

House Bill No. 1533 as Act 141, entitled: "RELATING TO STATE FUNDS";

House Bill No. 1624 as Act 142, entitled: "RELATING TO BOILER AND ELEVATOR SAFETY LAW";

House Bill No. 1647 as Act 143, entitled: "RELATING TO THE LICENSING OF CERTAIN SELLERS";

House Bill No. 2222 as Act 144, entitled: "MAKING AN APPROPRIATION TO MATCH FEDERAL FUNDS FOR ESTABLISHMENT OF MANUFACTURING EXTENSION PROGRAMS";

House Bill No. 2332 as Act 145, entitled: "RELATING TO THE TRAFFIC CODE";

House Bill No. 2355 as Act 146, entitled: "RELATING TO CRIMINAL TRESPASS";

House Bill No. 2437 as Act 147, entitled: "RELATING TO CONTROLLED SUBSTANCES"; and

House Bill No. 2547 as Act 148, entitled: "RELATING TO AGRICULTURE."

**Gov. Msg. No. 370**, informing the Senate that on July 7, 1998, he signed the following bills into law:

House Bill No. 2381 as Act 149, entitled: "RELATING TO CRIME";

House Bill No. 2672 as Act 150, entitled: "RELATING TO CAPTIVE INSURANCE COMPANIES";

House Bill No. 2803 as Act 151, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

House Bill No. 2843 as Act 152, entitled: "RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS";

House Bill No. 3192 as Act 153, entitled: "RELATING TO SUPPORT ENFORCEMENT";

Senate Bill No. 2821 as Act 154, entitled: "RELATING TO THE CODE OF FINANCIAL INSTITUTIONS"; and

Senate Bill No. 2836 as Act 155, entitled: "RELATING TO INSURANCE FRAUD."

**Gov. Msg. No. 371**, informing the Senate that on July 9, 1998, he signed into law Senate Bill No. 2259 as Act 156, entitled: "RELATING TO TAXATION."

**Gov. Msg. No. 372**, informing the Senate that on July 10, 1998, he signed into law House Bill No. 2749 as Act 157, entitled: "RELATING TO TAXATION."

**Gov. Msg. No. 373**, informing the Senate that on July 13, 1998, he signed into law Senate Bill No. 2495 as Act 158, entitled: "RELATING TO WAGE AND HOUR LAW."

**Gov. Msg. No. 374**, informing the Senate that on July 14, 1998, he signed the following bills into law:

House Bill No. 2486 as Act 159, entitled: "RELATING TO MARRIAGE AND FAMILY THERAPISTS";

House Bill No. 2598 as Act 160, entitled: "RELATING TO AUTOMATIC EXTERNAL DEFIBRILLATORS";

House Bill No. 2846 as Act 161, entitled: "RELATING TO CIGARETTE SALES TO MINORS";

Senate Bill No. 1946 as Act 162, entitled: "RELATING TO THE PRACTICE OF MEDICINE";

Senate Bill No. 2092 as Act 163, entitled: "RELATING TO INCOME TAX LAW";

Senate Bill No. 2204 as Act 164, entitled: "RELATING TO REGULATORY PROCESSES";

Senate Bill No. 2338 as Act 165, entitled: "RELATING TO THE CERTIFICATION OF HOISTING MACHINE OPERATORS";

Senate Bill No. 2386 as Act 166, entitled: "RELATING TO COORDINATED CARE ORGANIZATIONS";

Senate Bill No. 2624 as Act 167, entitled: "RELATING TO THE HOMELESS";

Senate Bill No. 2803 as Act 168, entitled: "RELATING TO HAWAII SMALL BUSINESS REGULATORY FLEXIBILITY ACT";

Senate Bill No. 3141 as Act 169, entitled: "RELATING TO TAXATION"; and

Senate Bill No. 3220 as Act 170, entitled: "RELATING TO THE CONVEYANCE TAX."

**Gov. Msg. No. 375**, informing the Senate that on July 15, 1998, he signed the following bills into law:

House Bill No. 2537 as Act 171, entitled: "RELATING TO INSURANCE";

House Bill No. 2666 as Act 172, entitled: "RELATING TO DOMESTIC VIOLENCE";

House Bill No. 2667 as Act 173, entitled: "RELATING TO CRUELTY TO ANIMALS";

House Bill No. 2967 as Act 174, entitled: "RELATING TO SURFING";

House Bill No. 3528 as Act 175, entitled: "RELATING TO EMPLOYMENT PRACTICES";

House Bill No. 3625 as Act 176, entitled: "RELATING TO GOVERNMENT REORGANIZATION";

Senate Bill No. 2254 as Act 177, entitled: "RELATING TO PROSTITUTION";

Senate Bill No. 2297 as Act 178, entitled: "RELATING TO HEALTH";

Senate Bill No. 2619 as Act 179, entitled: "RELATING TO FAIR TRADE REGULATIONS";

Senate Bill No. 2633 as Act 180, entitled: "RELATING TO REAL PROPERTY APPRAISALS";

Senate Bill No. 2957 as Act 181, entitled: "RELATING TO OUTDOOR ADVERTISING"; and

Senate Bill No. 3088 as Act 182, entitled: "RELATING TO JOB REFERENCE LIABILITY."

**Gov. Msg. No. 376**, informing the Senate that on July 16, 1998, he signed into law House Bill No. 2998 as Act 183, entitled: "RELATING TO THE HAWAII MARITIME AUTHORITY."

**Gov. Msg. No. 377**, informing the Senate that on July 17, 1998, he signed the following bills into law:

Senate Bill No. 2588 as Act 184, entitled: "RELATING TO VETERINARY MEDICINE";

Senate Bill No. 2602 as Act 185, entitled: "RELATING TO LANDSCAPE ARCHITECTS";

Senate Bill No. 2610 as Act 186, entitled: "RELATING TO PROFESSIONAL LAND SURVEYORS";

Senate Bill No. 2644 as Act 187, entitled: "RELATING TO BEAUTY CULTURE";

Senate Bill No. 2655 as Act 188, entitled: "RELATING TO BICYCLE AND MOPED REGISTRATION";

Senate Bill No. 2689 as Act 189, entitled: "RELATING TO EMPLOYEES RETIREMENT SYSTEM";

Senate Bill No. 2717 as Act 190, entitled: "RELATING TO FAMILY COURT";

Senate Bill No. 2768 as Act 191, entitled: "RELATING TO PAYMENTS TO HEALTH CARE PROVIDERS FOR WORKERS' COMPENSATION CLAIMS";

Senate Bill No. 2770 as Act 192, entitled: "RELATING TO MEASUREMENT STANDARDS";

Senate Bill No. 2775 as Act 193, entitled: "RELATING TO THE KING KAMEHAMEHA CELEBRATION COMMISSION";

Senate Bill No. 2786 as Act 194, entitled: "RELATING TO SEX OFFENDER REGISTRATION";

Senate Bill No. 2805 as Act 195, entitled: "RELATING TO APPEALS FROM THE PUBLIC UTILITIES COMMISSION";

Senate Bill No. 2820 as Act 196, entitled: "RELATING TO THE CODE OF FINANCIAL INSTITUTIONS";

Senate Bill No. 2822 as Act 197, entitled: "RELATING TO LEMON LAW DISCLOSURE COMPLIANCE";

Senate Bill No. 2823 as Act 198, entitled: "RELATING TO TIME SHARE IDENTIFICATION BADGES";

Senate Bill No. 2829 as Act 199, entitled: "RELATING TO MOTOR VEHICLE REPAIRS";

Senate Bill No. 2832 as Act 200, entitled: "RELATING TO INVESTIGATIVE SUBPOENAS";

Senate Bill No. 2833 as Act 201, entitled: "RELATING TO MOTOR VEHICLE LEASE DISCLOSURE";

Senate Bill No. 2835 as Act 202, entitled: "RELATING TO INSURANCE PREMIUM TAXES";

Senate Bill No. 2838 as Act 203, entitled: "RELATING TO INSURANCE";

Senate Bill No. 2842 as Act 204, entitled: "RELATING TO THE HAWAII MEDICAL MALPRACTICE UNDERWRITING PLAN";

Senate Bill No. 2889 as Act 205, entitled: "RELATING TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS";

Senate Bill No. 2966 as Act 206, entitled: "RELATING TO CRIMINAL INJURIES COMPENSATION";

Senate Bill No. 2981 as Act 207, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";

Senate Bill No. 3015 as Act 208, entitled: "RELATING TO THE GENERAL EXCISE TAX EXEMPTION FOR AIRCRAFT SERVICE AND MAINTENANCE FACILITIES";

Senate Bill No. 3018 as Act 209, entitled: "RELATING TO THE UNIFORM COMMERCIAL CODE";

Senate Bill No. 3024 as Act 210, entitled: "RELATING TO QUARANTINE";

Senate Bill No. 3025 as Act 211, entitled: "RELATING TO MILK CONTROL";

Senate Bill No. 3035 as Act 212, entitled: "RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII";

Senate Bill No. 3043 as Act 213, entitled: "RELATING TO GOVERNMENT COMPUTER SYSTEMS WHICH ARE NOT YEAR 2000 COMPLIANT";

Senate Bill No. 3075 as Act 214, entitled: "RELATING TO GENERAL EXCISE TAX";

Senate Bill No. 3113 as Act 215, entitled: "RELATING TO REAL PROPERTY";

Senate Bill No. 3114 as Act 216, entitled: "RELATING TO THE RENTAL HOUSING TRUST FUND";

Senate Bill No. 3137 as Act 217, entitled: "RELATING TO MOTOR CARRIERS";

Senate Bill No. 3143 as Act 218, entitled: "RELATING TO UTILITY TRANSMISSION LINES";

Senate Bill No. 3159 as Act 219, entitled: "RELATING TO THE TIME SHARE LAW"; and

Senate Bill No. 3248 as Act 220, entitled: "RELATING TO SPECIAL PURPOSE REVENUE BONDS."

**Gov. Msg. No. 378**, informing the Senate that on July 20, 1998, he signed the following bills into law:

House Bill No. 2366 as Act 221, entitled: "RELATING TO TRANSPORTATION";

House Bill No. 2533 as Act 222, entitled: "RELATING TO QUARANTINE";

House Bill No. 2567 as Act 223, entitled: "RELATING TO THE DUPLICATION OF GOVERNMENTAL SERVICES";

House Bill No. 2648 as Act 224, entitled: "RELATING TO WORKERS' COMPENSATION";

House Bill No. 2701 as Act 225, entitled: "RELATING TO TELECOMMUNICATION";

House Bill No. 2847 as Act 226, entitled: "RELATING TO SOLID WASTE MANAGEMENT";

House Bill No. 3033 as Act 227, entitled: "RELATING TO CORRECTIONS";

House Bill No. 3403 as Act 228, entitled: "RELATING TO OFFENSES AGAINST PROPERTY";

House Bill No. 3468 as Act 229, entitled: "RELATING TO HAWAII HEALTH SYSTEMS CORPORATION";

Senate Bill No. 2213 as Act 230, entitled: "RELATING TO STATE GOVERNMENT";

Senate Bill No. 2411 as Act 231, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";

Senate Bill No. 2581 as Act 232, entitled: "RELATING TO CEMETERY AND FUNERAL TRUSTS"; and

Senate Bill No. 2852 as Act 233, entitled: "RELATING TO THE VOLUNTARY RESPONSE PROGRAM."

**Gov. Msg. No. 379**, informing the Senate that on July 20, 1998, he signed the following bills into law:

Senate Bill No. 632 as Act 234, entitled: "RELATING TO TRAFFIC ENFORCEMENT";

Senate Bill No. 720 as Act 235, entitled: "RELATING TO THE FEES AND COSTS FOR THE ADMINISTRATIVE REVOCATION OF DRIVER'S LICENSE";

Senate Bill No. 1065 as Act 236, entitled: "RELATING TO ELECTION OFFENSES";

Senate Bill No. 1089 as Act 237, entitled: "RELATING TO ENDANGERED SPECIES";

Senate Bill No. 1273 as Act 238, entitled: "RELATING TO VICTIMS OF SEXUAL ASSAULT";

Senate Bill No. 1309 as Act 239, entitled: "RELATING TO CRIMINAL INJURIES COMPENSATION";

Senate Bill No. 1310 as Act 240, entitled: "RELATING TO CRIMINAL INJURIES COMPENSATION";

Senate Bill No. 1362 as Act 241, entitled: "RELATING TO NEGOTIABLE INSTRUMENTS";

Senate Bill No. 1559 as Act 242, entitled: "RELATING TO ENVIRONMENTAL HEALTH";

Senate Bill No. 1597 as Act 243, entitled: "RELATING TO AQUATIC RESOURCES PENALTIES";

Senate Bill No. 2025 as Act 244, entitled: "RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE";

Senate Bill No. 2026 as Act 245, entitled: "RELATING TO SMALL BUSINESS INNOVATION RESEARCH GRANTS";

Senate Bill No. 2037 as Act 246, entitled: "RELATING TO HEALTH INSURANCE";

Senate Bill No. 2065 as Act 247, entitled: "RELATING TO THE GENERAL EXCISE TAX";

Senate Bill No. 2135 as Act 248, entitled: "RELATING TO UNFAIR AND DECEPTIVE TRADE PRACTICES";

Senate Bill No. 2136 as Act 249, entitled: "RELATING TO LIQUOR CONTROL ADJUDICATION BOARD";

Senate Bill No. 2249 as Act 250, entitled: "RELATING TO CORRECTIONS";

Senate Bill No. 2256 as Act 251, entitled: "RELATING TO BARBERS POINT HARBOR";

Senate Bill No. 2326 as Act 252, entitled: "RELATING TO THE HAWAII EMPLOYER'S MUTUAL INSURANCE COMPANY";

Senate Bill No. 2350 as Act 253, entitled: "RELATING TO RECYCLING";

Senate Bill No. 2399 as Act 254, entitled: "RELATING TO ELECTIONS";

Senate Bill No. 2414 as Act 255, entitled: "RELATING TO PAWNBROKERS";

Senate Bill No. 2454 as Act 256, entitled: "RELATING TO VOCATIONAL REHABILITATION";

Senate Bill No. 2460 as Act 257, entitled: "RELATING TO ACQUISITION OF HOSPITALS";

Senate Bill No. 2469 as Act 258, entitled: "RELATING TO THE UNIFORM SECURITIES ACT";

Senate Bill No. 2559 as Act 259, entitled: "RELATING TO EXPLOSIVES"; and

Senate Bill No. 2575 as Act 260, entitled: "RELATING TO CORPORATIONS."

**Gov. Msg. No. 380**, informing the Senate that on July 20, 1998, he signed the following bills into law:

House Bill No. 2614 as Act 261, entitled: "RELATING TO POLICE OFFICERS, FIREFIGHTERS, AND BANDSMEN PENSION SYSTEM";

House Bill No. 2671 as Act 262, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC";

House Bill No. 2711 as Act 263, entitled: "RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS";

House Bill No. 2714 as Act 264, entitled: "RELATING TO UNCOLLECTIBLE ACCOUNTS IN THE JUDICIARY";

House Bill No. 2734 as Act 265, entitled: "RELATING TO SCHOOL BUSES";

House Bill No. 2750 as Act 266, entitled: "RELATING TO STATE BONDS";

House Bill No. 2758 as Act 267, entitled: "RELATING TO PROCUREMENT";

House Bill No. 2762 as Act 268, entitled: "RELATING TO POOLED INSURANCE";

House Bill No. 2776 as Act 269, entitled: "RELATING TO RESTITUTION";

House Bill No. 2779 as Act 270, entitled: "RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT";

House Bill No. 2786 as Act 271, entitled: "RELATING TO MENTAL AND MEDICAL EXAMINATION OF CONVICTED DEFENDANTS";

House Bill No. 2793 as Act 272, entitled: "RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII";

House Bill No. 2800 as Act 273, entitled: "RELATING TO MANAGEMENT OF STATE FUNDS";

House Bill No. 2801 as Act 274, entitled: "RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII"; and

House Bill No. 2823 as Act 275, entitled: "RELATING TO MOTOR VEHICLE INSURANCE."

**Gov. Msg. No. 381**, informing the Senate that on July 20, 1998, he signed the following bills into law:

House Bill No. 2837 as Act 276, entitled: "RELATING TO SCHOOL DISCIPLINE";

House Bill No. 2842 as Act 277, entitled: "RELATING TO THE DIRECTOR OF HEALTH";

House Bill No. 2852 as Act 278, entitled: "RELATING TO TELEHEALTH";

House Bill No. 2855 as Act 279, entitled: "RELATING TO NURSE MIDWIVES";

House Bill No. 2866 as Act 280, entitled: "RELATING TO EMPLOYMENT ON PUBLIC WORKS PROJECTS";

House Bill No. 2870 as Act 281, entitled: "RELATING TO WORKERS' COMPENSATION";

House Bill No. 2872 as Act 282, entitled: "RELATING TO FIRE PROTECTION INSPECTIONS";

House Bill No. 2888 as Act 283, entitled: "MAKING AN APPROPRIATION FOR COMPENSATION OF CRIMINAL INJURIES";

House Bill No. 2892 as Act 284, entitled: "RELATING TO SPECIAL FACILITY REVENUE BONDS FOR AIRPORTS";

House Bill No. 2909 as Act 285, entitled: "MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT";

House Bill No. 2932 as Act 286, entitled: "RELATING TO NUISANCE ABATEMENT";

House Bill No. 2935 as Act 287, entitled: "RELATING TO SENTENCING";

House Bill No. 2957 as Act 288, entitled: "RELATING TO HUNTING LICENSES";

House Bill No. 2985 as Act 289, entitled: "RELATING TO IRRIGATION AND WATER UTILIZATION PROJECTS";

House Bill No. 2992 as Act 290, entitled: "RELATING TO NOTARIES PUBLIC";

House Bill No. 3010 as Act 291, entitled: "RELATING TO CONCURRENT JURISDICTION";

House Bill No. 3022 as Act 292, entitled: "RELATING TO YOUTH FACILITY";

House Bill No. 3027 as Act 293, entitled: "RELATING TO MEDICAID OVERPAYMENT RECOVERY";

House Bill No. 3028 as Act 294, entitled: "RELATING TO LONG-TERM CARE";

House Bill No. 3059 as Act 295, entitled: "RELATING TO THE STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICE";

House Bill No. 3138 as Act 296, entitled: "RELATING TO THE COUNTIES";

House Bill No. 3247 as Act 297, entitled: "RELATING TO SHORT TERM INVESTMENT OF COUNTY MONIES";

House Bill No. 3248 as Act 298, entitled: "RELATING TO LAPSED WARRANTS";

House Bill No. 3252 as Act 299, entitled: "RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY";

House Bill No. 3257 as Act 300, entitled: "RELATING TO CRIMINAL HISTORY CHECKS";

House Bill No. 3281 as Act 301, entitled: "RELATING TO CONDOMINIUMS";

House Bill No. 3289 as Act 302, entitled: "RELATING TO LIABILITY";

House Bill No. 3367 as Act 303, entitled: "RELATING TO HEALTH TOURISM";

House Bill No. 3437 as Act 304, entitled: "RELATING TO FUNDING THE HAWAII HURRICANE FUND";

House Bill No. 3446 as Act 305, entitled: "AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES";

House Bill No. 3457 as Act 306, entitled: "RELATING TO THE WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA"; and

House Bill No. 3553 as Act 307, entitled: "RELATING TO FORFEITURE."

**Gov. Msg. No. 382**, informing the Senate that on July 20, 1998, he signed the following bills into law:

House Bill No. 2680 as Act 308, entitled: "RELATING TO STUDENT-CENTERED SCHOOLS"; and

Senate Bill No. 2211 as Act 309, entitled: "RELATING TO EDUCATION."

**Gov. Msg. No. 383**, informing the Senate that on July 21, 1998, he signed into law House Bill No. 2362 as Act 310, entitled: "RELATING TO CHARITABLE TRUSTS."

**Gov. Msg. No. 384**, informing the Senate that on July 21, 1998, he permitted the following measure to become law without his signature:

House Bill No. 2552 as Act 311, entitled: "RELATING TO GOVERNMENT."

**HOUSE COMMUNICATIONS RECEIVED AFTER THE ADJOURNMENT  
OF THE LEGISLATURE SINE DIE**

**Hse. Com. No. 462**, informing the Senate that the following bills passed Final Reading in the House of Representatives on May 13, 1998:

H.B. No. 1800, S.D.1, C.D.1;  
H.B. No. 1824, H.D.2, S.D.2, C.D.1;  
H.B. No. 2500, H.D.1, S.D.1, C.D.1;  
H.B. No. 2560, H.D.2, S.D.2, C.D.1;  
H.B. No. 2680, H.D.2, S.D.1, C.D.2;  
H.B. No. 2710, H.D.1, S.D.1, C.D.1;  
H.B. No. 2800, S.D.1, C.D.1;  
H.B. No. 2803, S.D.2, C.D.1;  
H.B. No. 2990, H.D.2, S.D.2, C.D.1;  
H.B. No. 3403, H.D.2, S.D.1, C.D.2;  
H.B. No. 3443, H.D.1, S.D.2, C.D.1;  
H.B. No. 3446, S.D.2, C.D.1;  
S.B. No. 379, S.D.2, H.D.2, C.D.1;  
S.B. No. 760, H.D.2, C.D.1;  
S.B. No. 2204, S.D.2, H.D.2, C.D.1;  
S.B. No. 2350, S.D.1, H.D.2, C.D.1;  
S.B. No. 2386, S.D.2, H.D.2, C.D.1;  
S.B. No. 2633, S.D.1, H.D.1, C.D.1;  
S.B. No. 2689, S.D.2, H.D.2, C.D.1; and  
S.B. No. 3248, S.D.2, H.D.2, C.D.1.

**Hse. Com. No. 463**, informing the Senate that the following bills passed Final Reading in the House of Representatives on May 13, 1998:

H.B. No. 1533, H.D.2, S.D.1, C.D.1;  
H.B. No. 2563, S.D.2, C.D.1;  
H.B. No. 2564, H.D.1, S.D.2, C.D.1;  
H.B. No. 2648, H.D.2, S.D.1, C.D.1;  
H.B. No. 2749, H.D.1, S.D.1, C.D.1;  
H.B. No. 2750, H.D.1, S.D.1, C.D.1;  
H.B. No. 2909, H.D.2, S.D.1, C.D.1;  
H.B. No. 3625, H.D.3, S.D.2, C.D.1;

S.B. No. 2092, S.D.1, H.D.1, C.D.1;  
S.B. No. 2213, S.D.2, H.D.2, C.D.1;  
S.B. No. 2254, S.D.2, H.D.2, C.D.1;  
S.B. No. 2259, S.D.1, H.D.1, C.D.1;  
S.B. No. 2966, S.D.2, H.D.2, C.D.1; and  
S.B. No. 3220, S.D.1, H.D.2, C.D.1.

**Hse. Com. No. 464**, informing the Senate that the following bills passed Final Reading in the House of Representatives on May 14, 1998:

H.B. No. 1624, H.D.1, S.D.2, C.D.1;  
H.B. No. 2222, H.D.2, S.D.2, C.D.1;  
H.B. No. 2552, H.D.1, S.D.3, C.D.1;  
S.B. No. 2338, S.D.2, H.D.2, C.D.1;  
S.B. No. 2618, S.D.1, H.D.1, C.D.1;  
S.B. No. 2922, S.D.1, H.D.2, C.D.1; and  
S.B. No. 3004, S.D.1, H.D.1, C.D.1.

**Hse. Com. No. 465**, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House bills and has on May 14, 1998, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 2671, H.D.2, S.D.1;  
H.B. No. 2888, H.D.2, S.D.1;  
H.B. No. 2892, H.D.1, S.D.1; and  
H.B. No. 3527, H.D.1, S.D.2.

**Hse. Com. No. 466**, returning S.B. No. 2065, S.D. 1, which passed Third Reading in the House of Representatives on May 14, 1998.

**Hse. Com. No. 467**, returning S.B. No. 3075, S.D. 2, which passed Third Reading in the House of Representatives on May 14, 1998.

## RULES OF THE SENATE

of the

## NINETEENTH LEGISLATURE OF THE STATE OF HAWAII

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**RULES OF THE SENATE**  
of the  
**NINETEENTH LEGISLATURE OF THE STATE OF HAWAII**

**PREAMBLE**

The members of the Senate do hereby reaffirm the Senate's dedication to upholding the Constitutions of the United States and the State of Hawaii, to providing for openness and fairness in all of its proceedings, and to promoting collaboration and consultation in its committee work.

The Senate stands as a people-oriented institution that serves all of the people, whatever their background or persuasion. The Senate works for the public good and strives to give every person an equal opportunity to realize his or her highest potential. The Senate is an open public forum for organized debate and deliberative consideration of issues.

**RULES OF THE SENATE**

The following Rules shall be the Rules of the Senate of the Nineteenth Legislature of the State of Hawaii.

**PART I. ORGANIZATION, OFFICERS AND EMPLOYEES**

**Rule 1. Organization**

(1) When the Senate convenes in the first Regular Session of each Legislature, the member from the First Senatorial District shall act as temporary chair, call the Senate to order, appoint a temporary Clerk, and a Committee of three whose duty it shall be to immediately examine the credentials of the members-elect of the Senate. If from the report of the Committee, it shall appear that a majority of the credentials are in order, the temporary Clerk shall call the roll.

(2) The temporary Chair shall then appoint a Committee of three to wait upon a justice of the Supreme Court, an Intermediate Appellate Court Judge or a Circuit Court judge to administer the oath of office required by the Constitution. After the oath has been duly administered, the Senate shall organize.

(3) When the Senate convenes in any succeeding Sessions of the Legislature, the President or the Vice-President in the absence of the President, shall call the Senate to order.

**Rule 2. Officers and Employees**

(1) The officers of the Senate shall consist of a President, Vice-President, Clerk, Assistant Clerk, Sergeant-at-Arms, and Assistant Sergeant-at-Arms, each of whom shall be elected by a majority vote of the members of the Senate.

(2) The President and Vice-President shall hold their respective offices in accordance with Title 3, Hawaii Revised Statutes. Other officers and employees shall hold their respective offices and positions at the pleasure of the Senate, but a majority vote of the members of the Senate shall be required to terminate the office held by any officer of the Senate.

(3) The Senate, by a majority vote, may authorize positions from time to time as may be deemed necessary.

**Rule 3. The President**

It shall be the duty of the President:

(1) To open the meetings of the Senate by taking the Chair and calling for the invocation.

(2) When a quorum is present, to call for the reading of the Journal of the preceding day.

(3) To maintain order in the Senate Chamber and to require proper decorum on the part of the members.

(4) To announce the business before the Senate in the order prescribed by the Rules.

(5) To receive and submit all matters properly brought before the Senate by the members, call for votes upon the same and announce the results.

(6) To receive all communications, present them to the Senate and refer all bills and other matters to the appropriate standing committees.

(7) To appoint all committees unless otherwise determined by the Senate.

(8) To authenticate by signature, all acts and doings of the Senate which require authentication.

(9) To make known rules of order when so requested and, subject to an appeal to the Senate, to decide all questions of order.

(10) To issue warrants and when so directed by the Senate, to carry into effect its orders in the arrest of offenders, the summoning of witnesses, or other orders of the Senate.

(11) To decide and announce the result of any vote taken.

(12) To do and perform such other duties as are required by law or by these rules or such as may properly pertain to such office.

(13) To clear the Senate Chamber of all persons, except its members and designated persons if there is a disturbance or disorderly conduct, or on motion duly adopted.

(14) To control and have direction of the rooms, desks, passages, stairways, corridors, and balconies, in and about the building set apart for the use of the Senate, and all public property of the Senate. The President shall see that all officers of the Senate perform their respective duties, and may assign places to visitors and reporters. The President may admit stenographers or other reporters, wishing to take down the debates, and assign them such places to effect their object as shall not interfere with the convenience of the Senate.

(15) To establish final dates for action on legislation, including, though not limited to the final date for introducing bills, the dates for the mandatory recess pursuant to Article III, Section 10, of the Constitution, the final date for third reading of Senate Bills, the final date for third reading of House Bills, the final date for approving Conference Committee agreements and drafts of bills, the final date for final reading of the General Appropriations Bill, and the final date for final reading of the Supplemental Appropriations Bill. The President shall coordinate the date for introducing bills and may coordinate with the Speaker of the House to establish the other final dates.

(16) To promulgate an administrative and financial manual of guides, the purpose of which is to establish uniformity in administrative practices and to ensure compliance with Senate policies.

(17) To mediate and resolve differences between two or more standing committees on the same bill.

**Rule 4. The Vice-President**

In the absence of the President, the Vice-President shall exercise all the duties and powers of the President.

**Rule 5. President Pro Tempore**

(1) In case the President and Vice-President shall be absent at the hour to which the Senate had adjourned, the member of the majority party having the longest tenure in the Senate shall preside until a President pro tempore is chosen. If two or more members are equally qualified to preside, the eldest qualified member shall preside.

(2) The President pro tempore shall be invested with all of the powers and shall perform all the duties of the President. Whenever the President pro tempore is required to sign a bill or other instrument, the Clerk shall attach to such bill or instrument a certificate stating that such President pro tempore was duly elected and is authorized to so sign.

**Rule 6. The Clerk**

It shall be the duty of the Clerk:

(1) To have charge of all records of the Senate and be responsible for the same. At no time shall the Clerk permit original documents to be withdrawn from the Clerk's keeping unless ordered by the Senate.

(2) To make a concise and complete memorandum of all petitions, motions, resolutions, amendments and other matters brought before the Senate. Such memoranda shall state the nature of the matter and the name of the introducer, and the date and day of the session on which the Senate considered the matter. The memoranda, together with other matters ordered to be placed therein, shall constitute the Journal, a copy of which shall be made available for inspection to any member upon request as soon as practicable. The Journal of each day shall be read the following day, immediately after the invocation. When such Journal is approved by vote of the Senate, it shall be entered by the Clerk in a book entitled "Journal of the Senate. Session of \_\_\_\_." (Giving the Year).

(3) Unless otherwise directed by the Senate, to read all bills, resolutions and other matters (if so required) to the Senate.

(4) To forward at once all letters, messages, communications and other matters to the proper parties.

- (5) To immediately deliver to the Chair of the appropriate committee all petitions, resolutions, bills or other matters duly referred to such committee.
- (6) To see that all bills and resolutions are properly engrossed and are correct and true as finally acted upon by the Senate.
- (7) To draw on the state general fund for expenses of the session as shall be authorized by the Senate and approved by the leadership committee as may be appointed by the President.
- (8) To pay all bills and accounts as shall be approved by the President or the President's designees, or ordered by the Senate, and no others.
- (9) To be responsible for the acquisition and distribution of all of the property of the Senate.
- (10) To note all questions of order with the decision thereon, collect the same, and append them to the Senate Journal at the close of the session.
- (11) To perform all other clerical duties and functions pertaining to the Office of the Clerk and as the Senate from time to time shall direct. The Clerk shall post the order of business in writing in a conspicuous place each day.

**Rule 7. Assistant Clerk**

The Assistant Clerk shall assist the Clerk in the performance of all duties and attend to such other duties as may be required when so directed by the President. In the absence of the Clerk, the Assistant Clerk shall perform all duties of the Clerk.

**Rule 8. Invocation**

Each day's sitting of the Senate shall open with an invocation.

**Rule 9. Sergeant-at-Arms**

It shall be the duty of the Sergeant-at-Arms to attend the Senate on every day of meeting; to maintain order among those present as spectators; to give notice to the Presiding Officer of the attendance of any person with communications or otherwise; to supervise the distribution of incidentals which require distribution among the members; to supervise, subject to the control of the President, the Senate Messengers; to attend upon committees if so requested; to serve all orders or process as directed by the President or Senate; to make all required arrests of members or other persons, and to retain the same in custody; to have the charge and responsibility for the postal requirements of the Senate; and generally to execute all of the requirements of the President of the Senate.

**Rule 10. Assistant Sergeant-at-Arms**

The Assistant Sergeant-at-Arms shall assist the Sergeant-at-Arms in the performance of all duties and attend to such duties as may be required when so directed by the President. In the absence of the Sergeant-at-Arms, the Assistant Sergeant-at-Arms shall perform all duties of the Sergeant-at-Arms.

**Rule 11. Responsibility of Officers and Employees**

The employees shall perform such duties as may be assigned by the President or prescribed by the Senate.

All officers and employees of the Senate shall be directly answerable to the President, and shall obey and perform all the President's orders and directions, subject to revision by the Senate. If required by the President, any officer or employee shall give a bond for the faithful performance of duties.

An oath of office shall be administered to each officer.

**Rule 12. Pay of Members, Officers and Employees**

- (1) Each member of the Senate, upon being elected or appointed to office, shall receive as compensation such salary as prescribed pursuant to Article III, Section 9, of the State Constitution.
- (2) The officers, except the President and Vice-President, and the employees shall receive compensation as the Senate shall fix.

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**PART II. COMMITTEES****Rule 13. Committees: Types and Composition**

(1) Standing Committees: The membership of each Standing Committee and the respective Chairs thereof shall be appointed by the President, subject to action by the Senate. The majority and minority parties shall to the extent practicable be represented on all Standing Committees on a proportional basis or on such basis as may be prescribed by the Senate. The nomination of the minority party members to Standing Committees shall be made by the leadership of the minority party.

(2) Leadership Committees shall include majority and minority members drawn from the ranks of the Senate leadership.

(3) Special Committees shall consist of not less than three members each, unless otherwise ordered by the Senate, include a member or members of the minority party, and shall be appointed by the President from time to time as occasion requires, to serve until discharged or finally reporting the specific matter referred. The Senate may establish investigative committees pursuant to Chapter 21, Hawaii Revised Statutes; such committees shall have such powers and be bound by such conditions as may be provided by law or by these Rules.

(4) Conference Committees shall consist of not less than three members each and be managed by the Chair of the Standing Committee having primary responsibility of the subject matter to be resolved, unless otherwise ordered by the Senate, and shall be appointed by the President from time to time as occasion requires, to serve until discharged or finally reporting the matter referred. The President may discharge a Conference Committee only upon concurrence with the Majority Leaders.

(5) The Committee of the Whole Senate.

**Rule 14. Committee Chairs**

(1) The first two persons named on the Committee shall be Chairs. Either Chair, or both of them, as they shall agree, shall call meetings and preside.

(2) Whenever the word "chair" is used in these rules, it means both chairs, or either one of them, as shall be appropriate in the context in which the word is used.

**Rule 15. Committees: Control and Excuse from Membership**

Committees shall be under the control of and subject to the orders of the Senate, and shall faithfully carry out such orders. Any member may be excused from serving on any committee at the time of appointment, if already a member of four other committees.

**Rule 16. Standing Committees**

Standing Committees shall be appointed for major subject matter areas at the opening of the session, or as soon thereafter as possible, to serve during the Nineteenth Legislature. The Standing Committees and their areas of jurisdiction shall be as follows:

(1) **Committee on Commerce, Consumer Protection, and Information Technology.** The purview of this committee includes those programs relating to business regulation, occupational licensing, consumer protection, financial institutions, insurance regulation, public utility regulation; telecommunications; and use of information storage, transmission, processing, and telecommunications technologies by public agencies and institutions.

(2) **Committee on Economic Development.** The purview of this committee includes those programs relating to economic development, tourism, agriculture, aquaculture, fisheries, and mariculture, including ocean resources, energy resources, and other new industry development; financial and technical assistance to business; recreation, sports and athletics, state parks and beaches, recreational boating, and Aloha Stadium.

(3) **Committee on Education.** The purview of this committee includes those programs relating to early education, public schools, continuing education, and the public libraries; the University of Hawaii and community college system; and culture, historic preservation, and the arts.

(4) **Committee on Government Operations and Housing.** The purview of this committee includes those programs relating to housing development, the landlord tenant code, condominium property regimes, and leaseholds; and state government operations, including procurement and government efficiency.

(5) **Committee on Health and Environment.** The purview of this committee includes programs relating to general health, maternal and child care, communicable diseases, dental health, medical and hospital services, mental health, mental retardation, and hospitals; population; and environmental quality control and protection, including litter control, recycling, wastewater treatment, endangered species, and hazardous waste.

(6) **Committee on Human Resources.** The purview of this committee includes those programs relating to public assistance, Medquest, youth services, early childhood education and care programs under the Department of Human Services, and vocational rehabilitation; programs relating to the promotion of the general well-being of Hawaii's youth and elderly population; and programs

relating to public officers and employees, labor, employment opportunities and training, labor-management relations, and collective bargaining.

(7) **Committee on Judiciary.** The purview of this committee includes those programs relating to courts; crime prevention and control, including juvenile justice matters; criminal code revision; statutory revision; campaign spending and elections; constitutional matters; programs of the Attorney General, Public Defender and Judiciary; individual rights and civil liberties; and programs relating to public safety and corrections.

(8) **Committee on Transportation and Intergovernmental Affairs.** The purview of this committee includes those programs relating to air, water, and surface transportation; civil defense; military and veteran's affairs; county, federal, and foreign relations; and matters of concern to the counties.

(9) **Committee on Water, Land, and Hawaiian Affairs.** The purview of this committee includes those programs relating to state planning, urban renewal, community development, land and water use, coastal zone management, land reclamation; and Hawaiian affairs, including the Office of Hawaiian Affairs, sovereignty, and Hawaiian homestead lands.

(10) **Committee on Ways and Means.** The purview of this committee includes those programs relating to overall state financing policies, including taxation and other revenues, cash and debt management, and statewide implementation of planning, programming, budgeting, and evaluation; government structure and finance.

#### **Rule 17. Standing Committees: General Responsibility**

(1) **General Responsibility.** On the bills referred to it by the President, the committee shall determine objectives, make program recommendations and, where appropriate, make expenditure recommendations. For those bills which require appropriations, the committee shall make expenditure recommendations consistent with the expenditure allocations established for the bills by the Committee on Ways and Means, which shall make the final recommendation to the Senate.

(2) **Subsequent referral committees.** On bills that have been referred by the President to more than one committee, unless otherwise ordered by the Senate, the subsequent referral committee shall make no substantive change, except changes which affect the subject matter over which the subsequent referral committee has primary jurisdiction, without prior written approval of the preceding referral committee chair having primary jurisdiction over the subject matter affected by the change.

#### **Rule 18. Committee on Ways and Means: Special Responsibility**

It shall be the duty of the Committee on Ways and Means, in considering the General Appropriations Bill or the Supplemental Appropriations Bill, to determine for each fiscal year of the biennium the appropriate level of total expenditures and the level of expenditures for program areas.

To the extent practicable, the Committee on Ways and Means shall make available to members of the Senate the contents of the General Appropriations Bill or the Supplemental Appropriations Bill during the 48-hour period prior to the passage of such bills on third and final reading.

Concerning all other bills requiring appropriations, it shall be the duty of the Committee on Ways and Means to inform the Standing Committee responsible for the program area to which the appropriation relates of the amount and type of financial resources available, and it shall review the expenditure recommendation of the Standing Committee to determine that the recommendation is consistent with the resources available.

In determining the amount and type of resources available for a bill requiring an appropriation and in reviewing the expenditure recommendation of the Standing Committee, the Committee on Ways and Means shall invite the recommendation of the chair of the Standing Committee responsible for the program area to which the appropriation relates.

#### **Rule 19. Leadership Committees**

Leadership Committees shall be appointed by the President at the opening of the session, or as soon thereafter as possible. A leadership committee on Legislative Management shall be appointed by the President to perform the duties and responsibilities of the committee as may be provided by law. Because Leadership Committees have jurisdiction over issues of organizational and institutional interest to the Senate, their membership shall include members drawn from the ranks of the Senate Leadership, thus assuring high-level consideration of these issues.

#### **Rule 20. Meetings of Committees**

Meetings, including decision-making sessions, of leadership committees appointed by the President, and Standing Committees shall be public provided that meetings in executive session may be allowed in such exceptional circumstances when committee discussion could unfairly damage the reputation of individuals or where there is a legal question concerning a bill.

Notice of meetings and decision-making sessions shall be publicly posted by first referral committees at least 72 hours before their meetings and by subsequent referral committees at least 48 hours before their meetings, provided that these notice requirements may be waived with the approval of the President upon good cause shown.

No committee shall sit during the time when the Senate is actually in session without first securing the approval of the President, except Conference Committees which may sit at any time.

As practicable, committees shall schedule their meetings at times and at places as are convenient for attendance by the general public, and in coordination with other committees of the House or Senate, shall endeavor to hold joint meetings and public hearings on matters of mutual interest.

The meetings of a Conference Committee shall be conducted as agreed upon by the members of the Conference Committee. Conference Committee meetings and decision-making sessions shall be public. Public notice of Conference Committee meetings shall be given to the extent practicable.

#### **Rule 21. Decision-Making by Committee**

(1) The chair of a standing committee may commence a decision-making meeting and open discussion on matters referred to the committee without a quorum; provided that the decision-making by the committee on matters that are referred to it shall be conducted with a quorum of the committee present. A quorum shall be a majority of the membership of the committee.

(2) A favorable vote of a majority of the members present at a decision-making meeting duly constituted with a quorum is required to report a matter out of committee. A member voting "with reservations" shall be counted as a favorable vote.

(3) The presence of a quorum and the final vote of each member who is present at the decision-making meeting of a standing committee shall be recorded by the chair or by a member of the committee designated by the chair. This record shall be attached to and shall be a part of the report of the standing committee.

#### **Rule 22. Public Hearings on Bills**

(1) Subject to this rule, the selection and scheduling of a bill for public hearing shall be at the discretion of the chair of the committee having jurisdiction over the bill.

(2) The chair's determination that a bill will have a public hearing shall be final notwithstanding the opposition of a majority of the members of the committee.

(3) At the written request of a majority of the members of the committee, the chair shall schedule a bill for public hearing.

#### **Rule 23. Committee Reports**

(1) The leadership committees as may be appointed by the President and Standing Committees shall report from time to time upon all matters referred to them.

(2) Special Committees shall report upon matters referred to them within the time permitted in the appointment of the Special Committee unless further time is given by vote of the Senate.

(3) A Conference Committee shall not report upon the matter referred unless a majority of the members appointed by the President have concurred in the report.

#### **Rule 24. Committees: Factfinding and Content of Reports**

(1) Whenever any matter shall be referred to a committee it shall be the duty of the committee to make diligent inquiry into all of the facts and circumstances connected with the matter. If necessary, witnesses shall be summoned or subpoenaed, and everything shall be done to bring all facts pertaining to the matter before the Senate in accordance with the provisions of Chapter 21 of the Hawaii Revised Statutes. The President may exercise such powers authorized under Chapter 21, relating to the issuance of subpoenas, and the President, committee chair and other duly delegated members of the Senate may exercise such powers authorized under Chapter 21 aforesaid, relating to the administering of oaths, and the compelling of witnesses who have been subpoenaed to testify. All committee meetings held on matters referred to it by the Senate shall be open to the public unless otherwise ordered by the Senate or otherwise provided by these Rules.

(2) The report of the committee shall state findings of fact and conclusions based thereon, together with a distinct recommendation as to the disposal of that matter.

(3) A report upon a bill shall state clearly the amendments, if any, proposed. If a substitute bill for one or more referred to the committee shall be reported, such substitute bill shall agree with the subject of the bill or bills referred to the committee.

(4) The committee shall report whenever a majority of the members present at the decision-making meeting duly constituted with a quorum is in favor of reporting the bill or resolution out of the committee. The report, after being made available, for review by the members of the committee, and after subsequent revisions thereto, if any, shall be the final report of the committee. The final report of the committee shall be attested to by the signature of the chair on behalf of the members of the committee. The action of the committee on the bill or resolution or any amendments thereto, if any, and the final vote of each member of the committee recorded by

the chair or the chair's designee at a decision-making meeting shall not be changed in the review of the report, unless the change is made at an open decision-making meeting conducted with a quorum of the committee present. The minority of the members present at any decision-making meeting duly constituted with a quorum may report.

#### **Rule 25. Committee of the Whole**

(1) The Senate from time to time may resolve itself into a Committee of the Whole. Whenever any matter shall be referred to such committee upon the adoption of a motion to that effect, the President shall call some member to take the Chair (unless the Senate shall nominate a chair), which being done, the Senate then shall be in committee.

(2) The Clerk of the Senate shall act as Clerk of the Committee of the Whole without extra compensation, and shall make a careful record of the proceedings, which shall be filed as one of the records of the Senate.

(3) The committee, on motion, may rise and ask leave to sit at any future time.

(4) When a bill shall be referred to the Committee of the Whole, the bill shall be first read throughout by the Clerk, and then again read and debated by sections, leaving the preamble to be the last. All amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported. When a bill is ordered into Committee of the Whole, such order may dispense with the reading of the whole bill before considering it section by section.

(5) In Committee of the Whole, the rules of procedure in the Senate shall be observed except that any member may speak more than once on the same subject, but no person shall speak a second or further time until others desiring to speak shall have had an opportunity, nor shall the motion for the previous question be allowed. A time limit for debate may be fixed by vote.

### **PART III. SESSIONS; ATTENDANCE; NOMINATIONS**

#### **Rule 26. Meetings**

(1) The Senate shall meet for the transaction of public business every day, except Saturdays, Sundays, legal holidays and such other days as the Senate shall designate by motion or resolution duly adopted and entered in the Journal.

(2) The regular hour of meetings of the Senate is established at eleven-thirty o'clock a.m. but the hour of meeting, recess and adjournment for any day may be such as the Senate, by motion, shall decide from time to time.

#### **Rule 27. Attendance**

No member shall be absent from the sessions of the Senate unless given leave by the President or unless the member is sick and unable to attend.

#### **Rule 28. Extension of Session**

Two-thirds of the members to which the Senate is entitled, two-thirds of the House of Representatives concurring, may petition the President of the Senate and the Speaker of the House to extend any session of the Legislature. The petition shall read:

"To the President of the Senate and the Speaker of the House of Representatives

Your petitioners, members of the Senate and of the \_\_\_\_\_ Legislature of the State of Hawaii, respectfully request an extension of \_\_\_\_\_ days of the \_\_\_\_\_ session of \_\_\_\_\_ of the \_\_\_\_\_ Legislature of the State of Hawaii."

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which each house is entitled, the President and the Speaker of the House of Representatives shall jointly issue a proclamation extending the session for the number of days sought in the petition.

#### **Rule 29. Recessed Session**

Any session of the Legislature may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Each regular session shall be recessed pursuant to Article III, Section 10, of the Constitution for not less than five days at some period between the twentieth and fortieth days of the regular session.

#### **Rule 30. Special Sessions**

(1) Two-thirds of the members to which the Senate is entitled, two-thirds of the House of Representatives concurring, may petition the President of the Senate and the Speaker of the House to call a special session of the Legislature. The petition shall read:



"To the President of the Senate and the Speaker of the House of Representatives

Your petitioners, members of the Senate and of the House of Representatives of the \_\_\_\_\_ Legislature of the State of Hawaii, respectfully request that a special session of the \_\_\_\_\_ Legislature of the State of Hawaii be convened at \_\_\_\_\_."

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which each house is entitled, the President of the Senate and the Speaker of the House of Representatives shall jointly issue a proclamation convening the Legislature in special session at the time and place sought in the petition.

(2) Two-thirds of the members to which the Senate is entitled may petition the President of the Senate to call a special session of the Senate for the purpose of carrying out the Senate's responsibilities under Article VI, Section 3, of the Constitution. The petition shall read:

"To the President of the Senate

Your petitioners, members of the Senate of the \_\_\_\_\_ Legislature of the State of Hawaii, respectfully request that a special session of the Senate of the State of Hawaii be convened at \_\_\_\_\_."

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which the Senate is entitled, the President of the Senate shall issue a proclamation convening the Senate in special session at the time and place sought in the petition.

#### **Rule 31. Adjournments**

Meetings may be adjourned at any time. Unless otherwise specified in the motion, every adjournment shall be considered as being to the established hour of meeting on the following business day; but no adjournment shall be for more than three days, or sine die, without the consent of the House of Representatives.

#### **Rule 32. Motion to Adjourn**

A motion to adjourn is always in order, and shall be decided without debate. One motion to adjourn shall not follow another without intervening business.

#### **Rule 33. Quorum**

For the transaction of business, a majority of the number of members to which the Senate is entitled shall constitute a quorum, of which quorum a majority vote shall suffice, but the final passage of a bill shall require the vote of the majority of the members of the Senate. A smaller number than a quorum may adjourn from day to day and compel the attendance of absent members. For the purpose of compelling the attendance of absent members, a majority of the members present, by resolution, may direct the Sergeant-at-Arms to place the members who are absent under arrest and return them to the Senate. Any warrant pursuant to such a resolution shall be issued in the name of the Senate and shall be signed by the member then presiding. For the purpose of ascertaining whether there is a quorum present, the President shall count the members present.

#### **Rule 34. Executive Session**

(1) If the Senate considers it necessary to act confidentially upon any communication from the Governor or upon any nomination or other matter, it may go into executive session.

(2) When any member desires to make known any matter to the Senate which the member deems should be confidential and private, the member shall communicate that desire to the President who shall decide whether the Senate shall go into executive session. The Senate may decide whether the matter communicated shall be kept secret.

#### **Rule 35. Clearing of the Senate**

(1) When acting upon confidential business in executive session, the Senate Chambers shall be cleared of all persons except the members of the Senate and such other persons as the presiding officer with the consent of the Senate shall deem necessary.

(2) The members, officers and employees shall keep the secrets of the Senate and any other person whose presence is permitted in executive session shall be sworn to secrecy.

(3) All confidential communications made to the Senate, and remarks, votes and proceedings thereon, shall be kept strictly secret by the members, officers and employees, as well as by such other persons as have been detained or permitted to attend upon the

consideration of such matters, until the Senate, by resolution, takes off such seal of secrecy, or unless such matter be later considered in open session.

#### **Rule 36. Nominations; Appointments**

(1) Nominations made by the Governor and removal of the chief legal officer of the State which require the advice and consent of the Senate, and appointments which require the confirmation or consent of the Senate shall be referred to the standing committee having jurisdiction within five legislative days of receipt of the nomination or appointment. The standing committee to which a nomination, removal of the chief legal officer or appointment is referred, shall report to the Senate with a recommendation to advise and consent, confirm, or reject on or before the fifty-ninth day of the session.

(2) Except for the appointment of a justice or judge, a nomination or appointment made by the Governor which is received by the Senate after the fifty-first day of the session of the Legislature shall be returned to the Governor without action, unless a confirmation or consent is required to further a public purpose which cannot be satisfied by an interim appointment. Notice of this rule shall be given to the Governor not later than the twentieth day of the session of the Legislature.

(3) The final question on nominations made by the Governor shall be: "Will the Senate advise and consent to this nomination?"

(4) The final question on the removal of the chief legal officer of the State shall be: "Will the Senate advise and consent to the removal of the chief legal officer of the State?"

(5) The final question on appointments made by the Governor which require the confirmation or consent of the Senate shall be: "Will the Senate confirm (or consent) to this appointment?"

(6) The final question on nominations, removal of the chief legal officer or on appointments shall not be put sooner than twenty-four hours from the time when the nomination or appointment is received, nor on the day in which it may be reported by a committee, unless by unanimous consent.

(7) Public hearings shall be held for all nominees, for the removal of the chief legal officer of the State, and for all appointees prior to confirmation or consent by the Senate.

(8) The fact of nomination or appointment, rejection, confirmation, or consent need not be kept confidential, but when the Senate or the Standing Committee having jurisdiction shall deem it necessary for good cause, all remarks, proceedings and votes thereon shall be kept confidential.

(9) Consent to the appointment of justices and judges shall be pursuant to Article VI, Section 3, of the State Constitution.

#### **Rule 37. Meeting at Place Other than Capitol**

Whenever, for any reason, the Governor shall convene the Senate at any place other than the Capitol, it shall attend together with all of its officers at the time and place ordered.

### **PART IV. ORDER OF BUSINESS**

#### **Rule 38. Order of Business: General**

After invocation, roll call and the reading of the Journal, the President shall call for business in the following order:

- (1) Messages from the Governor.
- (2) Reports and communications from the state officers.
- (3) Communications, bills, resolutions and other matters from the House of Representatives.
- (4) Concurrent and senate resolutions and introduction of bills.
- (5) Reports of Conference and Joint Committees.
- (6) Reports of the Leadership Committee on Legislative Management.
- (7) Reports of Standing Committees.
- (8) Reports of other Leadership Committees.
- (9) Unfinished business, upon which the Senate was engaged at the time of its last adjournment.
- (10) The Order of the Day.

(11) Petitions, memorials and miscellaneous communications.

(12) Any miscellaneous business on the President's table.

**Rule 39. Order of Business: Special**

The Senate, by previous motion, may direct that any matter named shall be made a special order of business and that such special order shall take precedence of all business after the fourth order, or that it shall take any other position lower down on the calendar.

**Rule 40. Order of Business: Committee Reports and Gubernatorial Messages**

Reports from Conference or Joint Committees, and from the Leadership Committee on Legislative Management, shall be in order at all times after the second order of business, and, upon motion, messages from the Governor or from the House of Representatives may be received at any time. Without unanimous consent, however, such messages or reports shall not be in order for discussion when received, but shall be placed on the calendar as unfinished business.

**Rule 41. Order of Business: Order of the Day**

After the first seven orders of business set forth in Rule 38, it shall be in order, pending consideration thereof, to move that the Senate proceed to dispose of the unfinished business or to the Order of the Day. If such motion be decided in the affirmative, such consideration shall immediately be taken up.

**Rule 42. Order of Business: Unfinished Business**

The unfinished business in which the Senate was engaged at the time of the last adjournment shall have the preference in the Order of the Day. Until the former is disposed of, no motion for any other business shall be received without special leave of the Senate.

**Rule 43. Order of Business: Questions on Priority**

All questions relating to the priority of business to be acted upon shall be decided without debate.

**PART V. BILLS; RESOLUTIONS**

**Rule 44. Bills: Introduction**

Any bill may be introduced on the report of the committee or by any member, except appropriation bills subject to the next paragraph and except short form bills which may only be introduced by the majority party leader or the minority party leader after appropriate consultation with committee chairs and other members of the Senate.

The Executive Budget, Judiciary Budget, Legislative Budget, General Appropriations Bill, Supplemental Appropriations Bill, Office of Hawaiian Affairs Budget, and bills for criminal injuries compensation, for claims against the State and for funding of collective bargaining agreements may be introduced only by the President. Each member may introduce only one bill appropriating money for capital improvements projects in the member's district. The majority party leader and the minority party leader shall develop a policy governing introduction by individual members of bills intended to appropriate money or to authorize the issuance of state bonds.

All bills shall be introduced under the order of resolutions.

Bills which shall carry over from a regular session in an odd-numbered year to the next regular session shall retain the numbers assigned to them. The Clerk shall keep a record of the status of all bills in possession of the Senate at the end of the odd-numbered year session and shall publish the record of the status of all such bills prior to the convening of the next regular session.

Every bill introduced or reported out of any committee, which amends an existing section or subsection of the Hawaii Revised Statutes or Session Laws of Hawaii, shall set forth the section or subsection in full, and the matter to be deleted shall be enclosed in brackets and any new matter added to the section or subsection shall be underscored. However, a Supplemental Appropriations Bill need not conform to this rule, nor an amending bill where the intent and effect of the amending bill can be clearly identified and understood without repeating the entire section or subsection, in which case only the paragraphs, subparagraphs, clauses or items to be amended need be set forth as the President may allow. The President may allow additional exceptions to this rule.

**Rule 45. Bills: Referral to Committee**

(1) Upon introduction all bills shall be numbered by the Clerk in numerical sequence, shall bear an identification as a Senate Bill, and shall pass first reading.

(2) Each such bill shall be referred by the President to one or more appropriate Leadership or Standing Committees for consideration.

(3) Any referral may be reconsidered by the President upon written request of any chair who is aggrieved by the referral made within forty-eight hours of the referral. The President shall decide the request for reconsideration within a reasonable time. The President's decision on a request for reconsideration may be appealed by any chair aggrieved by that decision to the Leadership Committee. No request for reconsideration or appeal shall be considered if the timing of the request would have the effect of killing a bill or resolution.

(4) Each Leadership and Standing Committee shall consider the bills referred to it as expeditiously as may be possible.

#### **Rule 46. Bills: Required Readings**

No bill shall pass the Senate unless it shall have passed three readings in the Senate on separate days. The President shall give notice in each instance whether it be the first, second or third reading.

#### **Rule 47. Bills: First Reading**

(1) The first reading of a bill shall be for information. If opposition be made to it, the question shall be: "Shall this bill be rejected?" which question may be debated. But no one shall speak more than once upon such question, except the introducer of the bill, who may close the debate.

(2) If the question to reject be negative, the bill shall go to its second reading without question.

#### **Rule 48. Bills: Second Reading**

A bill upon its second reading may be read by its title only. It then shall be subject to a motion to commit. If it is not referred to a Leadership Committee, Standing Committee, or Special Committee, but is ordered to be considered in Committee of the Whole, a day for such consideration shall be determined by the chair of such committee. When the bill is reported from committee it shall take its place in the order of business for future consideration.

#### **Rule 49. Bills: Third Reading**

(1) No bill shall pass third or final reading in the Senate unless printed copies of the bill in the form to be passed have been made available to the members of the Senate for at least 48 hours. Form to be passed means the form in which a bill is to be (a) passed on third reading in the Senate, (b) concurred to by the Senate after amendments have been made by the House, or (c) passed by the Senate after a Conference Committee has agreed upon it.

(2) A bill on its third or final reading may be read by its title only, and the President then shall ask the Senate: "Shall this bill pass its third reading?" or "Shall this bill pass its final reading?" as the case may be. Upon the final passage of any bill, the Ayes and Noes shall be called. Such passage shall require the affirmative vote of a majority of all the members of the Senate and the Ayes and Noes shall be entered on the Journal.

#### **Rule 50. Bills: Property of Senate**

All bills introduced in the Senate shall be deemed the property of the Senate and under its control unless they shall become law, subject however to the right of the House of Representatives to amend or to refuse to agree with the bills.

Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session; provided that if such bill shall have passed third reading in the Senate in an odd-numbered session, it shall pass at least one reading in the Senate in the next regular session upon its return to the Senate from the House.

#### **Rule 51. Bills: Recall from Committee**

Twenty days after a bill has been referred to a committee, the same may be recalled from such committee by the affirmative vote of one-third of the members of the Senate.

#### **Rule 52. Matters Tabled**

When a bill or resolution or other matter has been laid upon the table, it shall not thereafter be taken from the table and be considered or restored to a place upon the calendar of the Senate without the consent of a majority.

#### **Rule 53. Bills: Amendments**

(1) All amendments proposed to any bill shall be in writing, unless otherwise ordered by the Senate, and shall be sent to the Clerk's desk to be filed with the bill.

(2) No floor amendment to a bill shall be voted upon unless a copy of the amendment, together with a copy of the complete bill in a form that incorporates the floor amendment, shall have been presented to the Clerk no later than 9:00 o'clock a.m. on the day of the session at which the amendment is to be offered. The Clerk shall prepare and distribute copies of the floor amendment to each member of the Senate present.

(3) A floor amendment shall be deemed pending only after its proponent has been recognized by the President and its adoption has been properly moved and seconded.

(4) A floor amendment that relates to a different subject, is intended to accomplish a different purpose, incorporates any other bill pending before the Senate, or would alter the nature of the bill as reported, is not germane and shall not be considered by the Senate.

(5) An amendment to a floor amendment that is not germane to both the floor amendment and the bill as reported shall not be considered by the Senate.

#### **Rule 54. Bills: Certification**

When a bill is passed it shall be certified by the Clerk who shall note the day of its passage at the bottom of the last page of the bill.

#### **Rule 55. Bills: Received from House of Representatives**

Whenever a bill which has finally passed the House of Representatives shall be certified to the Senate for its action, such bill shall be read three times before final passage, in accordance with the provision of the rules for the passage of bills introduced in the Senate.

#### **Rule 56. Bills: Transmittal to House of Representatives**

When a bill originating in the Senate shall have passed its third reading, or when a bill originating in the House which has been received from the House shall have been amended, or when a carry-over bill from an odd-numbered year originating in the House passes its third reading in the Senate in an even-numbered year session, such bill or such amended bill shall immediately be certified by the President and Clerk and sent to the House of Representatives for its consideration.

#### **Rule 57. Bills: Correction of Errors**

When a bill has passed both the Senate and the House of Representatives and an error in it is discovered prior to its having received the approval of the Governor, the bill may be returned by Concurrent Resolution to the house last considering the bill for proper correction.

#### **Rule 58. Bills: Order of Consideration**

(1) The Clerk shall send bills that have passed first reading to be printed immediately. When they have been printed and circulated to the members of the Senate, the President shall refer them to the various committees. When the committees have considered them and reported on them, the committees shall return them to the Clerk, and the Clerk shall place them in the Second Reading File. The Senate shall consider them in the order in which they appear in the Second Reading File.

(2) The Clerk shall arrange bills that have passed second reading in the order of their passage on second reading, regardless of the date of their reference to committee or the date of the committee report on them. The Clerk shall place them on the Third Reading File in the order in which they passed second reading and the Senate shall consider them on third reading in that same order. However, if the third reading of a bill is set for some particular date, that bill shall be removed from the Third Reading File.

#### **Rule 59. Bills: Special Order of Consideration**

All bills and other matters set for consideration on particular dates, shall be arranged in the order of the several votes making such assignments. A list shall be made of such special orders, and when the time for consideration arrives, such bills and other matters shall be considered in the order of assignment. If an adjournment shall be had before all of such special orders are disposed of, the remainder shall go over and come under the head of unfinished business on the following day, unless otherwise ordered.

### **PART VI. RESOLUTIONS; MOTIONS**

#### **Rule 60. Resolutions and Motions: Form**

All resolutions shall be typewritten, dated and signed by the introducer, otherwise they shall not be considered. The Senate shall not introduce any congratulatory, commemorative or memorial resolution but shall express the sentiment contained in such resolutions by means of a suitable certificate. Motions and amendments may be verbal but shall be reduced to writing if requested by the President, and shall be read from the desk if so ordered.

**Rule 61. Motions: Second Required**

No motion shall be received and considered by the Senate until the motion is seconded.

**Rule 62. Motions: Disposition**

After a motion is stated or read by the President, it shall be deemed to be in the possession of the Senate, and shall be disposed of by vote of the Senate; however, it may be withdrawn by the movant at any time before an amendment has been adopted or before the decision on the motion if not amended.

**Rule 63. Motions Applicable to Pending Matters**

Whenever any bill or resolution or other matter shall be under discussion, the only motions relative thereto shall be:

- (1) To lay upon the table,
- (2) To postpone to a certain time,
- (3) To postpone indefinitely,
- (4) To commit, and
- (5) To amend,

which motions shall have precedence in the order named.

The first two motions shall be decided without debate and shall be put as soon as made.

When any of the motions shall be decided in the negative, they shall not be revived the same day relative to the main question under discussion. If all are negative as aforesaid, the only remaining question shall be as to the adoption of the bill, resolution or other main question.

**Rule 64. Matters Postponed Indefinitely**

When a question is postponed indefinitely, the question shall not be acted upon again during the session in which it was introduced.

**Rule 65. Motion for Previous Question**

The object of the motion for the previous question is to cut off debate. It shall always be in order. It shall require a three-fifths vote to carry it.

Whenever the motion shall be carried, the author of the resolution or introducer of the bill under discussion shall be permitted to close the debate, after which the main question, subject to Rule 63, shall be put. The author or introducer may delegate to another such right to close.

**Rule 66. Motion for Reconsideration**

(1) When a motion has been once made and carried in the affirmative or negative, it shall not be in order for any member who voted in the minority to move for a reconsideration thereof; but any member who voted with the majority may move to reconsider it on the same or the succeeding day of session, or, with the consent of the Senate, on any subsequent day and such motion shall take precedence of all other questions, except a motion to adjourn.

(2) When a motion for reconsideration has been decided by vote, that vote shall not be reconsidered.

(3) When a bill or resolution or other matter upon which a vote has been taken shall have gone out of the possession of the Senate, and shall have been transmitted to the House of Representatives, a motion to reconsider shall be deemed to include a request to the House to return the same. If not complied with by the House, then the vote on the motion to reconsider shall be set aside. If such motion shall pass, the Clerk shall promptly communicate to the House the request for return of the matter to be reconsidered.

**PART VII. PETITIONS AND COMMUNICATIONS****Rule 67. Petitions, Memorials, and Miscellaneous Communications**

(1) Any person may petition the Senate. Petitions and other memorials, except as provided in Rule 60, shall be in writing, signed by the petitioners.

(2) All petitions, memorials and other papers addressed to the Senate or to the President and members shall be presented to the Senate by the Clerk.

(3) A brief statement of the contents of such petitions, memorials or other papers shall be made orally by the Clerk.

(4) Every such petition, memorial or other paper shall be ordered filed or referred to a committee, as of course, by the President, unless such action is objected to by a member at the time such petition, memorial or other paper is presented.

(5) No such petition, memorial or other paper shall be debated on the day it is presented, except with the consent of the Senate.

## PART VIII. ORDER; DEBATE; VOTING

### Rule 68. Questions of Order

(1) A question of order may be raised at any stage of the proceedings, except during the calling of the roll when the Ayes and Noes are called for. Unless submitted to the Senate, such questions shall be decided without debate by the presiding officer, subject to an appeal to the Senate. Laying such appeal on the table shall be held as sustaining the ruling of the presiding officer.

(2) Any question of order may be submitted to the Senate for its decision.

### Rule 69. Debate: General Limitation

No member shall speak more than twice, unless such member be the movant of the matter pending, in which case such member shall not be permitted to speak in reply until every member choosing to speak shall have spoken.

### Rule 70. Voting: Methods

There shall be five methods of ascertaining the decision of the Senate upon any matter.

(1) First, by voice or raising of hands; Second, by rising; Third, by ballot; Fourth, by call of the roll of the members and a record of the Clerk of the vote of each; and Fifth, by unanimous consent.

(2) Whenever the Senate is ready to vote on any question, the President shall rise, and after stating the question, shall request all those in favor of the affirmative of the question to vote "Aye." The President then shall call upon all voting in the negative of the question to vote "No." The President then shall announce the result to the Senate.

(3) If any member shall doubt the result, as announced, the President again shall state the question and call upon the members to vote by rising in their places, and they shall remain standing until counted, and the result again shall be announced.

(4) The method of voting by ballot shall be as customary. The President shall appoint one or more tellers, or direct the Messengers to collect the ballots, which shall be counted by the Clerk. On motion, the Senate may vote upon any question by ballot.

(5) Whenever one-fifth of the members present shall request, the Clerk shall call the roll of the members of the Senate. Each member, when called, shall vote in a clear loud voice, "Aye," if voting in the affirmative, or "No," if voting in the negative. The Clerk shall record each vote and such record shall become a part of the Journal of the Senate. The President shall announce the results as above set forth.

(6) With the unanimous consent of the Senate, the President may direct the Clerk to record an "Aye" vote for each member of the Senate. If there is no objection, the Clerk shall so record the vote. If there is objection, the President shall ask for the names of the members voting "No" and order the Clerk to record no votes for them.

### Rule 71. Voting: Rights of Members

(1) No member, on any account, shall refrain from voting unless excused by the President. A member may vote "Kanalua" the first time the member's name is called by the Clerk on any vote, but if the member votes "Kanalua" on the next call of the member's name, the member's vote shall be recorded as "Aye."

(2) The President may excuse a member who has a monetary interest in the question, or whose right to a seat in the Senate will be affected by the question, or whose official conduct is involved in the question. If a member thinks there may be a personal interest in the question, the member shall rise and disclose the interest to the President. The President then shall rule whether the member has a conflict of interest. If so, the member shall be excused from voting.

(3) Whenever the Ayes and Noes are called, no one, without unanimous consent, shall be permitted to explain a vote.

(4) After the announcement by the President of the result, no one shall be allowed to vote or to change a vote.

**PART IX. DECORUM; DISCLOSURES;  
PEER REVIEW; PUNISHMENT****Rule 72. Misconduct; Procedure; Peer Review**

No member of the Senate shall be subject to a charge for misconduct, disorderly behavior, or neglect of duty unless the person making the charge shall have first given notice of the charge to the President and to the member being charged.

Upon receipt of the charge, the President shall attempt to resolve the matter in an administrative proceeding between the person making the charge or through whom the charge is being made and the member being charged. If the matter cannot be resolved administratively, the President may appoint a Special Committee to be chaired by the Vice-President or such other member as the President may designate to investigate, hear and report upon the conduct of the member charged for misconduct, disorderly behavior or neglect of duty. Any member so charged shall be informed in writing of the specific charge or charges made against the member and have opportunity to present evidence and be heard in the member's own defense before the Special Committee. Following its investigation and hearing, the Special Committee shall file its report with the President setting forth its findings and recommendations.

If the committee recommends dismissal of the charge or charges, the President may dismiss the charges without further hearing, or the President may present the report of the committee to the Senate for its consideration. The Senate, by a majority vote, may dismiss the charge or charges against the member without a hearing.

If there is no dismissal of the charge or charges, or if the committee recommends censure, suspension or expulsion, the President shall present the report of the committee to the Senate for its consideration and decision. The member who is charged, shall be informed in writing of the presentation of the charge or charges of the committee report to the Senate and be given an opportunity to be heard in the member's own defense. The Senate, by a majority vote, may dismiss the charge or charges without a hearing, or with notice and an opportunity to be heard in the member's own defense, censure a member or, upon a two-thirds vote of all the members of the Senate, suspend or expel a member.

At any stage of the charge against a member, the member shall have a right to be represented by a person or persons of the member's own choosing.

**Rule 73. Decorum: Transgression of Rules**

If any member transgresses the rules of the Senate, the President, or any member, may call such member to order, and, when so called to order, the member immediately shall sit down. The President then shall decide the question of order without debate, subject to an appeal to the Senate.

The President may call for the sense of the Senate on any question of order.

**Rule 74. Decorum: Address**

When any member is about to speak, such member shall rise from the member's seat and address all remarks to the President. While speaking, the member shall confine all remarks to the question under debate, shall refer to other Senators by title only (e.g., "Senator from the \_\_\_\_\_ District"; "The Chair of the Committee on \_\_\_\_\_"; "The Majority Leader,") and not by name and shall avoid personalities.

**Rule 75. Decorum: Person Called to Order While Speaking**

Whenever any person shall be called to order while speaking, such person shall be deemed to be in possession of the floor when the question of order is decided and may proceed with the matter under discussion.

**Rule 76. Decorum: Presence in Senate**

No person shall sit at the desk of the President or Clerk, except by permission of the President, nor shall any person, other than a member, officer or permitted employee or person, sit in the main Senate floor area during any of the sessions of the Senate.

**Rule 77. Decorum: Conduct in Session**

When the President is putting any question or addressing the Senate, no one shall walk out of the room or across the floor. When a member is speaking, no one shall entertain a private discourse, nor shall anyone pass between the member speaking and the Chair.

**Rule 78. Decorum: Disorderly Conduct in Session**

If, during any session of the Senate, any member should behave in a disorderly manner the President shall order the member to be seated and preserve the peace. If such member then shall persist in disorderly conduct, the President shall order the Sergeant-at-Arms to remove the member from the Senate and the member shall not be permitted to take a seat during the remainder of that day's session, except upon satisfactory pledge given to the Senate for future good behavior.

For the punishment of any person not a member, the provisions of Article III, Section 18 of the Constitution shall govern.



**Rule 79. Decorum: Recording of Debate Called to Order**

If any Senator is called to order for words spoken in debate, upon the member's demand or on that of any other Senator, the words objected to shall be taken down in writing and noted by the Clerk, and, if required, shall be read for the information of the Senate.

**Rule 80. Decorum: Smoking**

No member or other officer shall smoke within the Senate Chamber during any of the meetings of the Senate.

**Rule 81. Decorum: Solicitation Prohibited**

An officer or employee of the Senate shall not solicit subscriptions, for any purpose, from any other officer or employee thereof, nor from any Senator. Nor shall any person be permitted to solicit or receive subscriptions or contributions for any purpose on the floor or in the lobby of the Senate or in any Senate office.

**Rule 82. Disclosures**

Each member shall file with the Ethics Commission of the State of Hawaii, a disclosure of the member's private financial interests, as prescribed by law. Each member shall file with the Ethics Commission any change in such financial interests.

If a legislative matter which affects a member's interests arises before the member has made a disclosure to the Ethics Commission, the member shall disclose orally such interest to the Senate before voting. The member then shall immediately make the written disclosure required by law and the Rules of the Senate.

Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the Senate floor of any interest so filed.

**Rule 83. Violating Confidence**

If any matter covered in Rule 35 or 36 shall be disclosed by any Senator, the Senator shall be liable to censure, or, by a two-thirds vote, to suspension or expulsion from the Senate. If an officer or other person authorized to hear such matter shall disclose the matter, such officer shall be dismissed and such other person shall be liable to punishment for contempt comparable to the punishment provided for by Article III, Section 18 of the Constitution and in the manner as therein prescribed.

**PART X. QUESTIONS TO STATE OFFICERS****Rule 84. Questions to State Officers**

Any member of the Senate may ask any question of any state officer relating to the officer's respective department by reducing such questions to writing, over the member's signature, reading the same before the Senate, and furnishing the officer with a copy of such written question. Any officer questioned shall reply to such question upon the following day, unless the Senate shall grant a definite extension of time for replying.

**PART XI. AMENDMENT, SUSPENSION  
AND INTERPRETATION OF RULES****Rule 85. Amendments; Suspension; Violations**

(1) No rule of the Senate shall be amended or rescinded nor shall any new rule be adopted, without one day's notice of such change. Any such action shall require a majority vote of the members of the Senate.

(2) Any rule may be suspended for a particular purpose upon a majority vote of the members of the Senate.

(3) Any violation of these Rules shall be referred to the President for appropriate action.

**Rule 86. Parliamentary Procedure**

Mason's Manual of Legislative Procedures, 1989 edition, where not inconsistent with the Rules and practices of the Senate, shall govern.