

TWENTY-SEVENTH DAY

Tuesday, March 9, 1999

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 10:23 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Daryl Yamada, Moanalua Gardens 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 Twenty-Sixth Day.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 83 to 160) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 83, transmitting H.B. No. 19, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 19, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES," passed First Reading by title and was referred jointly to the Committee on Transportation and Intergovernmental Affairs and the Committee on Judiciary, then to the Committee on Commerce and Consumer Protection.

Hse. Com. No. 84, transmitting H.B. No. 81, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 81, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS' BONUS," passed First Reading by title and was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 85, transmitting H.B. No. 98, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 98, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS' BONUS," passed First Reading by title and was referred to the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means.

Hse. Com. No. 86, transmitting H.B. No. 133, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 133, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO FUND THE SMALL BUSINESS DEFENDER POSITION AND OTHER SUPPORT PERSONNEL ESTABLISHED UNDER ACT 168, SESSION LAWS OF HAWAII 1998," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 87, transmitting H.B. No. 139, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL CONSTRUCTION," passed First

Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 88, transmitting H.B. No. 148, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 148, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF THE LEGISLATIVE ANALYST," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 89, transmitting H.B. No. 152, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 152, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HIGHER EDUCATION," passed First Reading by title and was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 90, transmitting H.B. No. 163, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 163, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JURORS," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 91, transmitting H.B. No. 164, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 164, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE HAWAII CONSTITUTION, TO CHANGE THE ELIGIBILITY REQUIREMENTS FOR MEMBERSHIP IN THE SENATE OR HOUSE OF REPRESENTATIVES," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 92, transmitting H.B. No. 180, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 180, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN ALIEN SPECIES COORDINATOR," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 93, transmitting H.B. No. 221, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 221, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 94, transmitting H.B. No. 248, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 248, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed First Reading by title and was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 95, transmitting H.B. No. 274, H.D. 3, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 274, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO FAMILIES," passed First Reading by title and was referred jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 96, transmitting H.B. No. 307, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 307, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed First Reading by title and was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 97, transmitting H.B. No. 326, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 326, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed First Reading by title and was referred to the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means.

Hse. Com. No. 98, transmitting H.B. No. 333, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 333, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURE," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 99, transmitting H.B. No. 374, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 374, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 100, transmitting H.B. No. 440, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 440, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 101, transmitting H.B. No. 460, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 460, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," passed First Reading by title and was referred to the Committee on Commerce and Consumer Protection.

Hse. Com. No. 102, transmitting H.B. No. 461, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 461, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL DECISIONS," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 103, transmitting H.B. No. 512, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 512, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 104, transmitting H.B. No. 522, H.D. 3, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 522, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL-TO-WORK OPPORTUNITIES PILOT PROJECT," passed First Reading by title and was referred jointly to the Committee on Labor and Environment and the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 105, transmitting H.B. No. 532, H.D. 3, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 532, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO GENDER EQUITY IN SPORTS," passed First Reading by title and was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 106, transmitting H.B. No. 547, H.D. 3, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 547, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," passed First Reading by title and was referred jointly to the Committee on Health and Human Services and the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 107, transmitting H.B. No. 550, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 550, H.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE RENTAL HOUSING TRUST FUND," passed First Reading by title and was referred to the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 108, transmitting H.B. No. 557, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 557, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TROPICAL FLOWER RESEARCH AND PROGRAMS," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 109, transmitting H.B. No. 622, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 622, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Commerce and Consumer Protection.

Hse. Com. No. 110, transmitting H.B. No. 634, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 634, H.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDDTH ANNIVERSARY OF THE ARRIVAL OF THE PUERTO RICANS TO HAWAII," passed First Reading by title and was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 111, transmitting H.B. No. 743, H.D. 3, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 743, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," passed First Reading by title and was referred to the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means.

Hse. Com. No. 112, transmitting H.B. No. 842, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 842, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GLASS CONTAINER RECOVERIES," passed First Reading by title and was referred to the Committee on Labor and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 113, transmitting H.B. No. 854, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 854, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 114, transmitting H.B. No. 895, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 895, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 115, transmitting H.B. No. 898, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 898, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF AN AGRICULTURAL WATER SYSTEM FOR UPCOUNTRY MAUI," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 116, transmitting H.B. No. 948, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 948, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 117, transmitting H.B. No. 979, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 979, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 118, transmitting H.B. No. 980, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 980, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER DEVELOPMENT," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 119, transmitting H.B. No. 985, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 985, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed First Reading by title and was referred to the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 120, transmitting H.B. No. 986, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 986, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REMEDIES OF PART VII, CHAPTER 103D, HAWAII REVISED STATUTES," passed First Reading by title and was referred to the Committee on Government Operations and Housing, then to the Committee on Commerce and Consumer Protection.

Hse. Com. No. 121, transmitting H.B. No. 988, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 988, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR

STATE GOVERNMENT TO IMPLEMENT YEAR 2000 COMPLIANCE EFFORTS," passed First Reading by title and was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 122, transmitting H.B. No. 989, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 989, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 123, transmitting H.B. No. 992, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 992, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION," passed First Reading by title and was referred to the Committee on Judiciary.

Hse. Com. No. 124, transmitting H.B. No. 1006, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1006, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A SENTENCING SIMULATION MODEL," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 125, transmitting H.B. No. 1012, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1012, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN HAWAII FUND," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 126, transmitting H.B. No. 1017, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1017, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," passed First Reading by title and was referred to the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 127, transmitting H.B. No. 1018, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1018, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," passed First Reading by title and was referred to the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 128, transmitting H.B. No. 1035, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1035, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed First Reading by title and was referred to the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means.

Hse. Com. No. 129, transmitting H.B. No. 1036, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1036, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS OF THE EMPLOYEES' RETIREMENT SYSTEM," passed First Reading by title and was referred to the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means.

Hse. Com. No. 130, transmitting H.B. No. 1042, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1042, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed First Reading by title and was referred to the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means.

Hse. Com. No. 131, transmitting H.B. No. 1043, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1043, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed First Reading by title and was referred jointly to the Committee on Labor and Environment and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means.

Hse. Com. No. 132, transmitting H.B. No. 1049, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1049, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed First Reading by title and was referred to the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means.

Hse. Com. No. 133, transmitting H.B. No. 1061, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1061, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GRANTS AND SUBSIDIES," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 134, transmitting H.B. No. 1064, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1064, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HURRICANE RELIEF FUND BONDS," passed First Reading by title and was referred to the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means.

Hse. Com. No. 135, transmitting H.B. No. 1081, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1081, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed First Reading by title and was referred to the Committee on Commerce and Consumer Protection.

Hse. Com. No. 136, transmitting H.B. No. 1088, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1088, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ATTENDANCE," passed First Reading by title and was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 137, transmitting H.B. No. 1115, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1115, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FOSTER BOARDING HOMES," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 138, transmitting H.B. No. 1117, H.D. 3, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1117, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 139, transmitting H.B. No. 1119, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1119, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 140, transmitting H.B. No. 1121, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1121, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE IN ACT 128, SESSION LAWS OF HAWAII 1997," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 141, transmitting H.B. No. 1136, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1136, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DRUG FORMULARY," passed First Reading by title and was referred to the Committee on Health and Human Services.

Hse. Com. No. 142, transmitting H.B. No. 1144, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1144, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAINING OF EMERGENCY MEDICAL SERVICES PERSONNEL," passed First Reading by title and was referred to the Committee on Health and Human Services.

Hse. Com. No. 143, transmitting H.B. No. 1153, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1153, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETAIL LIQUOR SALES TO MINORS," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Judiciary.

Hse. Com. No. 144, transmitting H.B. No. 1165, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1165, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND," passed First Reading by title and was referred to the Committee on Labor and Environment, then to the Committee on Ways and Means.

Hse. Com. No. 145, transmitting H.B. No. 1166, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1166, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT AND TRAINING FUND PROGRAM," passed First Reading by title and was referred jointly to the Committee on Labor and Environment and the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 146, transmitting H.B. No. 1180, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1180, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSE FOR IMPORTED MARINE LIFE," passed First Reading by title and was referred to the Committee on Economic Development.

Hse. Com. No. 147, transmitting H.B. No. 1181, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1181, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Judiciary.

Hse. Com. No. 148, transmitting H.B. No. 1197, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1197, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 149, transmitting H.B. No. 1274, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1274, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAUMATIC BRAIN INJURY," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 150, transmitting H.B. No. 1338, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1338, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," passed First Reading by title and was referred to the Committee on Government Operations and Housing.

Hse. Com. No. 151, transmitting H.B. No. 1352, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1352, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR OCEANOGRAPHIC RESEARCH," passed First Reading by title and was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 152, transmitting H.B. No. 1367, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1367, H.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE PROTECTION OF CHILDREN AND FAMILIES," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 153, transmitting H.B. No. 1380, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1380, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN INTERIM APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE, AGRICULTURAL RESOURCE MANAGEMENT DIVISION," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 154, transmitting H.B. No. 1436, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1436, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE FISCAL AND BUDGET ANALYSIS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 155, transmitting H.B. No. 1454, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1454, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEES," passed First Reading by title and

was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 156, transmitting H.B. No. 1541, H.D. 1, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1541, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS," passed First Reading by title and was referred to the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Commerce and Consumer Protection.

Hse. Com. No. 157, transmitting H.B. No. 1575, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1575, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MILLENIUM YOUNG PEOPLE'S CONGRESS," passed First Reading by title and was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 158, transmitting H.B. No. 1632, H.D. 3, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1632, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed First Reading by title and was referred to the Committee on Economic Development, then to the Committee on Ways and Means.

Hse. Com. No. 159, transmitting H.B. No. 1660, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1660, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed First Reading by title and was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 160, transmitting H.B. No. 1663, H.D. 2, which passed Third Reading in the House of Representatives on March 5, 1999, was placed on file.

On motion by Senator Chun, seconded by Senator Slom and carried, H.B. No. 1663, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed First Reading by title and was referred jointly to the Committee on Health and Human Services and the Committee on Education and Technology, then to the Committee on Ways and Means.

ORDER OF THE DAY

RECOMMITTAL OF SENATE BILLS

Stand. Com. Rep. No. 766 (S.B. No. 600, S.D. 2):

By unanimous consent, Stand Com. Rep. No. 766 and S.B. No. 600, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 791 (S.B. No. 1073, S.D. 2):

By unanimous consent, Stand Com. Rep. No. 791 and S.B. No. 1073, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," were recommitted to the Committee on Commerce and Consumer Protection.

THIRD READING

S.B. No. 44, S.D. 1:

Senator Fukunaga moved that S.B. No. 44, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Fukunaga rose in support of the measure and said:

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

"Mr. President, as part of the package submitted by your Majority, we are proposing by this legislation to address the export and import of services, specifically, taxation of these services.

"As the world's economy becomes a truly global marketplace, we need to insure that Hawaii will maintain a foothold and build an even greater niche in that marketplace. Hawaii businesses are currently at a competitive disadvantage as the price of services exported out of state includes the general excise tax. Hawaii businesses that perform services in-state for out-of-state consumers are likewise at a disadvantage since an out-of-state provider of that same service would be able to offer it without the impact of the general excise tax. Senate bill 44 would remove these disadvantages by exempting exported services from the general excise tax and by importing the use tax on services imported into the State for re-sale or consumption.

"We believe that this is an important step in helping Hawaii businesses truly do what they have been asking us to do, which is to relieve them of the pressures and burdens which stifle them in the area of global competitiveness.

"For these reasons, Mr. President, we urge all of our colleagues to vote in support of this measure. Thank you."

The motion was put by the Chair and carried, S.B. No. 44, 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. 638, S.D. 1:

Senator Fukunaga moved that S.B. No. 638, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

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

"Mr. President, my remarks are directed in favor of this bill along with some of the other bills that we have in our tax package.

"As long as I can remember, economists and others have reminded government officials that 'government does not create jobs, the private sector creates jobs.' And this is certainly true in a sense, but it is also true that with Hawaii's economy in the doldrums, we are being told and we have come to believe that government must act to unleash the entrepreneurial spirit of the people, if our economy is to begin rolling again. More specifically, we have heard from the stakeholders and from the economists; and from the apparent lesson that's been taught in Mainland states; and we have come to believe that if we can reduce taxes and allow the private sector to be free of inappropriate regulations, our economy will turn around. Hawaii will prosper, businesses will flourish, and employment will increase. And, hopefully, our friends and neighbors will no longer have to emigrate to find employment.

"Today we embark, or actually we continue, down that path. We took a giant step a year ago, when we listened to the private sector and passed laws which were meant to reduce business regulation and which also put in place the largest tax cut in Hawaii's history. Today, we ask our colleagues to take another giant step along that same path. Last year it was the income tax that was reduced, a cut which is estimated to lower the tax burden on our constituents by well over \$100 million a year. Now, in response to the business community, we are proposing another significant tax cut, one which would reduce government revenue by an estimated \$150 million per year when fully phased in. This is what the private sector has asked for. We believe it is the right thing to do. And it is a position that the Senate takes with pride.

"But please make no mistake. There is risk involved. We all have heard that there is no free lunch. Well, there is no free tax cut either. In fact, when we look back at today, we may recognize this day as being the easy part. In a couple of weeks, we will be submitting for your consideration a budget -- a balanced budget which will take into account the revenue reductions that we vote on today. That is going to be painful, because reduced revenue means reduced services. Many of our constituents have needs that may be impossible to meet under our new economic regime. But we think that this is a risk that we need to take. The Senate Majority has pledged to get the economy rolling again, and to the extent that government can influence that outcome, we must do our part. If our tax package today is fairly evaluated, we believe it will be recognized as an effort to improve the business climate in Hawaii by reducing the cost of doing business and, as a valuable consequence, reducing the cost of living for all our people. That is our best hope for turning our economy around.

"Thank you."

Senator Slom rose in support of the measure and said:

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

"I want to congratulate the Ways and Means Committee and thank my colleagues for putting this bill on a fast track. It has come, unfortunately, years late, but there still is time to improve our business climate to heed the wishes and the warnings of the small business community which is the backbone of our State. And I would suggest that we pass this and urge our colleagues in the House to pass the bill speedily so that we can send it to the Governor.

"Thank you, Mr. President."

Senator Iwase also rose to speak in support of the measure and stated:

"Mr. President, I'm rising to speak in support of the bill.

"Mr. President, I concur with the co-chair, the previous speaker, about steps that we've taken to deal with the tax issue. I believe it was the philosopher Lao-tse who once said that 'A journey of a thousand miles begins under one's feet,' and we've taken two steps over the past two years. Pyramiding is certainly one of those issues which had to be addressed this session and I'm glad we're beginning to address the issue.

"I hope, also, that we take a third step. These steps have been hesitant, but I hope we take them. The third step is to eliminate the GET. It is an all pervasive, all invasive tax which I believe can be eliminated and replaced with a different system of taxation. Until we do that, we will continue to deal with the issues of pyramiding and all of the other problems created by GET. There are bills before this legislative body that deal with the elimination of GET in a phased-in, responsible, reasonable fashion. And I hope we take those up next year.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 638, 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. 1079, S.D. 1:

On motion by Senator Inouye, seconded by Senator Buen and carried, S.B. No. 1079, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT PROCESSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 566 (S.B. No. 675, S.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 566 was adopted and S.B. No. 675, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTOR'S LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 775, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 775, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY PROVIDERS AND ACTIVITY DESKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 776:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 776, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICES LOAN COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 570 (S.B. No. 1057):

On motion by Senator Nakata, seconded by Senator M. Ige and carried, Stand. Com. Rep. No. 570 was adopted and S.B. No. 1057, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ADVISORY COUNCIL ON REHABILITATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 572 (S.B. No. 973, S.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 572 was adopted and S.B. No. 973, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 573 (S.B. No. 666, S.D. 1):

On motion by Senator D. Ige, seconded by Senator Sakamoto and carried, Stand. Com. Rep. No. 573 was adopted and S.B. No. 666, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 574 (S.B. No. 1270, S.D. 1):

On motion by Senator D. Ige, seconded by Senator Sakamoto and carried, Stand. Com. Rep. No. 574 was adopted and S.B. No. 1270, 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.

S.B. No. 1307, S.D. 1:

On motion by Senator D. Ige, seconded by Senator Sakamoto and carried, S.B. No. 1307, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERFORMANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1089, S.D. 1:

On motion by Senator Inouye, seconded by Senator Buen and carried, S.B. No. 1089, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL MARINE LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 677, S.D. 1:

On motion by Senator Nakata, seconded by Senator Kawamoto and carried, S.B. No. 677, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER IMPROVEMENT PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 579 (S.B. No. 808):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 579 was adopted and S.B. No. 808, 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, 25. Noes, none.

S.B. No. 1460:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 1460, entitled: "A BILL FOR AN ACT RELATING TO CERTIFIED SUBSTANCE ABUSE STAFF," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 582 (S.B. No. 1557):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 582 was adopted and S.B. No. 1557, 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, 25. Noes, none.

Stand. Com. Rep. No. 587 (S.B. No. 957, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 587 was adopted and S.B. No. 957, 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, 25. Noes, none.

Stand. Com. Rep. No. 588 (S.B. No. 1102, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 588 was adopted and S.B. No. 1102, 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, 25. Noes, none.

Stand. Com. Rep. No. 589 (S.B. No. 1124, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 589 was adopted and S.B. No. 1124, S.D. 2, 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. 593 (S.B. No. 1261, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 593 was adopted and S.B. No. 1261, 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, 25. Noes, none.

Stand. Com. Rep. No. 595 (S.B. No. 1288, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 595 was adopted and S.B. No. 1288, 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, 25. Noes, none.

Stand. Com. Rep. No. 597 (S.B. No. 1326):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 597 was adopted and S.B. No. 1326, entitled: "A BILL FOR AN ACT RELATING TO LENDER EXEMPTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 599 (S.B. No. 5, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 599 was adopted and S.B. No. 5, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout,

passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 600 (S.B. No. 570, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 600 was adopted and S.B. No. 570, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIANAE COAST COMMUNITY BENCHMARKING PILOT PROJECT AND APPROPRIATING FUNDS TO SUPPORT THE PROJECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 603 (S.B. No. 1062, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 603 was adopted and S.B. No. 1062, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARK LEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 604 (S.B. No. 1071, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 604 was adopted and S.B. No. 1071, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 605 (S.B. No. 1072, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 605 was adopted and S.B. No. 1072, 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, 25. Noes, none.

Stand. Com. Rep. No. 606 (S.B. No. 1097, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 606 was adopted and S.B. No. 1097, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIMBER MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 607 (S.B. No. 41, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 607 was adopted and S.B. No. 41, 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, 25. Noes, none.

Stand. Com. Rep. No. 608 (S.B. No. 185, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 608 was adopted and S.B.

No. 185, 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, 25. Noes, none.

Stand. Com. Rep. No. 609 (S.B. No. 1155, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 609 was adopted and S.B. No. 1155, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REALLOCATION OF VACANT LIBRARY POSITIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 612 (S.B. No. 1274):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 612 was adopted and S.B. No. 1274, 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.

Stand. Com. Rep. No. 614 (S.B. No. 876, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 614 was adopted and S.B. No. 876, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASE-TO-FEE CONVERSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 619 (S.B. No. 180, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 619 was adopted and S.B. No. 180, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE PREVENTION AND TREATMENT SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 623 (S.B. No. 992, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 623 was adopted and S.B. No. 992, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HANA COMMUNITY HEALTH CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 624 (S.B. No. 1028, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 624 was adopted and S.B. No. 1028, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORD FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 625 (S.B. No. 1049, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 625 was adopted and S.B.

No. 1049, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FOSTER BOARD ALLOWANCES FOR STUDENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 626 (S.B. No. 1053):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 626 was adopted and S.B. No. 1053, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL CARE SERVICES PAYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 627 (S.B. No. 1054):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 627 was adopted and S.B. No. 1054, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSET CLAUSE IN ACT 128, SESSION LAWS OF HAWAII 1997," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 629 (S.B. No. 1609, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 629 was adopted and S.B. No. 1609, 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," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 630 (S.B. No. 1610):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 630 was adopted and S.B. No. 1610, 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.

Stand. Com. Rep. No. 632 (S.B. No. 888):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 632 was adopted and S.B. No. 888, 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. 633 (S.B. No. 889, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 633 was adopted and S.B. No. 889, 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.

Stand. Com. Rep. No. 636 (S.B. No. 926, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 636 was adopted and S.B. No. 926, 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. 637 (S.B. No. 1016, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 637 was adopted and S.B. No. 1016, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE RULES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 638 (S.B. No. 30, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 638 was adopted and S.B. No. 30, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 639 (S.B. No. 1042, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 639 was adopted and S.B. No. 1042, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RECRUITMENT OF EMPLOYEES FOR STATE SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 640 (S.B. No. 1275, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 640 was adopted and S.B. No. 1275, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 644 (S.B. No. 1074):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 644 was adopted and S.B. No. 1074, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 20, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 20, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 238, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 238, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 134, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 134, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 830, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 830, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE REIMBURSEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 650 (S.B. No. 844, S.D. 2):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 650 was adopted and S.B. No. 844, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 651 (S.B. No. 1101, S.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 651 was adopted and S.B. No. 1101, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REMEDIES OF PART VII, CHAPTER 103D, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 653 (S.B. No. 780, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 653 was adopted and S.B. No. 780, 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, 25. Noes, none.

Stand. Com. Rep. No. 658 (S.B. No. 951, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 658 was adopted and S.B. No. 951, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE BENEFIT PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 659 (S.B. No. 1011):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 659 was adopted and S.B. No. 1011, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 660 (S.B. No. 1154):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 660 was adopted and S.B. No. 1154, entitled: "A BILL FOR AN ACT RELATING TO THE LIBRARY ENHANCED SERVICES PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 661 (S.B. No. 1181, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 661 was adopted and S.B. No. 1181, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEGAL REPRESENTATION FOR 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. 662 (S.B. No. 1156, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 662 was adopted and S.B. No. 1156, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COST-RECOVERY FEES FOR DELINQUENT LIBRARY ACCOUNTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 663 (S.B. No. 1184, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 663 was adopted and S.B. No. 1184, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANAGEMENT OF FINANCING AGREEMENTS FOR 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. 667 (S.B. No. 1299, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 667 was adopted and S.B. No. 1299, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROGRAM EXECUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 668 (S.B. No. 1641, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 668 was adopted and S.B. No. 1641, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LIBRARY SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 669 (S.B. No. 119, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 669 was adopted and S.B. No. 119, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIRS, MAINTENANCE, AND IMPROVEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 670 (S.B. No. 717):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 670 was adopted and S.B. No. 717, 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, 25. Noes, none.

Stand. Com. Rep. No. 671 (S.B. No. 836, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 671 was adopted and S.B. No. 836, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR KUAKINI MEDICAL CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 672 (S.B. No. 1006, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 672 was adopted and S.B. No. 1006, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT REGULATION OF GROUP LIVING HOUSING FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 674 (S.B. No. 1058, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 674 was adopted and S.B. No. 1058, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF MEDICAL PAYMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 677 (S.B. No. 900, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 677 was adopted and S.B. No. 900, 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. 32:

On motion by Senator Fukunaga, seconded by Senator Levin and carried, S.B. No. 32, 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, 25. Noes, none.

S.B. No. 1245, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Levin and carried, S.B. No. 1245, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1517, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 1517, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE PRACTITIONERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 694 (S.B. No. 33, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 694 was adopted and S.B. No. 33, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 695 (S.B. No. 43, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 695 was adopted and S.B. No. 43, 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, 25. Noes, none.

Stand. Com. Rep. No. 696 (S.B. No. 285, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 696 was adopted and S.B. No. 285, 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. 697 (S.B. No. 604, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 697 was adopted and S.B. No. 604, S.D. 2, 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.

Stand. Com. Rep. No. 699 (S.B. No. 1070, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 699 was adopted and S.B. No. 1070, 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, 25. Noes, none.

Stand. Com. Rep. No. 700 (S.B. No. 1250, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 700 was adopted and S.B. No. 1250, 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, 25. Noes, none.

Stand. Com. Rep. No. 702 (S.B. No. 1431, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 702 was adopted and S.B. No. 1431, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF AN AGRICULTURAL WATER SYSTEM FOR UPCOUNTRY MAUI," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 703 (S.B. No. 1465, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 703 was adopted and S.B. No. 1465, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE POST-SECONDARY EDUCATION COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 704 (S.B. No. 1481, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 704 was adopted and S.B. No. 1481, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII ISLAND VETERANS MEMORIAL INC.," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 706 (S.B. No. 1499, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 706 was adopted and S.B. No. 1499, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RANDOLPH-SHEPPARD REVOLVING ACCOUNT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 707 (S.B. No. 1512, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 707 was adopted and S.B. No. 1512, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PARTNERSHIP ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 511, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 511, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE FACILITY PAYMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 710 (S.B. No. 700, S.D. 2):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 710 was adopted and S.B. No. 700, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LOW-SPEED VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 711 (S.B. No. 818, S.D. 2):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 711 was adopted and S.B. No. 818, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 715 (S.B. No. 47, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 715 was adopted and S.B. No. 47, 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. 716 (S.B. No. 178):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 716 was adopted and S.B. No. 178, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTHY START," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 717 (S.B. No. 194, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 717 was adopted and S.B. No. 194, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1117, S.D. 1:

On motion by Senator Tam, seconded by Senator Matsuura and carried, S.B. No. 1117, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 723 (S.B. No. 788, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 723 was adopted and S.B. No. 788, 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. 724 (S.B. No. 106, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 724 was adopted and S.B. No. 106, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 725 (S.B. No. 172, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 725 was adopted and S.B. No. 172, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CHILDREN'S HEALTH INSURANCE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 726 (S.B. No. 550, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 726 was adopted and S.B. No. 550, 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, 25. Noes, none.

Stand. Com. Rep. No. 732 (S.B. No. 1076):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 732 was adopted and S.B. No. 1076, 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, 25. Noes, none.

S.B. No. 1177, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Levin and carried, S.B. No. 1177, 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. 735 (S.B. No. 1178, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 735 was adopted and S.B. No. 1178, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAXATION OF RELATED ENTITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 737 (S.B. No. 1214):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 737 was adopted and S.B. No. 1214, 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, 25. Noes, none.

Stand. Com. Rep. No. 738 (S.B. No. 1281, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 738 was adopted and S.B. No. 1281, 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, 25. Noes, none.

Stand. Com. Rep. No. 739 (S.B. No. 1466, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 739 was adopted and S.B. No. 1466, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 742 (S.B. No. 1607, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 742 was adopted and S.B. No. 1607, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT AND PRIVATE INVESTMENT ATTRACTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 743 (S.B. No. 17, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 743 was adopted and S.B. No. 17, 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. 745 (S.B. No. 157, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 745 was adopted and S.B. No. 157, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE PREVENTIVE DENTAL SERVICES TO ADULTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 747 (S.B. No. 580):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 747 was adopted and S.B. No. 580, entitled: "A BILL FOR AN ACT RELATING TO PROJECT FAITH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 749 (S.B. No. 994, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 749 was adopted and S.B. No. 994, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEPENDENT ADULT AND ELDER ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 750 (S.B. No. 1137):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 750 was adopted and S.B. No. 1137, 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. 752 (S.B. No. 1271, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 752 was adopted and S.B. No. 1271, 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, 25. Noes, none.

Stand. Com. Rep. No. 756 (S.B. No. 1475, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 756 was adopted and S.B. No. 1475, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL-TO-WORK OPPORTUNITIES 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. 757 (S.B. No. 1504, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 757 was adopted and S.B. No. 1504, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 758 (S.B. No. 737, S.D. 2):

On motion by Senator Chun Oakland, seconded by Senator Iwase and carried, Stand. Com. Rep. No. 758 was adopted and S.B. No. 737, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 763 (S.B. No. 105, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 763 was adopted and S.B. No. 105, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REFORM OF 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. 769 (S.B. No. 1031, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 769 be adopted and S.B. No. 1031, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Hanabusa requested a conflict ruling as follows:

"Mr. President, I am requesting a conflict of interest ruling from you regarding Stand. Com. Rep. No. 769 and S.B. No. 1031 based upon the potential conflict that may arise by my representation of a party against the Hawaii Health Systems Corporation."

The Chair ruled that Senator Hanabusa was not in conflict.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 769 was adopted and S.B. No. 1031, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 770 (S.B. No. 1033, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 770 was adopted and S.B. No. 1033, S.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, 25. Noes, none.

Stand. Com. Rep. No. 771 (S.B. No. 1055, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 771 was adopted and S.B. No. 1055, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED FINANCIAL ASSISTANCE BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 773 (S.B. No. 1176, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 773 was adopted and S.B. No. 1176, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX LICENSING OF SINGLE-MEMBER LIMITED LIABILITY COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 775 (S.B. No. 366, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 775 was adopted and S.B. No. 366, 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, 25. Noes, none.

Stand. Com. Rep. No. 776 (S.B. No. 456, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 776 was adopted and S.B. No. 456, S.D. 2, entitled: "A BILL FOR AN ACT RELATING

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 781 (S.B. No. 1146, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 781 was adopted and S.B. No. 1146, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 782 (S.B. No. 1147, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 782 was adopted and S.B. No. 1147, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII WORKFORCE DEVELOPMENT COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 783 (S.B. No. 1158, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 783 was adopted and S.B. No. 1158, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMPENSATION OF CRIME VICTIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 784 (S.B. No. 1269, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 784 was adopted and S.B. No. 1269, S.D. 2, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1300, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Levin and carried, S.B. No. 1300, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO PAY THE SHARE OF HEALTH INSURANCE CARRIER REFUND AND RATE CREDIT AMOUNTS DUE TO THE FEDERAL GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 787 (S.B. No. 1542):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 787 was adopted and S.B. No. 1542, 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.

Stand. Com. Rep. No. 793 (S.B. No. 665, S.D. 2):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 793 was adopted and S.B. No. 665, 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, 25. Noes, none.

S.B. No. 783, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 783, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 873, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 873, 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, 25. Noes, none.

S.B. No. 984, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 984, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL CASUALTY INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 924:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 924, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1003, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 1003, 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. 838 (S.B. No. 1022, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 838 was adopted and S.B. No. 1022, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH-CARE DECISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 839 (S.B. No. 1048, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 839 was adopted and S.B. No. 1048, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FOSTER BOARDING HOMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 841 (S.B. No. 1051, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 841 was adopted and S.B. No. 1051, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF DEPARTMENT OF HUMAN SERVICES' RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 842 (S.B. No. 1052, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 842 was adopted and S.B. No. 1052, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1122, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 1122, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 21, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 21, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC CONTEST OFFICIALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 846 (S.B. No. 42, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 846 was adopted and S.B. No. 42, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY IMMUNITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 186, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 186, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 848 (S.B. No. 235, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 848 was adopted and S.B. No. 235, 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.

Stand. Com. Rep. No. 850 (S.B. No. 484, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 850 was adopted and S.B. No. 484, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 629, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 629, 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. 630, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 630, S.D. 1, 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.

S.B. No. 631, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 631, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POLITICAL PARTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 906:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 906, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCIAL DISCLOSURE STATEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 857 (S.B. No. 913, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 857 was adopted and S.B. No. 913, 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, 25. Noes, none.

S.B. No. 915, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 915, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CANDIDATE VACANCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 860 (S.B. No. 947, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 860 was adopted and S.B. No. 947, S.D. 2, 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. 861 (S.B. No. 949, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 861 was adopted and S.B. No. 949, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 863 (S.B. No. 1088, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 863 was adopted and S.B. No. 1088, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 864 (S.B. No. 1091, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 864 was adopted and S.B. No. 1091, 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.

Stand. Com. Rep. No. 865 (S.B. No. 1095):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 865 was adopted and S.B. No. 1095, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 866 (S.B. No. 1109, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 866 was adopted and S.B. No. 1109, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICE OF BREACH OR DEFAULT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 867 (S.B. No. 1142, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 867 was adopted and S.B. No. 1142, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE NAMES OF CORPORATIONS, PARTNERSHIPS, AND LIMITED LIABILITY COMPANIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1421, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 1421, 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. 1502, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 1502, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 872 (S.B. No. 166, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 872 was adopted and S.B. No. 166, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DISTRIBUTION OF SAMPLE TOBACCO PRODUCTS AND TOBACCO PROMOTIONAL MATERIALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 873 (S.B. No. 613, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 873 was adopted and S.B. No. 613, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 618, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 618, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATHOLOGICAL INTOXICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 619, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 619, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 876 (S.B. No. 1035, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 876 was adopted and S.B. No. 1035, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RETAIL LIQUOR SALES TO MINORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 878 (S.B. No. 1212, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 878 was adopted and S.B. No. 1212, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 879 (S.B. No. 155, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 879 was adopted and S.B. No. 155, 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, 25. Noes, none.

Stand. Com. Rep. No. 880 (S.B. No. 162, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 880 was adopted and S.B. No. 162, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 881 (S.B. No. 660, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 881 was adopted and S.B. No. 660, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 882 (S.B. No. 674, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 882 was adopted and S.B. No. 674, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO POLICE ROADBLOCK PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 883 (S.B. No. 685, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 883 was adopted and S.B. No. 685, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF MOTOR VEHICLES UNDER TWO OR MORE NAMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 898:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 898, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF NOTARY RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 921:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 921, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 887 (S.B. No. 922, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 887 was adopted and S.B. No. 922, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED CONTROL OF PROPELLED VEHICLE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 888 (S.B. No. 970, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 888 was adopted and S.B. No. 970, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1107:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 1107, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF CERTIFICATES OF IDENTIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 891 (S.B. No. 1273, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 891 was adopted and S.B. No. 1273, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY CHECKS FOR TEACHER TRAINEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 584, S.D. 1:

By unanimous consent, action on S.B. No. 584, S.D. 1, was deferred to the end of the calendar.

S.B. No. 585, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Fukunaga and carried, S.B. No. 585, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENDERS,"

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

Ayes, 25. Noes, none.

S.B. No. 586, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 586, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 588, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 588, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 829, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 829, 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, 25. Noes, none.

S.B. No. 1118, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 1118, 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. 1254, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 1254, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTE OF LIMITATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 905 (S.B. No. 1379, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 905 was adopted and S.B. No. 1379, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL ASSAULTS AND RELATED OFFENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 906 (S.B. No. 1568, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 906 was adopted and S.B. No. 1568, S.D. 2, 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.

At 10:38 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:47 o'clock a.m.

In accordance with Senate Rule 85(2), Senator Chun moved that Senate Rule 53 be suspended for the purpose of considering Floor Amendments being offered, seconded by Senator Ihara and carried.

Stand. Com. Rep. No. 613 (S.B. No. 1586, S.D. 1):

Senator Levin moved that Stand. Com. Rep. No. 613 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Levin moved that S.B. No. 1586, S.D.1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Levin then offered the following amendment (Floor Amendment No. 1) to S.B. No. 1586, S.D.1:

Senate Bill No. 1586, S.D. 1, is amended as follows:

1. By adding a new Section 2 to read as follows:

"SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§302A- Department of education attorneys. The board of education may appoint or retain by contract one or more attorneys who are independent of the attorney general, to provide legal services to the department of education for issues involving children with disabilities, including advice and assistance to ensure the lawful and efficient administration and operation of the department of education in the area of children with disabilities. The board of education may fix the compensation of the attorneys appointed pursuant to this section. Attorneys appointed or retained by contract shall be exempted from chapters 76, 77, and 89."

2. By adding a new Section 3 to read as follows:

"SECTION 3. Section 28-8.3, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) No department of the State other than the attorney general may employ or retain any attorney, by contract or otherwise, for the purpose of representing the State or the department in any litigation, rendering legal counsel to the department, or drafting legal documents for the department; provided that the foregoing provision shall not apply to the employment or retention of attorneys:

- (1) By the public utilities commission, the labor and industrial relations appeals board, and the Hawaii labor relations board;
- (2) By any court or judicial or legislative office of the State;
- (3) By the legislative reference bureau;
- (4) By any compilation commission that may be constituted from time to time;
- (5) By the real estate commission for any action involving the real estate recovery fund;

(6) By the contractors license board for any action involving the contractors recovery fund;

(7) By the trustees for any action involving the travel agency recovery fund;

(8) By the office of Hawaiian affairs;

(9) By the department of commerce and consumer affairs for the enforcement of violations of chapters 480 and 485;

(10) As grand jury counsel;

(11) By the Hawaiian home lands trust individual claims review panel;

(12) By the Hawaii health systems corporation or any of its facilities;

(13) By the auditor;

(14) By the office of ombudsman;

(15) By the insurance division;

(16) By the University of Hawaii; [or]

(17) By the board of education; or

[(17)] (18) By a department, in the event the attorney general, for reasons deemed by the attorney general good and sufficient, declines, to employ or retain an attorney for a department; provided that the governor thereupon waives the provision of this section."

2. By amending subsection (c) to read:

"(c) Every attorney employed by any department on a full-time basis, except an attorney employed by the public utilities commission, the labor and industrial relations appeals board, the Hawaii labor relations board, the office of Hawaiian affairs, the Hawaii health systems corporation, the department of commerce and consumer affairs in prosecution of consumer complaints, insurance division, the University of Hawaii, the board of education, the Hawaiian home lands trust individual claims review panel, or as grand jury counsel, shall be a deputy attorney general."

3. By redesignating Sections 2, 3, 4, and 5 as sections 4, 5, 6, and 7.

Senator Levin moved that the amendment be adopted, seconded by Senator Fukunaga.

Senator Levin then stated:

"Mr. President, Floor Amendment No. 1 would incorporate the language which was adopted by the Ways and Means Committee in S.B. No. 669 and it would allow the Department of Education to hire attorneys to help it better deal with Felix consent decree issues."

The motion to adopt Floor Amendment No. 1 was put by the Chair and carried.

By unanimous consent, S.B. No. 1586, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

Stand. Com. Rep. No. 616 (S.B. No. 1519, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 616 be received and placed on file, seconded by Senator Levin and carried.

Senator Fukunaga moved that S.B. No. 1519, S.D.2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Fukunaga then offered the following amendment (Floor Amendment No. 2) to S.B. No. 1519, S.D.2:

SECTION 1. Senate Bill No. 1519, S.D. 2, is amended as follows:

1. By adding three new sections after line 5, on page 19 to read:

"SECTION 3. The legislature finds that it is in the best interest of the State to encourage rental housing that does not compete with private developers in the housing sales market.

The legislature further finds that the greatest need for housing in the State of Hawaii is for families below eighty per cent of the median income and that the most effective way to perpetuate housing for low-income families is through nonprofit development.

In 1992, the rental housing trust fund was created under Act 308, Session Laws Hawaii, 1992. The legislature created this fund to provide loans and grants for the development, pre-development, construction, acquisition, preservation, and substantial rehabilitation of rental housing units.

As of June 30, 1998, the rental housing trust fund commission had committed project award loans to twenty-one affordable rental developments. Together they total 1,473 units of affordable rental housing. Projects assisted by the rental housing trust fund, provide low interest, flexible term loans for low income housing on Oahu, Maui, Kauai, and Hawaii.

The purpose of sections 4 and 5 of this Act is to authorize general obligation bonds and to appropriate money to the rental housing trust fund to encourage the development and availability of low income rental housing throughout the State of Hawaii.

SECTION 4. The director of finance is authorized to issue general obligation bonds in the sum of \$, or so much thereof as may be necessary, and the same sum, or so much thereof as may be necessary, is appropriated for fiscal year 1999-2000 to be paid into the rental housing trust fund created in section 201G-432, Hawaii Revised Statutes.

SECTION 5. The sum appropriated shall be expended by the housing and community development corporation of Hawaii for the purpose of this Act."

2. By renumbering section 3 as section 6.

3. By renumbering section 4 on page 19 and amending it to read:

"SECTION 7. This Act shall take effect upon its approval; provided that sections 4 and 5 shall take effect on July 1, 1999."

Senator Fukunaga moved that the amendment be adopted, seconded by Senator Levin.

Senator Fukunaga then said:

"Mr. President, this floor amendment incorporates provisions of S.B. No. 202, relating to rental housing trust fund which has been acted upon by the members of the Senate Ways and Means Committee in public hearings."

The motion to adopt Floor Amendment No. 2 was put by the Chair and carried.

By unanimous consent, S.B. No. 1519, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

Stand. Com. Rep. No. 617 (S.B. No. 102, S.D. 2):

Senator Levin moved that Stand. Com. Rep. No. 617 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Levin moved that S.B. No. 102, S.D.2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Levin then offered the following amendment (Floor Amendment No. 3) to S.B. No. 102, S.D.2:

Senate Bill No. 102, S.D. 2, is amended as follows:

1. By inserting the following part number to precede section 1 on page 1, line 1:

"Part I"

2. By inserting a new Part II consisting of sections 5, 6, 7, and 8 to read as follows:

"Part II"

SECTION 5. The Hawaii health systems corporation, with the approval of the governor, is authorized to issue revenue bonds in the sum of \$60,000,000, or so much thereof as may be necessary, and the same sum, or so much thereof as may be necessary, is appropriated for fiscal year 1999-2000, for the following projects:

1. Hilo Medical Center
Plans, design, construction, equipment,
and furnishings relating to facilities for
Hilo Medical Center. \$25,000,000
2. Kona Community Hospital
Plans, design, construction and
furnishings relating to facilities for Kona
Community Hospital. \$ 5,000,000
3. Plans, design, construction, equipment, and
furnishings relating to facilities for \$30,000,000

SECTION 6. The revenue bonds authorized in this Act shall be issued pursuant to part III of chapter 39, Hawaii Revised Statutes, and chapter 323F, Hawaii Revised Statutes.

SECTION 7. The appropriations made for the capital improvement projects authorized in this Act shall not lapse at the end of fiscal year 1999-2000 for which the appropriations are made; provided that all appropriations made to be expended in fiscal year 1999-2000 which are unencumbered as of June 30, 2001, shall lapse as of that date.

SECTION 8. The sum appropriated shall be expended by the Hawaii health systems corporation for the purposes of part II of this Act."

3. By redesignating sections 5 and 6 as sections 9 and 10, respectively.

Senator Levin moved that the amendment be adopted, seconded by Senator Fukunaga.

Senator Levin stated:

"Mr. President, Floor Amendment No. 3 would incorporate into this bill an authorization for the Hawaii Health Systems Corporation to float revenue bonds in the sum of \$60 million. This language was previously incorporated in S.B. No. 1030."

The motion to adopt Floor Amendment No. 3 was put by the Chair and carried.

By unanimous consent, S.B. No. 102, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

At 10:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:58 o'clock a.m.

Stand. Com. Rep. No. 673 (S.B. No. 1036, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 673 be received and placed on file, seconded by Senator Levin and carried.

Senator Fukunaga moved that S.B. No. 1036, S.D.2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Fukunaga then offered the following amendment (Floor Amendment No. 7) to S.B. No. 1036, S.D.2:

Senate Bill No. 1036, S.D. 2, is amended as follows:

1. By redesignating sections 1 through 13 as Part I.
2. By adding a new Part II to read as follows:

"Part II

SECTION 14. Chapter 333F, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§333F- Developmental disabilities special fund. (a) There is established in the state treasury the developmental disabilities special fund for the purpose of maximizing funds under section 333F-2(e), into which shall be deposited:

- (1) Program income consisting of reimbursement funds received by the State for targeted case management services for individuals with developmental disabilities or mental retardation;
- (2) Appropriations by the legislature to the developmental disabilities special fund; and
- (3) Gifts, grants, and other funds accepted by the department for individuals with developmental disabilities or mental retardation.

(b) Moneys in the developmental disabilities special fund under subsection (a) shall be appropriated solely for Title XIX home and community based waiver services for individuals with developmental disabilities or mental retardation."

SECTION 15. Section 333F-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The department shall develop, lead, administer, coordinate, monitor, evaluate, and set direction for a comprehensive system of supports and services for persons with developmental disabilities or mental retardation within the limits of state or federal resources allocated or available for the purposes of this chapter. The department shall administer or may provide available supports and services based on a client-centered plan, which resulted from client choices and decision-making that allowed and respected client self-determination. The department may designate area agencies or managed support organizations for this purpose.

The department's responsibility for persons with developmental disabilities or mental retardation shall be under one administrative unit for the purpose of coordination, monitoring, evaluation, and delivery of services. Not later than June 30, 1999, all programs and services falling under this chapter shall be provided in the community, including services presently provided at Waimano training school and hospital. When the private sector does not provide or is not able to provide the services, the department shall provide the services. Clients at Waimano training school and hospital shall be placed

into community-based programs provided appropriate support services are available.

The department shall convene a panel not later than August 1, 1995, to create a plan to provide 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. The panel shall consist of but not be limited to consumers, families, representatives from the private sector, employees and employee representatives, professionals, representatives of the University of Hawaii affiliate program, and representatives of the state planning council on developmental disabilities."

SECTION 16. Section 333F-2, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Supports and services the department shall administer include, but shall not be limited to:

- (1) Early identification and evaluation of persons with developmental disabilities or mental retardation;
- (2) Development, planning, and implementation in coordination with other federal, state, and county agencies, of service programs for persons with developmental disabilities or mental retardation;
- (3) Development and provision of service programs in the public or private sectors through chapter 42F or chapter 103F, for persons with developmental disabilities or mental retardation;
- (4) Establishment of a continuum of comprehensive services and residential alternatives in the community to allow persons with developmental disabilities or mental retardation to live in the least restrictive, individually appropriate environment;
- (5) Development and implementation of a program for single-entry access by persons with developmental disabilities or mental retardation to services provided under this chapter as well as referral to, and coordination with, services provided in the private sector or under other federal, state, or county acts, and the development of an individualized service plan by an interdisciplinary team;
- (6) Collaborative and cooperative services with public health and other groups for programs to prevent developmental disabilities or mental retardation;
- (7) Informational and educational services to the general public and to lay and professional groups;
- (8) Consultative services to the judicial branch of government, educational institutions, and health and welfare agencies whether the agencies are public or private;
- (9) Provision of community residential alternatives for persons with developmental disabilities or mental retardation, including group homes and homes meeting ICF/MR standards;
- (10) Provision of care at the skilled nursing level or in a skilled nursing facility, as individually appropriate;
- (11) Provision of other programs, services, or facilities necessary to provide a continuum of care for persons with developmental disabilities or mental retardation;
- (12) Provision of case management services independent of the direct service provider; [and]
- (13) Development and maintenance of respite services in the community for persons with developmental disabilities or mental retardation[.]; and
- (14) Provision of supported living stipend for persons with developmental disabilities or mental retardation choosing to live independently in a setting other than a licensed residential facility."

SECTION 17. There is appropriated out of the general revenues of the State of Hawaii the sum of \$, or so much thereof as may be necessary for fiscal year 1999-2000, and \$, or so much thereof as may be necessary for fiscal year 2000-2001, to provide increased home and community based services for individuals with mental retardation or developmental disabilities and to support changes to the present system so that it is more flexible and responsive to meet the needs of families.

SECTION 18. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ _____, or so much thereof as may be necessary for fiscal year 1999-2000, for the state planning council on developmental disabilities in the department of health to contract with a qualified independent entity to conduct a programmatic evaluation of case management services provided by the department of health.

SECTION 19. There is appropriated out of the developmental disabilities special fund of the State of Hawaii the sum of \$ _____, or so much thereof as may be necessary, for fiscal year 1999-2000 and \$ _____, or so much thereof as may be necessary, for fiscal year 2000-2001 for Title XIX home and community based waiver services for individuals with developmental disabilities or mental retardation.

SECTION 20. The sums appropriated in sections 4, 5, and 6 shall be expended by the department of health for the purposes of this Act.

SECTION 21. There is appropriated out of the developmental disabilities special fund of the State of Hawaii the sum of \$ _____, or so much thereof as may be necessary, for fiscal year 1999-2000 and \$ _____, or so much thereof as may be necessary, for fiscal year 2000-2001 for Title XIX home and community based waiver services for individuals with developmental disabilities or mental retardation.

The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 22. The auditor shall conduct an independent financial evaluation of case management services provided by the department of health pursuant to section 333F-2(c)(12), Hawaii Revised Statutes, and report to the legislature no later than twenty days prior to the 2000 regular session."

3. By redesignating sections 14 and 15 as sections 23 and 24, and redesignating those sections Part III.

4. By amending the new section 24 to read:

"SECTION 24. This Act shall take effect on January 1, 2000; provided that Part II of this Act shall take effect on July 1, 1999."

Senator Fukunaga moved that the amendment be adopted, seconded by Senator Levin.

Senator Fukunaga then stated:

"Mr. President, Floor Amendment No. 7 contains the provisions of S.B. No. 154, a bill which had previously been acted upon by the Senate Ways and Means Committee."

The motion to adopt Floor Amendment No. 7 was put by the Chair and carried.

By unanimous consent, S.B. No. 1036, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

At 11:00 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:01 o'clock a.m.

S.B. No. 112:

Senator Tam moved that S.B. No. 112, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Levin then offered the following amendment (Floor Amendment No. 13) to S.B. No. 112:

Senate Bill No. 112, is amended as follows:

1. By designating Section 1 on page 1, line 1, as Part I as follows:

"PART I."

2. By adding a new Part II, consisting of Sections 2, 3, and 4, to read as follows:

"PART II.

SECTION 2. The legislature finds that the real estate commission collects annual fees from condominium owners associations for deposit to the condominium management education fund. In recent years, the number of training and workshop opportunities provided for condominium management has been limited. Therefore, excess funds are at-risk of being deposited into the general fund. In an effort to keep government operations from growing too large, condominium associations need representation on the real estate commission rather than the establishment of a condominium commission.

Funds from the education fund are currently being used for staffing the commission for non-education fund purposes, contrary to legislative intent. The legislature further finds that it should be the condominium associations that make decisions regarding the appropriate use of the fund. Therefore, the purpose of this part is to add two additional seats to the commission who represent the interests of condominium governance organizations and prohibit the use of education funds for purposes other than the condominium education fund.

SECTION 3. Section 467-3, Hawaii Revised Statutes, is amended to read as follows:

"§467-3 Commission, appointments, qualifications, tenure. There shall be appointed a commission to be known as the real estate commission, [to consist] consisting of [nine] eleven members, at least four of whom shall be licensed real estate brokers who have been engaged in business as licensed real estate brokers or salespersons for three years immediately preceding their appointments, each of whom shall be a citizen of the United States and shall have resided in the State for at least three years preceding appointment, and one of whom shall be designated by the appointing power as chairperson. Four members shall be residents of the city and county of Honolulu, one shall be a resident of the county of Hawaii, one shall be a resident of the county of Maui, and one shall be a resident of the county of Kauai and [two] four members shall be public members. At least two of the eleven members shall be apartment owners of units in condominium property regimes who represent the interests of condominium governance organizations.

Appointments shall be made for a term of four years, commencing from the date of expiration of the last preceding term and shall be made to expire on June 30. Appointments shall be made so that at least one appointment shall be required each year.

Any vacancy shall be filled by appointment for the unexpired term."

SECTION 4. Section 514A-133, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) [The] In order to carry out the responsibilities under this part, the commission and the director of commerce and consumer affairs may use moneys in the condominium management education fund to employ necessary personnel not subject to chapters 76 and 77 for additional staff support, hired exclusively to carry out responsibilities under this part, to provide office space, and to purchase equipment, furniture, and supplies [required by the commission to carry out its responsibilities under this part]. Moneys used from the condominium management education fund must exclusively be used to carry out the commission's responsibilities under this part."

3. By redesignating Section 2 as Section 5 and amending it to read as follows:

"SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored."

4. By redesignating Section 3 as Section 6.

Senator Levin moved that the amendment be adopted, seconded by Senator Fukunaga.

Senator Levin then said:

"Mr. President, Floor Amendment No. 13 would adopt the provisions of S.B. No. 3 which was adopted by the Ways and Means Committee. It will primarily deal with changing the make-up of the Real Estate Commission."

The motion to adopt Floor Amendment No. 13 was put by the Chair and carried.

By unanimous consent, S.B. No. 112, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

S.B. No. 1180:

Senator Fukunaga moved that S.B. No. 1180, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Fukunaga then offered the following amendment (Floor Amendment No. 4) to S.B. No. 1180:

SECTION 1. Senate Bill No. 1180, is amended as follows:

1. By adding a new section 1 to read as follows:

"SECTION 1. The legislature finds that the taxation of nonresidents established in Act 281, Session Laws of Hawaii 1997 (Act 281), has proved to result in anomalies and difficulties for both the taxpayer and the department of taxation. Section 235-4.3 Hawaii Revised Statutes (HRS), formally Act 281 should be repealed and a new methodology should be enacted.

The legislature also finds that section 235-61, Hawaii Revised Statutes, requires employers to deduct and withhold from wages paid to an employee an amount of income tax, and pay that withheld amount over to the department of taxation on a periodic basis. Subsection (e) allows the department, by rule, to exempt any employer from the requirement.

The legislature also finds that nonresidents are generally not subject to the income tax law and the department of taxation has adopted section 18-235-61-04, Hawaii Administrative Rules, that exempts wages paid to nonresident employees from the withholding requirements. Section 18-235-61-04 also qualifies employees as nonresidents, for the purposes of withholding taxes, as those employees who are temporarily performing services in the State for not more than sixty days during the calendar year.

The legislature further finds that members of the construction industry have testified in previous hearings on the matter that this rule is being abused to avoid the withholding of income tax that is legally due to the State. According to industry representatives, some employees attempt to qualify as nonresidents by leaving the State on the fifty-ninth day only to return a few days later to restart another sixty-day period.

In addition to the resulting loss of revenues to the State, the legislature believes that this abuse unfairly penalizes residents of the State, and that treating residents and nonresidents similarly regarding withholding is fair and equitable. If there is no income tax liability, nonresidents may file for a return claiming a refund, as residents do.

The purpose of this Act is to enact a new method of taxing the income of nonresidents and to repeal the ability of the department of taxation to exempt nonresident employees from withholding and to require all employees' wages to be subject to withholding regardless of residency."

2. By renumbering sections 1, 2, and 3 of the bill as sections 2, 3, and 4 of the bill respectively.

3. By adding a new section 5 to read as follows:

"SECTION 5. Section 235-61, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) The department, by rule, may require the deduction and withholding of tax from any remuneration or compensation paid for or attributable to services that are not subject to the general excise tax imposed by chapter 237, whether or not such withholding is provided for hereinabove. Every person so required to deduct and withhold tax, or from whom tax is required to be deducted and withheld, shall be subject to sections 235-61 to 235-67, and every person so required to deduct and withhold tax shall be deemed an employer for the purposes of this chapter.

The department[, by rule,] may not exempt any employer from the requirement of deduction and withholding of taxes[, even though the requirement is imposed by this section, if and to the extent that the department finds the requirement unduly onerous or impracticable of enforcement]."

3. By renumbering sections 4 and 5 of the bill as sections 6 and 7 of the bill.

4. By renumbering and amending section 6 of the bill to section 8 of the bill to read as follows:

"SECTION 8. This Act shall take effect upon its approval and sections 2, 3, 4, and 6 of this Act shall apply to taxable years beginning after December 31, 1998; provided that section 5 of this Act shall take effect on September 1, 1999, and shall be repealed on September 1, 2002; provided that section 235-61(e), Hawaii Revised Statutes, shall be reenacted in the form in which read on the day before the effective date of this Act."

Senator Fukunaga moved that the amendment be adopted, seconded by Senator Levin.

Senator Fukunaga rose and said:

"Mr. President, Floor Amendment No. 4 contains the provisions of S.B. No. 659, also relating to taxation of nonresidents, a bill which has previously been acted upon by the Senate Ways and Means Committee."

The motion to adopt Floor Amendment No. 4 was put by the Chair and carried.

By unanimous consent, S.B. No. 1180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAXATION OF NONRESIDENTS," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

Stand. Com. Rep. No. 744 (S.B. No. 131, S.D. 2):

Senator Levin moved that Stand. Com. Rep. No. 744 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Levin moved that S.B. No. 131, S.D.2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Levin then offered the following amendment (Floor Amendment No. 15) to S.B. No. 131, S.D.2:

Senate Bill No. 131, S.D. 2, is amended as follows:

1. By amending page 1, lines 11-16 to read:

"The purpose of this part and parts II, III, and IV of this Act are to increase the number of long-term care insurance policies in effect in Hawaii and to conform Hawaii's long-term care insurance statutes to the Model Long Term Care Act of 1998.

This part and parts II, III, and IV of this Act also enact the Long-Term Care Insurance Model Act of 1998, of the National Association of Insurance Commissioners."

2. By amending page 58 , lines 9-11 to read:

"(i) The provisions of this section shall apply to any long-term care policy issued or delivered in this State after the effective date of this part and parts I, III, and IV of this Act."

3. By amending page 79, lines 18-21 to read:

"SECTION 7. The insurance commissioner shall request the Internal Revenue Service for a ruling on whether this part and parts I, II, and IV of this Act conform to the Health Insurance Portability and Accountability Act of 1996, P.L. No. 104-191, as amended."

4. By redesignating part VII as part IV.

5. By amending page 80, lines 12-17 to read:

"SECTION 11. If the provisions of this part or parts I, II, and III of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of these parts which can be given effect without the invalid provision or application, and to this end the provisions of these parts are severable."

6. By adding a new part V consisting of Sections 12, 13, and 14 to read as follows:

"PART V

SECTION 12. The legislature finds that the long term care ombudsman program is a federally mandated program which is funded through the Older Americans Act of 1965. The program is charged with the responsibility of serving as an advocate for 6,780 residents living in 46 licensed nursing facilities and 542 adult residential care homes; especially those who may be unable or afraid to speak for themselves. Situated within the executive office on aging, this statewide program requires the ombudsman to visit all facilities. The program is currently staffed by two full-time program specialists.

The program's primary function is to respond, investigate and assist in resolving complaints and requests for information or assistance. Outreach to residents in these facilities and homes is an essential component of the program since the residents served are usually frail and dependent with physical, mental, or emotional needs. Often, their dependency on others for care presents the potential for reluctance in speaking out when they are the recipients of inappropriate care. Outreach to these residents is particularly crucial in order to assure them that they do have external supports should they need them.

It was recently pointed out at the Governor's Conference on Adult Residential Care Homes that the long term care options in Hawaii are expanding. There is an increase in assisted living and expanded care facilities. While there is much supervision and family involvement in nursing homes, in a care home the only supervision is from the care home operator. Current regulations require the department of health to notify the care home operator one month in advance before surveying the home for renewal of its license. Presently the long term care ombudsman is the only one allowed to enter a care home without an appointment.

Some of these homes are now receiving special waivers to accept residents at a higher acuity level who are also less likely to be able to speak for themselves. In order to assure proper services for these elderly residents, the long term care ombudsman program's jurisdiction will increase.

As the State's elderly population continues to grow, the two full-time staff members of the program will be unable to provide the necessary outreach services. Forty-six states have developed a successful volunteer component to their long term care ombudsman programs. The American Association of Retired Persons has developed a training manual specifically for the long term care ombudsman program which many states

have used as a starting point. According to the Legal Counsel for the Elderly's 1995 Report, "the presence and work of the volunteers make a major contribution towards the enhancement of the quality of life for residents of long term care facilities."

The purpose of this part is to appropriate funds to establish a long term care volunteer ombudsman program to ensure that quality outreach services are provided to the increasing number of elderly people residing in long term care facilities in the State.

SECTION 13. There is appropriated out of the general revenues of the State of Hawaii the sum of \$90,721, or so much thereof as may be necessary for fiscal year 1999-2000, to establish a long term care volunteer ombudsman program, to include but not be limited to a volunteer coordinator, clerk stenographer, ground and air travel, training, and miscellaneous volunteer reimbursements.

SECTION 14. The sum appropriated shall be expended by the department of health for the purposes of this part."

7. By adding a new part VI consisting of Sections 15, 16, and 17 to read as follows:

"PART VI

SECTION 15. The legislature finds that long-term care is a critical issue of particular importance to Hawaii, where there is a shortage of nursing home beds, and where home and community-based programs are fragmented and non-existent in some areas. To address these growing concerns, the State needs to examine alternative ways to administer long-term care, which will minimize the need for new long-term care beds and control ever-increasing costs, while providing a more favorable environment for Hawaii's elderly.

The legislature further finds that one viable option is the non-institutional means of providing long-term care. Establishing such a long-term care demonstration project will offer Medicaid recipients the opportunity for home and community-based services, and address the need to decrease the burden on the State, hospitals, nursing facilities, and the elderly and their families.

The legislature believes that the State's MedQuest program has demonstrated that savings can be accomplished in an acute care Medicaid program by using managed care companies to deliver high quality care. A comparable model for long-term care would be based on an integration of home and community-based services and long-term nursing facility care and acute care systems, respect for the dignity of the elderly, integration of financing and delivery of services, consumer involvement in planning and monitoring, and improvements in the quality of care.

The 1998 legislature appropriated \$40,000 to begin the development of a managed long-term care demonstration project, with matching funds of \$40,000 to be provided by the federal government. Much remains to be done on this vital project.

The purpose of this part is to continue the design and implementation of a managed long-term care demonstration project.

SECTION 16. There is appropriated out of the general revenues of the State of Hawaii the sum of \$, or so much thereof as may be necessary for fiscal year 1999-2000, to establish a long-term care managed care waiver; provided that the funds shall be used to:

- (1) Review and update current information gathered to date on state Medicaid managed care programs for the provision of long-term care services; and
- (2) Develop a planning document for the design and implementation of a Medicaid managed long-term care demonstration project, to include:
 - (A) Identification of preliminary resource needs;
 - (B) Development of a workplan for the design and implementation of a Medicaid managed long-term care demonstration project; and
 - (C) Development of a list of changes to current infrastructure that may be necessary to accommodate a Medicaid managed long-term care demonstration project.

SECTION 17. The sum appropriated shall be expended by the department of human services for the purposes of this part."

8. By redesignating sections 12 and 13 as sections 18 and 19, respectively, and by designating these sections as part VII.

9. By amending new section 19 to read:

"SECTION 19. This Act shall take effect on July 1, 1999."

Senator Levin moved that the amendment be adopted, seconded by Senator Fukunaga.

Senator Levin then stated:

"Mr. President, Floor Amendment No. 15 incorporates the language from S.B. No. 128. It would adopt a long-term care ombudsman program. It also would continue the implementation of a managed long-term care demonstration project."

The motion to adopt Floor Amendment No. 15 was put by the Chair and carried.

By unanimous consent, S.B. No. 131, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

Stand. Com. Rep. No. 767 (S.B. No. 646, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 767 be received and placed on file, seconded by Senator Levin and carried.

Senator Fukunaga moved that S.B. No. 646, S.D.1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Fukunaga then offered the following amendment (Floor Amendment No. 14) to S.B. No. 646, S.D.1:

Senate Bill No. 646, S.D. 1, is amended as follows:

1. By designating Section 1 on page 1, line 1, as Part I as follows:

"PART I."

2. By adding a new Part II, consisting of Sections 2, 3, and 4, to read as follows:

"PART II.

SECTION 2. The purpose of this part is to authorize the Barbers Point naval air station redevelopment commission to arrange for or provide infrastructure services, including utilities, roadway maintenance and repair, security, and other services, that may be required by the owners of properties being conveyed by the United States Navy under the base realignment and closure action and to recoup the costs for these services, including maintenance and administrative costs, from the owners of the properties, make changes to the composition of the members of the commission to reflect the recent reorganization of the city and county of Honolulu administration; and authorize the commission to establish advisory committees as it deems appropriate.

SECTION 3. Section 206G-3, Hawaii Revised Statutes, is amended to read as follows:

"**[§206G-3]** Barbers Point Naval Air Station redevelopment commission; established. (a) There is established within the department of business, economic development, and tourism, for administrative purposes, the Barbers Point Naval Air Station redevelopment commission,

which shall be a body corporate and a public instrumentality of the State for the purpose of implementing this chapter.

(b) The purpose of the commission shall be to act as the local redevelopment authority to facilitate the redevelopment of Barbers Point Naval Air Station in accordance with the Barbers Point Naval Air Station community reuse plan. The commission's duties shall include but not be limited to:

- (1) Coordinating with the Navy and other entities during the preparation of an environmental impact statement and conduct of remediation activities for the Barbers Point Naval Air Station community reuse plan;
- (2) Assisting the landholders designated by the plan in the marketing of their properties and the preparation and processing of conveyance requests;
- (3) Assisting the Navy by providing "caretaker services" after the closure of Barbers Point Naval Air Station as necessary;
- (4) Working with the Navy and others to ensure that infrastructure support is provided to the existing developed area, which is referred to as the "downtown area" and other federally retained areas;
- (5) Developing the infrastructure necessary to support the implementation of the Barbers Point Naval Air Station community reuse plan; and
- (6) Providing, to the extent feasible, maximum opportunity for the reuse of surplus property by private enterprise or state and local government.

(c) The commission shall consist of fifteen voting members as follows:

- (1) The state director of business, economic development, and tourism; the chairperson of the board of land and natural resources; the adjutant general; the chairperson of the Hawaiian homes commission; and the director of transportation, or their designated representatives, shall serve as ex-officio voting members;
- (2) The county chief planning officer; the director and chief engineer of [public works;] facility maintenance; the director of [housing and community development;] community services; and the director of transportation services, or their designated representatives, shall serve as ex-officio voting members;
- (3) Six voting members shall be appointed for staggered terms as follows:
 - (A) The governor shall appoint one member from a list of three nominees submitted by the chair of the Makakilo/Kapolei/Honokai Hale neighborhood board;
 - (B) The governor shall appoint one member from a list of three nominees submitted by the chair of the Ewa neighborhood board;
 - (C) The governor shall appoint, subject to the advice and consent of the senate, two members from the general public;
 - (D) The mayor of Honolulu shall select one member from the general public; and
 - (E) The Honolulu city council shall select one member from the general public.

(d) The commission shall select a chairperson and such other officers as it may deem necessary from among its members.

(e) The commander, naval base Pearl Harbor and commanding officer, naval air station Barbers Point may serve as non-voting ex-officio members of the commission.

(f) A majority of all voting members shall constitute a quorum to do business, and the concurrence of a majority of all voting members shall be necessary to make any action of the commission valid. All members shall continue in office until their respective successors, selected in the same manner and representing the same community of interest, have been appointed and qualified.

(g) The commission shall hire an executive director for the commission. The Hawaii community development authority shall [make available employees of the authority to staff] assist the commission as the commission deems necessary.

(h) Members appointed under subsection (c) shall serve without compensation, but each shall be reimbursed for expenses including travel expenses incurred in the performance of their duties.

(i) The commission may establish advisory committees as it deems necessary."

SECTION 4. Section 206G-4, Hawaii Revised Statutes, is amended to read as follows:

"~~[[~~~~§206G-4~~~~]]~~ **Powers; generally.** In its role as the local redevelopment authority for the redevelopment of the Kalaheo community development district, and except as otherwise limited by this chapter, the commission may:

- (1) Sue and be sued;
- (2) Have a seal and alter the same at pleasure;
- (3) Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;
- (4) Make and alter bylaws for its organization and internal management;
- (5) Make rules with respect to its projects, operations, properties, and facilities, in conformance with chapter 91;
- (6) Through its executive director appoint officers, agents, and employees, prescribe their duties and qualifications, and fix their salaries, without regard to chapters 76 and 77;
- (7) Acquire, reacquire, or contract to acquire or reacquire by grant, lease, or purchase real, personal, or mixed property or any interest therein; to own, hold, clear, improve, and rehabilitate, and to sell, assign, exchange, transfer, convey, lease, or otherwise dispose of or encumber the same;
- (8) Acquire or reacquire by condemnation real, personal, or mixed property or any interest therein for public facilities, including but not limited to streets, sidewalks, parks, schools, utility systems, and other public improvements;
- (9) By itself, or in partnership with qualified persons, acquire, reacquire, construct, reconstruct, rehabilitate, improve, alter, or repair or provide for the construction, reconstruction, improvement, alteration, or repair of any project; own, hold, sell, assign, transfer, convey, exchange, lease, or otherwise dispose of or encumber any project, and in the case of the sale of any project, accept a purchase money mortgage in connection therewith; and repurchase or otherwise acquire any project which the commission has theretofore sold or otherwise conveyed, transferred, or disposed of;
- (10) Arrange or contract for the planning, replanning, opening, grading, or closing of streets, roads, roadways, alleys, or other places, or for the furnishing of facilities or for the acquisition of property or property rights or for the furnishing of property or services in connection with a project;
- (11) Grant options to purchase any project or to renew any lease entered into by it in connection with any of its projects, on such terms and conditions as it deems advisable;
- (12) Prepare or cause to be prepared plans, specifications, designs, and estimates of costs for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any project, and from time to time to modify such plans, specifications, designs, or estimates;
- (13) Provide advisory, consultative, training, and educational services, technical assistance, and advice to any person, partnership, or corporation, either public or private, in order to carry out the purposes of this chapter, and engage the services of consultants on a contractual basis for rendering professional and technical assistance and advice;
- (14) Contract for and accept gifts ~~[or]~~, grants, utility systems, roadway systems, or other improvements in

any form from any public agency or from any other source; ~~[and]~~

(15) Arrange for or provide interim services, including, but not limited to, utilities, roadway maintenance and repair, security, and other services to the owners of properties being conveyed by the Navy under the base realignment and closure action; and recoup the costs for these services including maintenance and administrative costs from the owners of the properties in proportion to their use of the services or benefits therefrom; and

[(15)] (16) Do any and all things necessary to carry out its purposes and exercise the powers given and granted in this chapter."

3. By adding a new Part III, consisting of Sections 5, 6, 7, 8, 9, 10, and 11, to read as follows:

"PART III.

SECTION 5. Chapter 109, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§109- Kapolei recreational sports complex special fund. There is created a special fund to be known as the Kapolei recreational sports complex special fund into which funds appropriated by the legislature, received pursuant to a management contract under section 109-2(3), or collected by the authority from the operations of the Kapolei recreational sports complex shall be deposited subject to contracts entered into pursuant to section 109-2(3); provided that all funds received pursuant to this section shall be kept completely separate from the stadium special fund. The fund shall be applied, used, and disposed of for the payment of:

- (1) The expenses of the operation, maintenance, promotion, and management of; and
- (2) All or a portion of the cost of financing any capital improvement project for;

the Kapolei recreational sports complex; provided that all services required for the Kapolei recreational sports complex shall be performed by persons hired on contract or otherwise, without regard for chapters 76 and 77; provided further that the authority shall report to the legislature all receipts and expenditures of the Kapolei recreational complex special fund account twenty days prior to the convening of each regular session.

§109- Lost and found money or property at the Kapolei recreational sports complex. (a) All money or property found at the Kapolei recreational sports complex shall be reported or delivered by the finder to the complex lost and found, and when so delivered shall be held by the Kapolei recreational sports complex management for forty-five days or until claimed by some person who establishes title or right of custody thereto to the satisfaction of the management, whichever is shorter. In the event of establishment of title or right of custody, the money or property shall be delivered to the claimant by the management or the management's agent. If after forty-five days no claimant establishes a right to the money or property, the money or property may be claimed by the person who delivered it to the complex lost and found; provided that if the person who delivered it to the complex lost and found fails to claim the money or property within thirty days after being notified by the management, the management shall deposit the money into the state treasury to the credit of the Kapolei recreational sports complex special fund or shall dispose of the property by public auction.

The management shall give public notice, giving details as to time and place of the auction and giving notice to all persons interested in claiming the property that unless claims are made by persons who can provide satisfactory proof of ownership before a specified date, the property will be sold at public auction to the highest bidder; provided that if the management considers the highest bid to be insufficient, the management shall have the right to decline the sale to the highest bidder and

may reoffer the property at a subsequent public auction. On the day and at the place specified in the notice, all property for which no satisfactory proof of ownership is made shall be sold by auction by or under the direction of the management.

(b) If any property which is of a perishable nature or which is unreasonably expensive to keep or safeguard remains unclaimed at the complex, the management may sell that property at public auction, at a time and after notice that is reasonable under the circumstances. If the management determines that any property delivered to the management pursuant to this section has no apparent commercial value, the management at any time thereafter may destroy or otherwise dispose of the property.

(c) The management shall deposit into the Kapolei recreational sports complex special fund all moneys received from the sale, destruction, or disposition of any property. No action or proceeding shall be brought or maintained against the State or any officer thereof on account of that sale, destruction, or disposition. The purchaser of property at any sale conducted by the management pursuant to this section shall receive good title to the property purchased and shall take possession of the property free from any and all claims of the owner, prior owners, and any person claiming title.

(d) For purposes of this section, notice by regular mail to the last known address of the person who delivered the money or property to the complex lost and found shall be deemed sufficient."

SECTION 6. Chapter 109, Hawaii Revised Statutes, is amended by amending the title to read as follows:

"STADIUMS AND RECREATIONAL FACILITIES"

SECTION 7. Section 109-1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There shall be within the department of accounting and general services for administrative purposes only, a stadium authority whose responsibility shall be to maintain, operate, and manage the stadium and facilities attached thereto[.] and to provide for the maintenance, operation, management, and promotion of the Kapolei recreational sports complex. The authority shall consist of nine members who shall be appointed by the governor in the manner prescribed by section 26-34. Each member of the authority shall have been a citizen of the United States and a resident of the State for at least five years next preceding the member's appointment. The president of the University of Hawaii and the superintendent of education shall be ex officio members of the authority but shall not vote."

SECTION 8. Section 109-2, Hawaii Revised Statutes, is amended to read as follows:

"§109-2 Stadium authority; powers and duties. The powers and duties of the stadium authority shall be as follows:

- (1) To maintain, operate, and manage the stadium and related facilities[;], and to provide for the maintenance, operation, management, and promotion of the Kapolei recreational sports complex;
- (2) To prescribe and collect rents, fees, and charges for the use or enjoyment of the stadium or any of its facilities;
- (3) To make and execute contracts and other instruments necessary or convenient to exercise its powers under this chapter and subject to any limitations in this chapter, to exercise all powers necessary, incidental, or convenient to carry out and effectuate the purposes and provisions of this chapter[;], including entering into contracts under chapter 102 or 103D for the management of the Kapolei recreational sports complex, to include but not be limited to the operation, maintenance, and promotion of the complex in a manner that is beneficial to both the State and the contractor. These contracts may

contain revenue sharing incentives based on increased usage of the complex;

- (4) To adopt, amend, and repeal in accordance with chapter 91 rules it may deem necessary to effectuate this chapter and in connection with its projects, operations, and facilities;
- (5) To appoint a manager and a deputy manager who shall have such qualifications as the authority deems necessary and who shall hold their respective offices at the pleasure of the authority. The manager and deputy manager shall be exempt from the requirements of chapters 76, 77, and 89. Effective January 1, 1989, and January 1, 1990, the salary of the manager shall be set by the governor within the range from \$69,748 to \$74,608 and \$72,886 to \$77,966 a year, respectively. Effective January 1, 1989, and January 1, 1990, the salary of the deputy manager shall be \$62,854 and \$65,683 a year, respectively. The manager shall have full power to administer the affairs of the stadium and related facilities, and to provide for a management contract for the Kapolei recreational sports complex, subject to the direction and approval of the authority. The manager shall, subject to the approval of the authority, have power to appoint, suspend, and discharge a secretary who shall be exempt from the requirements of chapters 76, 77, and 89, and such other employees, subordinates, and assistants as may be necessary for the proper conduct of the business of the authority. Except for persons hired on contract or otherwise as provided in section 109-3 and except for the manager, deputy manager, and secretary, all appointments, suspensions, or discharges shall be made in conformity with the applicable provisions of chapters 76 and 77; and
- (6) To plan, promote, and market the stadium [and], its related facilities[.], and the Kapolei recreational sports complex."

SECTION 9. Section 109-3, Hawaii Revised Statutes, is amended to read as follows:

"§109-3 Stadium special fund. There is created a special fund to be known as the stadium special fund into which funds collected by the authority shall be deposited[.]; provided that all funds received pursuant to this section shall be kept completely separate from the Kapolei recreational sports complex special fund. The fund shall be applied, used, and disposed of for the payment of:

- (1) The expenses of the operation, maintenance, promotion, and management of; and
- (2) All or a portion of the cost of financing any capital improvement project for;

the stadium and related facilities; provided that all services required for the stadium and related facilities shall be performed by persons hired on contract or otherwise, without regard for chapters 76 and 77; provided further that the authority shall report to the legislature all receipts and expenditures of the stadium special fund account twenty days prior to the convening of each regular session."

SECTION 10. Section 109-5, Hawaii Revised Statutes, is amended to read as follows:

"[[§109-5]] Security personnel, powers. The person employed as the chief security officer by the authority shall have all of the powers of police officers, including the power of arrest; provided that such powers shall remain in force and in effect only while the person is in the actual performance of the person's duties at the stadium[.] or the Kapolei recreational sports complex."

SECTION 11. Section 109-7, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

"(b) Any person violating any rule of the stadium authority regulating conduct on the stadium or Kapolei recreational sports complex premises shall be guilty of a petty misdemeanor punishable by a fine not exceeding \$1,000, or imprisonment not exceeding thirty days, or both.

(c) Any person violating any rule of the stadium authority regulating parking or traffic on the stadium or Kapolei recreational sports complex premises shall have committed a traffic infraction as set forth in chapter 291D, the adjudication of which shall be subject to the provisions contained therein."

4. By redesignating Sections 2 and 3 as Sections 12 and 13.

Senator Fukunaga moved that the amendment be adopted, seconded by Senator Levin.

Senator Fukunaga then stated:

"Mr. President, Floor Amendment No. 14 contains the provisions of S.B. No. 1068 which related to the Barbers Point Naval Air Station Redevelopment Commission and S.B. No. 1420, relating to the Kapolei Sports Complex. Both bills have been discussed and acted upon by the Senate Ways and Means Committee."

The motion to adopt Floor Amendment No. 14 was put by the Chair and carried.

By unanimous consent, S.B. No. 646, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

S.B. No. 654:

Senator Levin moved that S.B. No. 654, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Levin then offered the following amendment (Floor Amendment No. 16) to S.B. No. 654:

Senate Bill No. 654 is amended as follows:

1. By designating sections 1, 2, 3, and 4 as "Part I".
2. By adding a new Part II consisting of sections 5, 6, and 7 to read as follows:

"PART II

SECTION 5. The Hawaii state legislature has demonstrated its commitment to the principle of public access to the legislative process by creating programs such as the public access room, legislative broadcast project, and the legislative website. Hawaii is considered to be one of the country's models in the development of public access programs, as evidenced by complimentary commentaries in the national and local media.

To maintain its commitment to public access, the legislature believes that the current level of service to the public from the public access room should be maintained. Public requests for services of the public access room have increased dramatically since its beginning in 1990. In fiscal year 1997-1998 alone, the public access room received over five thousand eight hundred calls for legislative and other information, serviced about four thousand people who visited the public access room or made requests for service in person, and conducted public access workshops for over two hundred fifty residents. To meet this increased demand, additional space, equipment, and furniture are needed to accommodate citizens' needs for legislative access and related services. The legislature finds that the current space allotted for the public access room is insufficient to meet the rise in demand for its services and, at the same time, maintain its high quality.

The purpose of this part is to make an appropriation to provide for the costs of relocating the public access room, and for electronic equipment and furniture purchases.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$, or so much thereof as may be necessary for fiscal year 1999-2000, to provide for moving and equipment costs for the public access room.

SECTION 7. The sum appropriated by this part shall be expended by the legislative reference bureau for the purposes of this part."

3. By adding a new Part III consisting of sections 8 and 9 to read as follows:

"PART III

SECTION 8. In recognition that the legislature needs its own separate fiscal policy office to provide legislators with the information needed to develop sound economic and fiscal policies for the State, the office of the legislative analyst was established in Act 347, Session Laws of Hawaii 1990.

Other states have established nonpartisan, highly specialized legislative fiscal analysis offices, in addition to the professional staffs of each chamber's money committees, to review executive branch proposals and to appraise the performance of the executive branch in administering legislative enactments.

Since the legislature meets for only four months of the year, it has come to rely heavily on the use of session-only staff or employees on loan from the executive branch. Hawaii is the only state in the nation utilizing staff on temporary loan from executive agencies to support the work of its money committees.

As a result, the legislature has been at a disadvantage in fulfilling its trust to the people of the State to ensure that approved appropriations are executed in compliance with legislative policy. The legislature can provide effective legislative oversight only if it has its own capacity to review and analyze the budget, state economic conditions, and overall tax structure and attendant policies.

The purpose of this part is to require the legislative analyst to review all performance-based budgets submitted to the legislature as provided by law.

SECTION 9. Section 21F-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The purpose of the office of the legislative analyst shall be:

- (1) To provide the legislature with research and analysis of current and projected state revenues and expenditures;
- (2) To provide the legislature with a report analyzing the governor's proposed levels of revenue and expenditures for biennial budgets submitted under chapter 37 as well as other supplemental budget submissions to the legislature by the governor;
- (3) To provide an analysis of the impact of the governor's proposed revenue and expenditure plans for the next biennium;
- (4) To conduct research matters of economic and fiscal policy and to report to the legislature on the result of the research;
- (5) To provide economic reports and studies on the state of the State's economy, including trends and forecasts for consideration by the legislature;
- (6) To conduct budget and tax studies and provide general fiscal and budgetary information;
- (7) To review and make recommendations on the operation of state programs in order to appraise the implementation of state laws regarding the expenditure of funds and to recommend means of improving their efficiency; [and]
- (8) To recommend to the legislature changes in the mix of revenue sources for programs, in the percentage of state expenditures devoted to major programs, and in the role of the legislature in overseeing state government expenditures and revenue projections[.]; and

(9) To review all performance-based budgets submitted to the legislature as provided by law."

4. By adding a new part IV consisting of sections 10, 11, 12, and 13 to read as follows:

"PART IV

SECTION 10. Section 23G-3, Hawaii Revised Statutes, is amended by amending subsection (11) to read as follows:

"(11) Perform the function of statute revision and publication and sale of session laws, supplements, and replacement volumes; and"

SECTION 11. Section 23G-18, Hawaii Revised Statutes, is amended to read as follows:

"**§23G-18 Sale and distribution.** The session laws, supplements, and replacement volumes shall be sold and distributed by the [lieutenant governor] legislature at a price fixed by the [lieutenant governor.] legislature. The money received therefor shall be paid into the state treasury to the credit of the [general] Hawaii legislative publications special fund. The [lieutenant governor] legislature may furnish the session laws, supplements, and replacement volumes to public officials for official use free of charge. As used in this chapter, public officials include officials of the state and county governments, of the congressional delegation of the State, of the United States District Court, District of Hawaii, and of the United States Attorney's Office in Hawaii."

SECTION 12. Section 26-1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as otherwise provided by law, the lieutenant governor is designated the secretary of state for intergovernmental relations and shall perform the duties and functions heretofore exercised by the secretary of Hawaii. The duties and functions shall include, but not be limited to, [recording of all legislative and gubernatorial acts,] certification of state documents, and maintenance of an official file of rules adopted by state departments as provided in chapter 91. The lieutenant governor may employ staff as necessary without regard to chapters 76 and 77."

SECTION 13. Section 93-15, Hawaii Revised Statutes, is amended to read as follows:

"**§93-15 Legislative journals; sale and distribution.** The journals of the senate and house of representatives, published in accordance with the rules of each house of the legislature, shall be sold and distributed to the public by the [lieutenant governor] legislature at a price fixed by the [lieutenant governor.] legislature. The money received therefor shall be paid into the state treasury to the credit of the [general] Hawaii legislative publications special fund. The [lieutenant governor] legislature may furnish the journals of the senate and house of representatives to public officials free of charge. As used in this section, public officials include officials of the state and county governments, of the congressional delegation of the State, of the United States District Court, District of Hawaii, and of the United States Attorney's Office in Hawaii."

5. By redesignating sections 5 and 6 as sections 14 and 15, respectively, and by designating these sections as Part V.

6. By amending new section 15 to read as follows:

"SECTION 15. This Act shall take effect on July 1, 1999."

Senator Levin moved that the amendment be adopted, seconded by Senator Fukunaga.

Senator Levin rose and said:

"Mr. President, we wish to incorporate the language from S.B. No. 1242 into S.B. No. 654. Senate Bill No. 1242 was acted upon by the Ways and Means Committee and deals with the legislative analyst, as well as the sale and distribution of various government documents."

The motion to adopt Floor Amendment No. 16 was put by the Chair and carried.

By unanimous consent, S.B. No. 654, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE AGENCIES," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

Stand. Com. Rep. No. 800 (S.B. No. 175, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 800 be received and placed on file, seconded by Senator Levin and carried.

Senator Fukunaga moved that S.B. No. 175, S.D.2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Fukunaga then offered the following amendment (Floor Amendment No. 10) to S.B. No. 175, S.D.2:

Senate Bill No. 175, S.D. 2, is amended as follows:

1. By adding Parts XI to XX, consisting of Sections 38 to 74 to read as follows.

"PART XI

SECTION 38. The legislature finds that child abuse and neglect are a root cause of many serious social problems, including emotional and mental health problems, alcohol and drug abuse and addiction, delinquency, and crime. Child abuse continues to escalate with fifteen thousand reports and over five thousand cases investigated annually in Hawaii. The most severe cases continue to be among the youngest, most vulnerable children.

During the interim of the regular session of 1998, child protection legislative roundtable discussions were convened to suggest statutory, guideline, rule, regulation, and other changes to improve Hawaii's child protective system. Legislators, the departments of human services, health, and the attorney general, the judiciary, private nonprofit child and family serving agencies, and concerned individuals communicated and collaborated with one another, on behalf of abused and neglected children and their families, to develop formal and informal mechanisms for working together.

As a coordinated response to prevent and treat child abuse, the roundtable cohesively suggested the following areas be strengthened:

- (1) A medical case management system for the medical oversight of children in the child protective services system;
- (2) Standards for guardians ad litem charged to protect the best interests of the child;
- (3) Mandated training for foster parents of licensed foster homes;
- (4) Protective custody of a child without court order; and
- (5) Required reporting of child abuse and neglect.

The purpose of this part is to improve Hawaii's child protection system.

SECTION 39. Chapter 587, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§587- Medical and health case management.** (a) There is established a medical and health case management system in the department of human services for the purpose of managing medical and health needs of children in the foster care system.

- (b) The medical and health case management system shall:
- (1) Establish a system of services providing timely medical and health information to key providers of care to foster children and identify a health care manager for consistent follow-up to ensure that medical and health needs are met;
 - (2) Maintain a system of continuity of care for the medical and health needs of children in the foster care system;

- (3) Maximize existing resources in the provision of medical and health services to foster children; and
- (4) Research the enhancement of federal reimbursement for care coordination services provided to foster children from birth to age twenty."

SECTION 40. Section 346-17, Hawaii Revised Statutes, is amended to read as follows:

"§346-17 Child placing organizations, child caring institutions, and foster boarding homes; authority over and investigation of. No child placing organization shall engage in the investigation, placement, and supervision of minor children in foster care unless it meets with the standards of conditions, management, and competence as set by the department [of human services].

No child caring institution shall be allowed to receive minor children for care and maintenance unless it meets with the standards of conditions, management, and competence to care for and train children as set by the department.

No foster boarding home shall receive for care and maintenance any child unless it meets with the standards of conditions, management, and competence as set by the department[.] and the foster boarding home applicants successfully complete foster parent training.

The department shall [make] adopt rules relating to:

- (1) [standards] Standards for the organization and administration of child placing organizations[.];
- (2) [standards] Standards of conditions, management, and competence for the care and training of minor children in child caring institutions[.] and foster boarding homes; and
- (3) [standards] Standards of conditions and competence of operation of foster boarding homes as may be necessary to protect the welfare of children.

All rules of the department shall have the force and effect of law, and any violation thereof or of this section shall be punishable by a fine of not more than \$200.

As a condition for a certificate of approval, any organization, institution, or home shall meet the standards to assure the reputable and responsible character of its operators and employees by complying with the requirements of a criminal history record check under section 346-19.6.

Upon approval of any such organization, institution, or home, the department or its authorized agents shall issue a certificate of approval [which] that shall continue in force for one year or for two years if the organization, institution, or home meets the criteria established by the department, unless sooner revoked for cause. The certificate shall be renewed by the department or its authorized agents, after annual or biennial investigation, if the investigation discloses that the organization, institution, or home continues to meet with the standards set by the department. The certificate of approval shall be a permit to operate the child placing organization, child caring institution, or foster boarding home, and no person or organization shall operate or maintain such organization, institution, or home without the certificate.

Any child placing organization, child caring institution, or foster boarding home shall be subject to investigation at any time and in such manner, place, and form as may be prescribed by the department or its authorized agents."

SECTION 41. Section 350-2, Hawaii Revised Statutes, is amended to read as follows:

"§350-2 Action on reporting. (a) Upon receiving a report concerning child abuse or neglect, the department shall proceed pursuant to chapter 587 and the department's rules.

(b) The department shall inform the appropriate police department or office of the prosecuting attorney of all reports received by the department concerning a case of child abuse or neglect, including reports received under section 350-1.1; provided that the name of a reporter, who requested that the reporter's name be confidential, shall be released to a police department or an office of the prosecuting attorney pursuant only to court order.

[(b)] (c) The department shall inform the appropriate police department or office of the prosecuting attorney of the relevant information concerning a case of child abuse or neglect when [such] the information is required by the police department or the office of the prosecuting attorney for the investigation or prosecution of that case; provided that the name of a reporter, who requested that the reporter's name be confidential, shall only be released to a police department or an office of the prosecuting attorney pursuant to court order.

[(c)] (d) The department shall maintain a central registry of reported child abuse or neglect cases and shall promptly expunge the reports in cases if:

- (1) The department has found the reports to be unsubstantiated; or
- (2) The petition arising from the report has been dismissed by order of the family court after an adjudicatory hearing on the merits pursuant to chapter 587.

For purposes of expungement under paragraph (1), a report is unsubstantiated only when the department has found the allegations to be frivolous or to have been made in bad faith.

However, the department may retain records and information of alleged child abuse and neglect with respect to the child that is the subject of the alleged abuse.

The department shall adopt rules as may be necessary in carrying out this section."

SECTION 42. Section 587-22, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) A police officer shall assume protective custody of a child without a court order and without the consent of the child's family, regardless of whether the child's family is absent, if in the discretion of [such] the police officer, the child is in [such] a circumstance or condition that [the]:

- (1) The child's continuing in the custody or care of the child's family presents a situation of imminent harm to the child[.]; or
- (2) There is evidence that a parent or guardian of a child has subjected a child to harm or threatened harm and that parent or guardian is likely to flee the jurisdiction of the court with the child."

SECTION 43. Section 587-34, Hawaii Revised Statutes, is amended as follows:

"§587-34 Guardian ad litem; court appointed counsel.

(a) The court shall appoint a guardian ad litem for the child to serve throughout the pendency of the child protective proceedings under this chapter. The court may appoint additional counsel for the child pursuant to subsection (c) or independent counsel for any other party if [the]:

- (1) The party is an indigent[, counsel];
- (2) Counsel is necessary to protect the party's interests adequately[, and the]; and
- (3) The interests are not represented adequately by another party who is represented by counsel.

(b) A guardian ad litem shall:

- (1) Be allowed access to the child by the caretakers of the child whether caretakers are individuals, authorized agencies, or health care providers;
- (2) Have the authority to inspect and receive copies of any records, notes, and electronic recordings concerning the child that are relevant to the proceedings filed under this chapter without the consent of the child or individuals and authorized agencies who have control of the child; and
- (3) Be given notice of all hearings and proceedings, civil or criminal, including[,] but not limited to[,] grand juries, involving the child and shall protect the best interests of the child [therein], unless otherwise ordered by the court.

(c) A guardian ad litem appointed pursuant to subsection (a) shall report to the court and all parties in writing at six month intervals, or as is otherwise ordered by the court, regarding [such] the guardian ad litem's activities on behalf of the child

and recommendations concerning the manner in which the court should proceed in the best interests of the child; provided that [such] the guardian ad litem shall make face to face contact with the child in the child's family or foster home at least once every three months. A guardian ad litem shall inform the court of the child's perceived interests if they differ from those being advocated by the child's guardian ad litem. If the child and the child's guardian ad litem are not in agreement, the court shall evaluate the necessity for appointing special counsel for the child to serve as the child's legal advocate concerning [such] issues and during [such] proceedings [as] that the court deems to be in the best interests of the child.

(d) [When] If the court determines, after [such] any hearing [as] that the court deems [to be] appropriate, that a party is incapable of comprehending the legal significance of the issues or the nature of the child protective proceedings, the court may appoint a guardian ad litem to represent the interests of that party; provided that a guardian ad litem appointed pursuant to this section shall investigate and report to the court in writing at six month intervals, or as is otherwise ordered by the court, regarding the current status of the party's disability, including[,] but not limited to[,] a recommendation as to available treatment, if any, for the disability and a recommendation concerning the manner in which the court should proceed in order to best protect the interests of the party in conjunction with the court's determination as to the best interests of the child.

(e) A guardian ad litem or counsel appointed pursuant to this section for the child or other party may be paid [for] by the court, unless the party for whom counsel is appointed has an independent estate sufficient to pay [such] the costs. The court may order the appropriate parties to pay or reimburse the costs and fees of the guardian ad litem and other counsel appointed for the child.

(f) No guardian ad litem shall be appointed to represent any child unless the guardian ad litem has successfully completed guardian ad litem training or has equivalent experience as determined by the senior family court judge.

The judiciary shall issue orders or rules relating to standards of training and practice for the representation of minor children by a guardian ad litem.

All orders or rules of the judiciary shall have the force and effect of law, and any violation of the orders or rules of or this section shall be punishable by a fine of not more than \$200."

SECTION 44. Section 587-72, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Upon each review hearing, the court shall consider fully all relevant prior and current information pertaining to the safe family home guidelines, as set forth in section 587-25, including but not limited to[,] the report submitted pursuant to section 587-40, and:

- (1) Determine whether the child's family is presently willing and able to provide the child with a safe family home without the assistance of a service plan and, if so, the court shall terminate jurisdiction;
- (2) Determine whether the child's family is presently willing and able to provide the child with a safe family home with the assistance of a service plan and, if so, the court shall return the child or continue the placement of the child in the child's family home under the family supervision of the appropriate authorized agency;
- (3) If the child's family home is determined, pursuant to subsection (c)(2), not to be safe, even with the assistance of a service plan, order that the child remain or be placed under the foster custody of the appropriate authorized agency; if the child has been residing without the family home for a period of twelve months or if there has been a [court ordered] court-ordered service plan for a period of one year, the court [may] shall set the case for a show cause hearing at which the child's family shall have the burden of presenting evidence to the court regarding the reasons and considerations [as] that the family

has to offer as to why the case should not be set for a permanent plan hearing. Upon a show cause hearing that the court deems to be appropriate, the court shall consider the criteria set forth in section 587-73(a)(1), (2), and (4)[,] or section 587-73(e), and:

- (A) Set the case for a permanent plan hearing and order that the authorized agency submit a report pursuant to section 587-40; or
- (B) Proceed pursuant to this section;
- (4) Determine whether the parties have complied with, performed, and completed every term and condition of the service plan that was previously court ordered;
- (5) Order revisions to the existing service plan, after satisfying section 587-71(h), [as] that the court, upon a hearing that the court deems to be appropriate, determines to be in the best interests of the child; provided that a copy of the revised service plan shall be incorporated as part of the order;
- (6) Enter further orders [as] that the court deems to be in the best interests of the child; and
- (7) Determine whether aggravated circumstances are present and, if so, the court shall set the case for a show cause hearing at which the child's family shall have the burden of presenting evidence to the court regarding the reasons and considerations as to why the case should not be set for a permanent plan hearing."

SECTION 45. If any provision of this Part, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Part are severable.

SECTION 46. The penalty established in section 6 of this Part shall not apply to any violation under section 587-34 that occurs before the effective date of this Act.

PART XII

SECTION 47. The legislature finds that recent neuroscience research demonstrates that the early years of a child are most crucial in a child's cognitive, emotional, social, and physical development, and affirmed that there are tremendous opportunities for preventive work with children and families as well as the predictable, costly consequences of not doing so. The legislature further finds that quality early childhood education and child care which supports all aspects of early development by parents and care givers in a variety of settings, including child care centers, family child care, and in the homes of families and friends, is crucial to ensuring that every young child has a good beginning and does not lose the potential with which the child was born.

The legislature adopted House Concurrent Resolution No. 38, 1998, which endorsed six desired child outcomes as state policy, and encouraged private and public agencies serving children to utilize these outcomes as a basis for policy and program development. This common set of outcomes focuses action and accountability toward achieving positive results by improving the quality of life of children and youth, and establishing indicators to measure progress in achieving these outcomes. These six child outcomes are:

- (1) Every child will thrive physically--to be healthy from birth with ongoing access to good health care, and have a safe home, school, and community environment;
- (2) Every child will form positive relationships--to have the attention of at least one caring adult and supportive friendship with peers;
- (3) Every child will be prepared for and succeed in school--to have developmentally nurturing care and early education opportunities, meet age appropriate knowledge and competencies, and graduate from high school;

- (4) Every child will be culturally aware and appreciative of diversity;
- (5) Every child and youth will choose responsible behaviors--to exhibit respect for oneself, others of every age, and society by refraining from drug use and from sexual and illegal activity; and
- (6) Every youth will develop marketable skills enabling a successful transition into adulthood.

The legislature finds that as public and private agencies address the third outcome, many facets of the early childhood system are affected. These fall into the areas of health, education, and social services that overlap to support the family and the child.

The legislature further finds that additional funding in selected programs targeting key populations, strategically linked together at the local level, can significantly enhance the State's capacity to achieve these outcomes, as well as leverage additional federal and private dollars.

The purpose of this part is to:

- (1) Address a variety of these facets to improve the affordability, accessibility, and quality of early childhood services; and
- (2) Provide coordination to the early childhood system.

PART XIII

SECTION 48. The legislature finds that one way to improve Hawaii's performance on the first, second, and third outcomes is to increase the supply and quality of child care. One indicator of increased supply and quality of care is an increase in the number of providers receiving licenses or accreditation. One strategy to increase licensing and accreditation is to help providers overcome the financial obstacles to starting or expanding their child care business.

The purpose of this part is to establish a child care facilities revolving loan fund to provide start-up or expansion capital to family child care homes and centers that are licensed or are seeking a license.

SECTION 49. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to part VIII to be appropriately designated and to read as follows:

"§346- Child care facilities grant fund. (a) There is established a grant fund to be known as the child care facilities grant fund to be administered by the department. The purpose of the fund shall be to make grants, each not to exceed \$25,000, as start-up capital or as expansion capital for family child care homes or centers that are appropriately licensed or will become appropriately licensed.

(b) All moneys appropriated by the legislature for purposes of subsection (a) shall be deposited into the fund."

SECTION 50. There is appropriated out of the general revenues of the State of Hawaii the sum of \$, or so much thereof as may be necessary for fiscal year 1999-2000, to be paid into the child care facilities revolving loan fund established under section 3 of this Act.

SECTION 51. The sum appropriated shall be expended by the department of human services for the purposes of this Act.

PART XIV

SECTION 52. The legislature finds that one way to improve Hawaii's performance on the third outcome is to increase the ability of working parents to place their children in quality care. Many working parents need financial assistance to pay for the full cost of quality early childhood education and care.

The purpose of this part is to increase the number of child care subsidies.

SECTION 53. There is appropriated out of the general revenues of the State of Hawaii the sum of \$, or so much thereof as may be necessary for fiscal year 1999-2000, and the sum of \$, or so much thereof as may be necessary for

fiscal year 2000-2001, to increase the number of child care subsidies, pay administrative expenses, and to provide parent workshops to recipients of child care subsidies in each county, as follows:

	FY 1999-2000	FY 2000-2001
City and County of Honolulu	\$	\$
County of Maui		
County of Hawaii		
County of Kauai		

provided that:

- (1) Each county may allocate up to fifteen per cent of the sum appropriated for administrative expenses incurred in the disbursement of child care subsidies;
- (2) Subsidies shall be granted to families with incomes up to eighty-five per cent of the state median income;
- (3) The amount of each subsidy shall be based on family income on an inverse sliding scale, including a parent co-payment; and
- (4) Receipt of a subsidy shall be contingent on applicant families to attend a parent workshop.

SECTION 54. The sums appropriated shall be expended by the appropriate counties for the purposes of this Act.

PART XV

SECTION 55. The legislature finds that one way to make progress towards the outcome that every child will be prepared for and succeed in school is to increase the number of accredited child care programs. An accredited program is acknowledged to be one that places emphasis on the quality of interactions between teachers and children, and the developmental appropriateness of the curriculum. Health and safety, staffing, staff qualifications, physical environment, and administration are all reviewed during the accreditation.

The legislature further finds that the accreditation mentoring of early childhood programs provides support for those interested in seeking accreditation, and develops mentoring and leadership skills among early childhood professionals.

The purpose of this part is to expand the accreditation-mentor project for early childhood programs.

SECTION 56. There is appropriated out of the general revenues of the State of Hawaii the sum of \$, or so much thereof as may be necessary for fiscal year 1999-2000, and the sum of \$, or so much thereof as may be necessary for fiscal year 2000-2001, to expand and continue the accreditation-mentor project for early childhood programs, as follows:

	FY 1999-2000	FY 2000-2001
City and County of Honolulu	\$	\$
County of Maui		
County of Kauai		
County of Hawaii		

SECTION 57. The sums appropriated shall be expended by the appropriate counties for the purposes of this Act.

PART XVI

SECTION 58. The legislature finds that public and private resources are needed to achieve the child outcomes adopted as state policy in House Concurrent Resolution No. 38, 1998. Act 77, Session Laws of Hawaii 1997, acknowledged a performance partnership among government, the business community, the philanthropic sector, providers of quality care, and parents, known as the good beginnings alliance.

The good beginnings alliance has been incorporated as a non-profit entity that works through four good beginnings county councils and an interdepartmental council. The good

beginnings alliance partners work to implement strategies in good beginnings county plans and in the state early childhood master plan that support progress towards the child outcomes and key indicators and benchmarks of those outcomes.

In order to continue the development and coordination of quality early childhood education and care services, the legislature finds that this public-private partnership requires public funding to match the private funding acquired to date.

The purpose of this part is to continue coordination and implementation of the good beginnings alliance initiative.

SECTION 59. There is appropriated out of the general revenues of the State of Hawaii the sum of \$, or so much thereof as may be necessary for fiscal year 1999-2000, and the sum of \$, or so much thereof as may be necessary for fiscal year 2000-2001, for the coordination and implementation of the good beginnings alliance initiative, established under Act 77, Session Laws of Hawaii 1997; provided that funds shall be matched by private sources for the purpose for which these sums are appropriated.

SECTION 60. The sums appropriated shall be expended by the department of human services for the purposes of this Act.

PART XVII

SECTION 61. The legislature finds that support for a child's healthy and educational development is critical when the child is very young. The best place to start is with the empowerment of parents in their roles as parents and teachers in the home.

Families for REAL (resources for early access to learning) is a school-based family education program of courses and activities for all families and their children between the ages of birth and five years. The program is based on Minnesota's family education model which has proven to have a positive effect on parenting and the well-being of children. It recognizes that families provide their children's first and most important learning environments, and that parents are their children's first and most significant teachers. Participation by families is voluntary and services are offered free.

Parents and their children attend age and developmentally appropriate classes once a week for nine weeks. They share and learn critical parenting and teaching skills, network with each other, learn about community resources, and become aware of what they can do to nurture healthy children and to help children to learn.

In addition to the program's regular courses, special interest classes are offered on such topics as stress management, building strong families, child development, sibling rivalry, esteem, and language development.

The legislature further finds that in school year 1997-1998, three sites, Pearl City Highlands, Kapunahala, and Wailuku Elementary, provided direct services to 4,077 individuals. The long-range plan is to have a total of fourteen sites, one site per area served by each of the eleven community schools for adults plus one site each on the islands of Molokai and Lanai, and Kona, Hawaii.

The legislature further finds that this is a cost-effective program based on the fact that the average cost-per-person served is \$108. The legislature also finds that the program attracts families from all socioeconomic backgrounds, that forty to fifty per cent of the participant families are identified as families at-risk, and that all the families have much to learn from and with each other.

The purpose of this part is to appropriate funds to expand families for REAL.

SECTION 62. There is appropriated out of the general revenues of the State of Hawaii the sum of \$, or so much thereof as may be necessary for fiscal year 1999-2000, for the expansion of families for REAL to Kapalama, King Kamualihi, Pearl Ridge, and Waiakea elementary schools, and the sum of \$, or so much thereof as may be necessary for fiscal year 2000-2001, for the expansion of families for REAL to four additional school sites.

SECTION 63. The sums appropriated shall be expended by the department of education for the purposes of this Act.

PART XVIII

SECTION 64. The legislature finds that in order for every child to thrive physically and be prepared for and succeed in school, there needs to be more opportunity for families with at-risk children to receive infant and child monitoring, screening, and additional community referrals to meet their needs before entering public education programs.

One such opportunity is the keiki/family interactive mobile units that provide an easily accessible early education and intervention service to families with children from birth to five years of age. The program supports the parent as a child's first teacher and brings age appropriate activities to neighborhood parks or other accessible sites, facilitating bonding, communication skills, normal growth and development, and cognitive stimulation. Parent education activities are included as well.

The program provides a non-threatening, culturally relevant, learning environment for at-risk children from birth to five years of age and their parents through which screening and appropriate community referrals can be made for health, nutrition, education, parenting skills, and psychological needs.

Although these units were contracted to provide direct service to four hundred individuals during 1997-1998, by the completion of the year, a total of 1,147 (358 adults and 789 children) were served, demonstrating the need for the program. Presently, the keiki/family interactive mobile units are offering services to select areas of need across the State focusing on homeless, isolated, or rural families as a priority. Those locations are as follows:

- (1) Island of Kauai: Koloa;
- (2) Island of Oahu: Wahiawa, Makiki, Loliana Transitional Housing, Maililand Transitional Housing, and Weinberg Transitional Housing Waimanalo;
- (3) Island of Lanai: Lanai City;
- (4) Island of Maui: Harbor Lights Housing, Malama Recovery Center, and Lahaina;
- (5) Island of Hawaii: Hilo Emergency Shelter, and Kawaihae Transitional Housing.

The legislature further finds that an increase in funding will provide additional families the opportunity to participate in the keiki/family interactive mobile unit services at the following sites:

- (1) Island of Kauai: Kapaa;
- (2) Island of Oahu: Kalihi/Palama/Liliha, Institute for Human Services, North Shore, Makaha, Kailua, and Waianae;
- (3) Island of Maui: Wailuku;
- (4) Island of Molokai: One site;
- (5) Island of Hawaii: Paho, Hilo, and Kona.

The legislature further finds that the increase in service delivery would also provide additional resources for developmental screening of children as well as community referrals to identify and meet the needs of at-risk children before entering the department of education. Through these

added funds, collaboration with agencies such as the good beginnings alliance could be increased.

The purpose of this part is to increase the capacity of the keiki/family interactive mobile units.

SECTION 65. There is appropriated out of the general revenues of the State of Hawaii the sum of \$, or so much thereof as may be necessary for fiscal year 1999-2000, and the sum of \$, or so much thereof as may be necessary for fiscal year 2000-2001, to increase the capacity of the keiki/family interactive mobile units.

SECTION 66. The sums appropriated shall be expended by the department of health for the purposes of this Act.

PART XIX

SECTION 67. The legislature finds that earning a high school degree is one of the key factors which can assist teen parents and their families to become self-sufficient, create opportunities for themselves and their children, and maximize their life potential. The support needed to assist teen parents to complete high school is cost effective in the long run -- for every teen who is able to become self-sufficient, over \$20,000 annually in welfare benefits are saved.

The legislature further finds that access to child care is a systemic barrier that prevents many teen mothers and some teen fathers who have not completed high school from going to school. In Hawaii, teen pregnancy affects approximately 1,850 teens age twelve through eighteen each year, of which over approximately 1,150 result in live births. It is estimated that up to four hundred parenting students who have not finished high school may need assistance with child care.

The purpose of this part is to provide child care for parenting teens so they may complete high school and pursue vocational training.

SECTION 68. There is appropriated out of the general revenues of the State of Hawaii the sum of \$, or so much thereof as may be necessary for fiscal year 1999-2000, and the sum of \$, or so much thereof as may be necessary for fiscal year 2000-2001, for child care for parenting teens.

SECTION 69. The sums appropriated shall be expended by the department of education for the purposes of this Act.

PART XX

SECTION 70. There is a national effort for child care providers both in family-care settings and center-based settings to be minimally qualified to work with children from birth through age five. Caregivers must demonstrate their ability to nurture children's physical, social, emotional, and intellectual growth in a child development framework. The proof of their competence is the child development associate credential.

The legislature finds that approximately one hundred individuals are estimated to need financial assistance in obtaining their child development associate credential. Current cost for the application packet and assessment for credentialing is \$350 per person. This is a minimal cost as there may be other requirements that must be met, depending on the applicant's readiness, training, and experience.

The purpose of this part is to subsidize the cost of obtaining a child development associate credential.

SECTION 71. There is appropriated out of the general revenues of the State of Hawaii the sum of \$, or so much thereof as may be necessary for fiscal year 1999-2000, and the sum of \$, or so much thereof as may be necessary for fiscal year 2000-2001, to provide financial assistance in attaining a child development associate credential.

SECTION 72. The sums appropriated shall be expended by the department of human services for the purposes of the Act.

SECTION 73. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 74. Statutory material to be repealed is bracketed. New statutory material is underscored."

2. By redesignating Section 38 as Section 75.

Senator Fukunaga moved that the amendment be adopted, seconded by Senator Levin.

Senator Fukunaga then said:

"Mr. President, Floor Amendment No. 10 would in this amendment incorporate the provisions of S.B. No. 177 and S.B. No. 192, both of which have been acted upon by the Senate Ways and Means Committee, and which deal with child protective services as well as early childhood types of appropriations."

The motion to adopt Floor Amendment No. 10 was put by the Chair and carried.

By unanimous consent, S.B. No. 175, S.D. 3, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROTECTION OF CHILDREN AND FAMILIES," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

At 11:09 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:12 o'clock a.m.

Stand. Com. Rep. No. 801 (S.B. No. 392, S.D. 1):

Senator Levin moved that Stand. Com. Rep. No. 801 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Levin moved that S.B. No. 392, S.D.1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Levin then offered the following amendment (Floor Amendment No. 6) to S.B. No. 392, S.D.1:

SECTION 1. Senate Bill No. 392, S.D. 1, is amended by deleting its contents in their entirety and replacing them with the following language:

"SECTION 1. The legislature finds that private development of harbor facilities on state lands should be encouraged to save taxpayers the burden of funding costly construction of improvement. The legislature further finds that private development would more likely result in project being completed on time.

The purpose of this Act is to allow the harbors division to enter into cost-reimbursement contracts with marine operators or tenants for public improvements of harbor facilities.

SECTION 2. Chapter 266, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

"§266- Private financing of harbor improvements. (a) Notwithstanding any law to the contrary, the department of transportation may enter into a cost-reimbursement contract with a maritime operator or tenant for any public improvement to or construction of a state harbor, commercial harbor, roadstead, or other waterfront improvement belonging to or controlled by the State, if the director of transportation

determines that a cost-reimbursement contract promotes the best interest of the State by a finding that:

- (1) Private development is likely to be less costly than any other type of contract;
- (2) Private development provides needed public improvements in a significant timely basis; or
- (3) Public financing for public improvements is not available on a timely basis.

(b) A cost-reimbursement contract under subsection (a) may be financed by an offset from the marine operator's or tenant's future rental or tariff payments to the State; provided that the terms of the contract shall ensure that the State benefits financially from the arrangement and that public use of the facility is maintained. Projects financed by the cost-reimbursement method shall not in any way obligate the State for repayment by a legislative appropriation.

(c) A cost-reimbursement contract under subsection (a) shall be subject to the applicable requirements of chapters 103 and 103D and subject to the approval of the administrator of the state procurement office, established under section 103D-204(a); provided that all related transactions shall be subject to state audit.

(d) Prior to entering into a cost-reimbursement contract under subsection (a) for more than \$500,000 the department of transportation shall obtain prior approval from the legislature."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval."

Senator Levin moved that the amendment be adopted, seconded by Senator Fukunaga.

Senator Levin stated:

"Mr. President, Floor Amendment No. 6 would incorporate language concerning private financing of harbor improvements."

The motion to adopt Floor Amendment No. 6 was put by the Chair and carried.

By unanimous consent, S.B. No. 392, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

S.B. No. 425, S.D.2:

Senator Fukunaga moved that S.B. No. 425, S.D.2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Fukunaga then offered the following amendment (Floor Amendment No. 11) to S.B. No. 425, S.D.2:

SECTION 1. Senate Bill No. 425, S.D. 2, is amended as follows:

1. By amending section 1 to read:

"SECTION 1. The legislature finds that as the State struggles with a prolonged fiscal crisis never before experienced in its history, government must utilize all the resources at its disposal to ensure that governmental services continue to be provided. To this end, the legislature believes that fees charged by state agencies must be closely scrutinized to ascertain whether the fee imposed accurately reflects the cost of providing the services. The proper aligning of fees charged by state agencies with moneys expended to provide them will have the resultant benefit of freeing up state resources for other areas in need of revenue. In addition, the legislature finds that towing companies should be able to collect fees for the cost of clean-up.

The purpose of this Act is to increase fees charged by state agencies to more accurately reflect the cost of providing

governmental services, and to allow towing companies to collect fees for the cost of clean-up."

2. By deleting sections 2 and 3.

3. By renumbering sections 4, 5, and 6 of the bill to sections 2, 3, and 4 of the bill.

4. By renumbering and amending section 7 to read as follows:

"Section 5. Section 302A-435, Hawaii Revised Statutes, is amended to read as follow:

"**[§302A-435]** **Financing adult and community education program.** The financial support for this program shall be [in part] one-half from fees collected from students enrolled[,] and [in part] one-half from public funds appropriated for this purpose. Fees shall be set in accordance with the recommendations of the advisory council, and may be collected from students regularly enrolled; provided that:

- (1) Adults registered with the department of labor and industrial relations and unemployed shall be granted free enrollment in such courses as will tend to assist these persons in securing employment;
- (2) Adults certified by the department of human services as indigent may be enrolled on a nonfee basis in classes that will tend to assist these persons in becoming self-sustaining;
- (3) Discharged veterans who are entitled to federal educational assistance shall be enrolled upon authorization of the Department of Veterans Affairs and fees shall be charged against federal funds in accordance with Department of Veterans Affairs contract regulations; and
- (4) Administrative and supervisory costs, costs of instruction, and all other necessary expenses not covered by fees and other authorized charges shall be paid for out of funds appropriated for this purpose."

4. By adding new sections 6 and 7 to read as follows:

"SECTION 6. Section 291C-165.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The towing company shall determine the name of the lien holder and the registered owner of the vehicle from the department of transportation or the county department of finance. The lien holder and the registered owner shall be notified by the towing company in writing at the address on record with the department of transportation or with the county department of finance by registered or certified mail of the location of the vehicle, together with a description of the vehicle, within a reasonable period not to exceed twenty days following the tow. The notice shall state:

- (1) The maximum towing charges and fees allowed by law;
- (2) The telephone number of the county finance department that arranged for or authorized the tow; and
- (3) That if the vehicle is not recovered within thirty days after the mailing of the notice, the vehicle shall be deemed abandoned and will be sold or disposed of as junk.

When the vehicle is recovered after the tow by the registered owner or lien holder, the party recovering the vehicle shall pay the tow and storage charges which shall not exceed the charges as provided by section 290-11(b) or the rates agreed upon with the respective counties, whichever is lower, except that tow operators may charge additional reasonable amounts for [excavating] recovering vehicles from off-road locations[,] and up to \$25 for road clean-up if, pursuant to an agreement with the respective counties, the towing company is required to clean and clear the roadway and, in cases of spills or leaks, provide, apply, and remove absorbent material; provided that if the

notice required by this section was not sent within twenty days after the tow, neither the registered owner nor the lien holder shall be required to pay the tow and storage charges. No notice shall be sent to a legal or registered owner or any person with any unrecorded interest in the vehicle whose name or address cannot be determined. A person who has been charged in excess of the charges permitted under this section may sue for damages sustained, and, if the judgment is for the plaintiff, the court shall award the plaintiff a sum not to exceed the amount of these damages and reasonable attorney's fees together with the cost of the suit."

SECTION 7. Act 138, Session Laws of Hawaii 1998, is amended by amending section 3 to read as follows:

"SECTION 3. This Act shall take effect upon its approval[; provided that the amendment set forth in Section 1 shall take effect on September 1, 1998, and shall be repealed on July 1, 2000]."

Senator Fukunaga moved that the amendment be adopted, seconded by Senator Levin.

Senator Fukunaga rose and said:

"Mr. President, Floor Amendment No. 11 would incorporate the language of S.B. No. 348 which dealt with towing companies. This is a bill that was previously acted upon by the Senate Ways and Means Committee. In Section 4, it also incorporates changes to the original fee bill, which had been discussed and voted upon by the Senate Ways and Means Committee during its decision making hearings."

The motion to adopt Floor Amendment No. 11 was put by the Chair and carried.

By unanimous consent, S.B. No. 425, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO FEES," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

Stand. Com. Rep. No. 805 (S.B. No. 792, S.D. 2):

Senator Chumbley moved that Stand. Com. Rep. No. 805 be received and placed on file, seconded by Senator Nakata and carried.

Senator Fukunaga moved that S.B. No. 792, S.D.2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Fukunaga then offered the following amendment (Floor Amendment No. 8) to S.B. No. 792, S.D.2:

SECTION 1. Senate Bill No. 792, S.D. 2, is amended by deleting its contents in their entirety and replacing them with the following language:

"SECTION 1. Section 91-13.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) All [such] issuing agencies shall take action to grant or deny [any] an application for a business or development-related permit, license, or approval within the established maximum period of time, or the application shall be deemed approved[.]; provided that:

- (1) If a timely vote is conducted by a state or county board or commission on an application that would otherwise be approved by operation of law if the board or commission failed to act within the established maximum period of time, the application shall be deemed to be approved only if a simple majority of all board or commission members to which the board or commission is entitled so approve the application, unless a greater majority is otherwise specifically required by law for approval;

- (2) In the event of a conflict between paragraph (1) and section 183C-6(b) or 201G-118(a)(4), paragraph (1) shall control; and
- (3) The automatic approval process described in this subsection shall not apply to any county or state permit related to health and safety."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval."

Senator Chumbley then offered the following amendment (Floor Amendment No. 19) to S.B. No. 792, S.D.2:

SECTION 1. Senate Bill No. 792, S.D. 2, is amended by deleting its contents in their entirety and replacing them with the following language:

"SECTION 1. Section 91-13.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Unless otherwise provided by law, an agency shall adopt rules that specify a maximum time period to grant or deny a business or development-related permit, license, or approval; provided that the application is not subject to state administered permit programs delegated, authorized, or approved under federal law. In adopting rules under this subsection, the agency shall consider health and safety as factors."

SECTION 2. Section 91-13.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) All [such] issuing agencies shall take action to grant or deny [any] an application for a business or development-related permit, license, or approval within the established maximum period of time, or the application shall be deemed approved[.]; provided that:

- (1) If a timely vote is conducted by a state or county board or commission on an application that would otherwise be approved by operation of law if the board or commission failed to act within the established maximum period of time, the application shall be deemed to be approved only if a simple majority of all board or commission members to which the board or commission is entitled so approve the application, unless a greater majority is otherwise specifically required by law for approval; and
- (2) In the event of a conflict between paragraph (1) and section 183C-6(b) or 201G-118(a)(4), paragraph (1) shall control."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval."

Senator Fukunaga then moved that Floor Amendment No. 8 be withdrawn, seconded by Senator Levin and carried.

Senator Chumbley then moved that the Floor Amendment No. 19 be adopted, seconded by Senator Nakata.

Senator Chumbley then said:

"Mr. President, this proposed amendment will add health and safety factors to the consideration and the promulgation of rules and alters the boards and commissions quorums."

The motion to adopt Floor Amendment No. 19 was put by the Chair and carried.

By unanimous consent, S.B. No. 792, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY

PROCESSES," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

Stand. Com. Rep. No. 806 (S.B. No. 803, S.D. 1):

Senator Levin moved that Stand. Com. Rep. No. 806 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Levin moved that S.B. No. 803, S.D.1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Levin then offered the following amendment (Floor Amendment No. 12) to S.B. No. 803, S.D.1:

SECTION 1. S.B. No. 803, S.D. 1, is amended by amending Section 1, page 3, line 5, to read:

"levels. By June of 1998, the federal government reported that a total of 160,000 employees had voluntarily separated from service."

SECTION 2. S.B. No. 803, S.D. 1, is amended by amending Section 2, subsection (a), to read:

"(a) Prior to obligating any resources for voluntary separation incentive benefits, the respective director or head of all departments, the judiciary, and the University of Hawaii, shall submit to the legislature a strategic workforce reduction and reorganization plan outlining the intended use of the incentive benefits and a proposed organizational chart for the department, the judiciary, or the University of Hawaii once all incentive benefits have been conferred and the reorganization of the department, the judiciary, or the university has been completed. The strategic plan shall include but not be limited to:

- (1) The positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category, and salary level;
- (2) The number and amounts of voluntary separation incentive payments to be offered;
- (3) A description of how the department, the judiciary, or the University of Hawaii will operate without the eliminated positions and functions; and
- (4) A review of its mission, programs, and operations for the explicit purpose of restructuring and downsizing the workforce in order to achieve the required reductions in general funding and positions.

The strategic plan shall be designed to maximize the continuation of direct services to department or University of Hawaii clients and the public and to reduce middle management and supervisory layers of state government. Departments and the University of Hawaii shall use the voluntary separation incentives provided in this Act, subject to guidelines issued by the departments of budget and finance and human resources development, to the maximum extent possible. The judiciary shall use the voluntary separation incentives provided in this Act and shall develop its own guidelines."

SECTION 3. S.B. No. 803, S.D. 1, is amended by amending Section 2, subsection (c), to read:

"(c) By September 30, 1999, each department shall submit its draft strategic plans to the departments of budget and finance and human resources development for review. The judiciary shall submit its draft strategic plan to the chief justice for review. The University of Hawaii shall submit its draft strategic plan to the president of the University of Hawaii for review. The president of the University of Hawaii may utilize the services and personnel of the departments of budget and finance and human resources development when reviewing the draft strategic plans under the president's jurisdiction."

SECTION 4. S.B. No. 803, S.D. 1, is amended by amending Section 2, subsection (d), to read:

"(d) By October 31, 1999, each department shall submit its revised draft strategic plans to the governor for final review and approval. The judiciary shall submit its revised draft strategic plan to the chief justice for final review and approval. The University of Hawaii shall submit its revised draft strategic plan to the president of the University of Hawaii for final review and approval. Upon the approval by the governor, the chief justice, or the president of the University of Hawaii, as applicable, of each agency's plan, the governor, the chief justice, or the president of the University of Hawaii, as applicable, shall transmit the final strategic plans, draft legislation to approve the strategic plans, and draft legislation to implement any recommended statutory amendments, to the legislature not later than November 30, 1999. If no legislation is required to implement changes recommended in any final strategic plan, then the legislature at a minimum, shall solicit public input and comment prior to acting on any final strategic plan."

SECTION 5. S.B. No. 803, S.D. 1, is amended by amending Section 4 by deleting subsection (h) and re-alphabetizing subsections (i), (j), (k), (l), and (m), to (h), (i), (j), (k), and (l), respectively.

SECTION 6. S.B. No. 803, S.D. 1, is amended by amending Section 4, page 17, line 5, to read:

"the convening of the regular session of 2001. The administrative director of the judiciary shall forward a report on the positions affected to the legislature no later than twenty days prior to the convening of the regular session of 2001."

SECTION 7. S.B. No. 803, S.D. 1, is amended by amending Section 5, page 17, line 18, to read:

"period. The State and each participating county, if applicable, shall make additional payments to the"

SECTION 8. S.B. No. 803, S.D. 1, is amended by amending Section 6, page 17, line 22, to read:

"SECTION 6. (a) Notwithstanding sections 3(i) and 4(l) of"

SECTION 9. S.B. No. 803, S.D. 1, is amended by amending Section 7 to read:

"SECTION 7. (a) The department of human resources development and the judiciary, in cooperation with the employees retirement system, shall provide briefings prior to the implementation of any strategic workforce reduction plan to educate the employees whose positions have been eliminated pursuant to section 2 of this Act.

(b) The department of human resources development shall develop and coordinate a career transition program that shall include but not be limited to vocational training, financial and career planning, and career options for employees who may be affected by this Act."

SECTION 10. S.B. No. 803, S.D. 1, is amended by adding ", the chief justice," following the word "governor" at:

- (a) Page 3, line 18; and
- (b) Page 11, line 13.

SECTION 11. S.B. No. 803, S.D. 1, is amended by adding ", the judiciary," following the word "department" or "departments" at:

- (a) Page 5, line 14;
- (b) Page 7, line 23;
- (c) Page 8, line 7;
- (d) Page 8, line 11;
- (e) Page 9, line 7;
- (f) Page 10, line 4;

- (g) Page 10, line 5;
- (h) Page 12, line 8;
- (i) Page 13, line 17;
- (j) Page 15, line 7;
- (k) Page 16, line 17; and
- (l) Page 16, line 21.

SECTION 12. S.B. No. 803, S.D. 1, is amended by adding ", the judiciary's," following the word "department's" at:

- (a) Page 5, line 21; and
- (b) Page 7, line 22.

Senator Levin moved that the amendment be adopted, seconded by Senator Fukunaga.

Senator Levin stated:

"Mr. President, the incorrect draft was decked on this bill. This bill deals with voluntary separation."

The motion to adopt Floor Amendment No. 12 was put by the Chair and carried.

By unanimous consent, S.B. No. 803, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE RESTRUCTURING," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

Stand. Com. Rep. No. 819 (S.B. No. 1501, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 819 be received and placed on file, seconded by Senator Levin and carried.

Senator Fukunaga moved that S.B. No. 1501, S.D.2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Fukunaga then offered the following amendment (Floor Amendment No. 9) to S.B. No. 1501, S.D.2:

Senate Bill No. 1501, S.D. 2, is amended as follows:

1. By designating Sections 1 to 8 as "Part I".
2. By adding a new Part II, consisting of Sections 9 to 11, to read as follows:

"PART II.

SECTION 9. Recent studies have found that quality early child care and education services have a dramatic long-term effect on a child's ability to succeed in school, achieve economically, and avoid the criminal justice system. Early child care also benefits the current work force as well, by affecting economic initiatives, productivity of workers, and the success of state welfare-to-work initiatives. The legislature finds that it is important to create new opportunities for early childhood development and education.

The legislature further finds that these centers are particularly important in low income neighborhoods, serving as a safe and nurturing place where parents can meet to talk, volunteer their services, hold regular meetings about school activities and curriculum, as well as attend classes themselves.

The purpose of this Part is to appropriate funds to develop an early childhood development and education center for infants and children up to four years of age in the Kalihi area of Honolulu. In developing this center, the department of education shall draw on the partnerships already developed between Farrington high school, the University of Hawai'i college of education, VISTA tutors, partners from the community, private businesses, organizations, foundations, and parents.

SECTION 10. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ _____, or so much thereof as may be necessary for fiscal year 1999-2000, to develop an early childhood education center for infants and children up to four years of age in the Kalihi area of Honolulu.

SECTION 11. The sum appropriated shall be expended by the department of education for the purposes of this part."

3. By redesignating Sections 9 and 10 as Sections 12 and 13, and designating those Sections as "Part III".

4. By amending the new Section 13 to read as follows:

"SECTION 13. This Act shall take effect upon approval; provided that Part II of this Act shall take effect on July 1, 1999."

Senator Fukunaga moved that the amendment be adopted, seconded by Senator Levin.

Senator Fukunaga then said:

"Mr. President, Floor Amendment No. 9 would contain and incorporate the language of S.B. No. 743, relating to Early Childhood Centers in Kalihi."

The motion to adopt Floor Amendment No. 9 was put by the Chair and carried.

By unanimous consent, S.B. No. 1501, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

Stand. Com. Rep. No. 823 (S.B. No. 1046, S.D. 2):

Senator Levin moved that Stand. Com. Rep. No. 823 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Levin moved that S.B. No. 1046, S.D.2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Levin then offered the following amendment (Floor Amendment No. 5) to S.B. No. 1046, S.D.2:

SECTION 1. Senate Bill No. 1046, S.D. 2, is amended by deleting its contents in their entirety and replacing them with the following language:

"SECTION 1. For several decades, the civil service system has admirably met its mandate to support Hawaii state government's mission to serve the people of Hawaii. Within the past few years, however, with the advancement of digital technology, public needs have changed at a constant and ever-increasing rate. Our current civil service system, which was created at a time when digital technology was at best, mostly theory, has outlived its usefulness. Therefore, for state government to continue to meet the public's needs, the civil service system will have to be modernized to provide flexible, timely, responsive, and people centered personnel support.

To create an opportunity that encourages all stakeholders to work collaboratively to co-create this modernized civil service, it is proposed that a "fresh-start" provision be established for civil service laws. Such a "fresh-start" concept would not only serve to "clear-the-deck" but would also capture the public's attention and thus provide the drive to seriously engage in the process of co-creating a new statutory framework by all stakeholders.

SECTION 2. The director of human resources development is charged with the responsibility to establish partnerships with all stakeholders, labor and management included, and begin to

design and effectuate a process to modernize the civil service system.

The director of the department of human resources development shall identify and work collaboratively with the various stakeholders governed by the provisions of chapters 76, 77, 78, 79, 80, 81, and 82, Hawaii Revised Statutes, in order to draft replacement legislation if deemed necessary. The stakeholders shall include, but not be limited to, the exclusive representatives whose members are covered by these chapters, the conference of personnel directors, the personnel director of the judiciary, and members of the house of representatives and the state senate as designated by the speaker of the house of representatives and the president of the senate, respectively.

It is envisioned that discussions may include but not be limited to, such other issues as negotiability of health benefits, creation of a new classification system, total compensation package which includes pay and benefits, recruitment above the first step of the pay range, autonomy of personnel administration systems, and the civil service commission and public employees compensation appeals board.

The director, with the consensus of the stakeholders shall establish a process for developing as broad-based a series of recommendations as can be agreed upon by the stakeholders in the process.

The director shall submit monthly progress reports to the legislature. The director and the stakeholders shall submit draft model civil service legislation to a joint house and senate labor committee meeting on November 15, 1999. The stakeholders shall continue to meet after the joint meeting and make any revisions to the proposed legislation based on feedback from the joint committee. The director, with the stakeholders concurring, shall present revised legislation for the modernization of civil service legislation for consideration by the legislature by January 15, 2000.

SECTION 3. Notwithstanding any other law to the contrary, the legislature shall adopt legislation to be effective June 29, 2000, to define the employment of persons in the civil service system. Such legislation shall be governed by the merit principle.

SECTION 4. Effective June 30, 2000, chapters 76, 77, 78, 79, 80, 81, and 82, Hawaii Revised Statutes, are repealed; provided that the legislature has adopted replacement legislation for them in accordance with section 3 of this Act.

SECTION 5. This Act shall take effect upon its approval."

Senator Levin moved that the amendment be adopted, seconded by Senator Fukunaga.

Senator Levin then said:

"Mr. President, this bill was acted upon by the Ways and Means Committee and an incorrect draft was decked. This is the correct language."

The motion to adopt Floor Amendment No. 5 was put by the Chair and carried.

By unanimous consent, S.B. No. 1046, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL SERVICE SYSTEM FOR PUBLIC OFFICERS AND EMPLOYEES," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

Stand. Com. Rep. No. 862 (S.B. No. 1024, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 862 be received and placed on file, seconded by Senator Levin and carried.

Senator Chumbley moved that S.B. No. 1024, S.D.2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Fukunaga then offered the following amendment (Floor Amendment No. 17) to S.B. No. 1024, S.D.2:

Senate Bill No. 1024, S.D. 2, is amended as follows:

1. By designating Section 1 through Section 12 as "Part I".
2. By amending Section 11 to read:

"SECTION 11. This part does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date. Rules adopted pursuant to the chapters being amended shall remain in effect until the rules are amended, repealed, or replaced."

3. By amending Section 12 to read:

"SECTION 12. All acts passed by the legislature during the Regular Session of 1999, whether enacted before or after the effective date of this part, shall be amended to conform to this part; unless such acts specifically provide that this part is to be amended."

4. By adding a new Part II consisting of Sections 13 and 14 to read as follows:

"PART II.

SECTION 13. The department of health is moving toward adoption of a risk-based environmental management strategy, which is based upon risk assessment to human health and the environment, rather than upon rigid technical standards.

Under the Comprehensive Emergency Response, Compensation and Liability Act of 1980 (CERCLA) and the Oil Pollution Act of 1990 (OPA 90), the department of health has responsibility as a "natural resources trustee." To fulfill this responsibility, the department must have the ability to evaluate the impact of chemical releases and oil spills on the complex ecosystems of Hawaii. This expertise requires an individual who is trained and experienced in the field of ecological risk assessment.

In addition, as a trustee, the department is required to conduct damage assessments and negotiate penalties with those responsible for chemical releases and oil spills that harm the environment.

To do this effectively, the department must have expertise in-house to support the claims made by the State. It is difficult for the department to make its case and negotiate successfully without a credible expert in the area of natural biology and ecological risk assessment. This is a very specialized field of study and the expertise will support all the programs of the environmental health administration.

SECTION 14. Chapter 128D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§128D- Ecological risk assessor. The department may establish a permanent exempt position for an ecological risk assessor for the purpose of assessing ecological risks and damages. The position shall be appointed by the director without regard to chapters 76 and 77. The funds for this position shall come from the environmental response revolving fund established in section 128D-2."

5. By adding a new Part III consisting of Sections 15, 16, and 17 to read as follows:

"PART III.

SECTION 15. The legislature affirms that it is in the public interest that actions which may have a significant impact on the environment be subjected to a formal system of review to ensure that the environmental concerns of the proposed actions are given equal weight to economic and technical considerations. The legislature finds that under existing law,

certain proposed actions which may have significant environmental effects are not subject to the provisions for environmental review, and that such review would provide substantive benefits to the public through judicious evaluations of social and environmental effects, to the private applicant through the identification of appropriate mitigation strategies to minimize adverse environmental effects, and to government through the identification of appropriate planning principles and regulatory actions.

The purpose of this part is to extend the environmental review provisions of chapter 343, Hawaii Revised Statutes, to encompass the proposed use of land subject to discretionary approval by a state or county agency except for those land uses that have minimal or no significant effects.

SECTION 16. Sections 343-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as otherwise provided, an environmental assessment shall be required for actions which:

- (1) Propose the use of state or county lands or the use of state or county funds, other than funds to be used for feasibility or planning studies for possible future programs or projects which the agency has not approved, adopted, or funded, or funds to be used for the acquisition of unimproved real property; provided that the agency shall consider environmental factors and available alternatives in its feasibility or planning studies;
- (2) Propose any use within any land classified as conservation district by the state land use commission under chapter 205;
- (3) Propose any use within the shoreline area as defined in section 205A-41;
- (4) Propose any use within any historic site as designated in the National Register or Hawaii Register as provided for in the Historic Preservation Act of 1966, Public Law 89-665, or chapter 6E;
- (5) Propose any use within the Waikiki area of Oahu, the boundaries of which are delineated in the land use ordinance as amended, establishing the "Waikiki Special District";
- (6) Propose any amendments to existing county general plans where such amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plan initiated by a county;
- (7) Propose any reclassification of any land classified as conservation district by the state land use commission under chapter 205; [and
- [(8)] Propose the construction of new, or the expansion or modification of existing helicopter facilities within the State which by way of their activities may affect any land classified as conservation district by the state land use commission under chapter 205; the shoreline area as defined in section 205A-41; or, any historic site as designated in the National Register or Hawaii Register as provided for in the Historic Preservation Act of 1966, Public Law 89-665, or chapter 6E; or, until the statewide historic places inventory is completed, any historic site found by a field reconnaissance of the area affected by the helicopter facility and which is under consideration for placement on the National Register or the Hawaii Register of Historic Places[.]; and
- (9) Propose any use of land when the use is subject to discretionary approval by a state or county agency, except those land uses that have minimal or no significant effects as provided in section 343-6(a)(7)."

SECTION 17. There is appropriated out of the general revenues of the State of Hawaii the sum of \$40,000, or so much thereof as may be necessary for fiscal year 1999-2000, to carry out the purposes of this part, including the hiring of necessary staff. The sum appropriated shall be expended by the department of health."

6. By redesignating Sections 13 and 14 as Sections 18 and 19, and by designating these sections as Part IV.

7. By amending the new Section 19 to read as follows:

"SECTION 19. This Act shall take effect upon its approval; provided that Sections 15, 16, and 17 shall take effect on July 1, 1999."

Senator Fukunaga moved that the amendment be adopted, seconded by Senator Levin.

Senator Fukunaga rose and stated:

"Mr. President, Floor Amendment No. 17 would incorporate the provisions of S.B. No. 516 and S.B. No. 1023, both of which had been acted upon by the Senate Ways and Means Committee. They deal with an ecological risk assessor as well as discretionary approvals by state or county agencies."

The motion to adopt Floor Amendment No. 17 was put by the Chair and carried.

By unanimous consent, S.B. No. 1024, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENT," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

Stand. Com. Rep. No. 584 (S.B. No. 1231, S.D. 2):

Senator Nakata moved that Stand. Com. Rep. No. 584 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Nakata moved that S.B. No. 1231, S.D.2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Nakata then offered the following amendment (Floor Amendment No. 18) to S.B. No. 1231, S.D.2:

SECTION 1. Senate Bill No. 1231, S.D. 2, is amended as follows:

1. By amending page 3, lines 5-7 to read:

"signs.] Smoking is prohibited in all enclosed areas of private workplaces and state-owned or state-controlled workplaces including state-owned or leased vehicles, except that an employer may make provisions for employees to smoke in a designated area of the workplace as long as the nonsmoking employees are not directly impacted. For employees subject to collective bargaining, any provision to allow smoking in a designated area of the workplace shall be a negotiable item."

2. By deleting subsection (c) on page 3, lines 17-19.

Senator Nakata moved that the amendment be adopted, seconded by Senator Chun Oakland.

Senator Nakata then said:

"Mr. President, S.B. No. 1231, S.D. 2, prohibits smoking in workplaces in areas that are confined by four walls and a roof. This amendment would make exceptions that an employer may make provisions for employees to smoke in a designated area of the workplace as long as the non-smoking employees are not directly impacted. And for employees subject to collective bargaining, any provision to allow smoking in a designated area of the workplace shall be a negotiable item."

The motion to adopt Floor Amendment No. 18 was put by the Chair and carried.

By unanimous consent, S.B. No. 1231, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN THE WORKPLACE," was placed on the calendar for Third Reading on Thursday, March 11, 1999.

At 11:23 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:34 o'clock a.m.

S.B. No. 498, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 498, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTIVE AUTHORITY FOR ADVANCED PRACTICE REGISTERED NURSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 569 (S.B. No. 1429, S.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 569 was adopted and S.B. No. 1429, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER TREATMENT FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1404, S.D. 1:

On motion by Senator Nakata, seconded by Senator M. Ige and carried, S.B. No. 1404, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER REUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1090:

Senator Inouye moved that S.B. No. 1090, having been read throughout, pass Third Reading, seconded by Senator Buen.

Senator Bunda rose in opposition to the measure as follows:

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

"Mr. President, I believe that the intent of the bill is to target the illegal sale of under-sized lobsters and lobsters with eggs in our local markets. However, the language in this measure states that DLNR may specify in the rules that any marine life taken from the waters of the Northwestern Hawaiian Islands is subject to the same state regulations that apply to the main Hawaiian Islands.

"Mr. President, I have a difficult time with this bill because it would give pretty much a carte blanche authority to the Department of Land and Natural Resources in issuing licenses and doing rules for any marine life. If DLNR had intended this bill to be just for lobsters, then the section title of this bill should not have been amended and the language should have been more species specific.

"However, with this language of 'any marine life,' it appears that DLNR is looking for more latitude and could use the amended language in ways to be economically detrimental to our local fishermen and our local seafood businesses.

"Mr. President, we already have laws in place on both the federal and state levels to effectively manage our valuable Hawaiian fisheries. However, given the free reign that we are going to give to DLNR to do rules on 'any marine life' adds

more bureaucracy -- and again, Mr. President, could impose unjustifiable restrictions on an already struggling fisheries business. We have enough competition from foreign fisheries as it is already.

"Mr. President, I urge all my colleagues to vote 'no' on this measure."

Senator Inouye, rising in support of the measure, then stated:

"Mr. President, I'm in support of S.B. No. 1090.

"Senate bill 1090 proposes to allow DLNR to specify that marine life taken from the Northwest Hawaiian Islands may not be regarded as important animals and may be subject to the same state regulations that apply in the main Hawaiian Islands. In the past, DLNR has used this license to allow the sale of Northwest Hawaii animals in the state, but recent changes in the federal management plan for lobsters in North Hawaii have resulted in undersized and lobsters with eggs appearing in the local markets. The department believes that the sale of these lobsters should not be allowed in the state.

"In addition, recent data indicated that the Northwest Hawaii and the main Hawaiian Island lobsters are the same population stock, and this suggests that the same regulations should apply to both groups. This bill, Mr. President, would clearly authorize the department to state that local sales of undersized and lobsters with eggs would no longer be allowed under this license.

"I urge my colleagues to support S.B. No. 1090 and strongly urge its passage.

"Thank you, Mr. President."

Senator Slom then said:

"Mr. President, a point of clarification.

"May I ask the chair of Economic Development about that issue? Is this bill limited strictly to lobsters or does it, in fact, apply to any marine life? Thank you."

Senator Inouye responded:

"Mr. President and to my colleague, I think it particularly is strictly to lobsters."

Senator Iwase then inquired:

"Just to follow up on that, where in the bill does it say that it is limited strictly to lobsters?"

At 11:39 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.

Senator Inouye then said:

"Mr. President, in light of the concerns raised, the Committee on Economic Development has received H.B. No. 1180 which regards the same title, and the chair at this time would recommend that we recommit S.B. No. 1090."

The Chair so ordered.

By unanimous consent, S.B. No. 1090, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSE FOR IMPORTED MARINE LIFE," was recommitted to the Committee on Economic Development.

S.B. No. 1134, S.D. 1:

Senator Kanno moved that S.B. No. 1134, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak against the measure and said:

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

"As a senior citizen, and one more mature than many of my colleagues, I take umbrage in the thrust of the bill that senior citizens are not able to read contracts or to understand reverse mortgages, which have become popular on the Mainland. It is true that in some cases there have been abuses or deceptive practices, but that has not been the case in Hawaii. This bill is a bill that seeks to address a problem which does not exist and has not existed, and it requires counseling of individuals, primarily seniors, and many of us are capable of reading, and it provides penalty provisions for financial institutions.

"I think that we should have as much choice as possible. And because, as I said, there has been no evidence of any problems here, I think that this bill is not necessary, so I'm going to vote 'no.'

"Thank you, Mr. President."

The motion was put by the Chair and carried, S.B. No. 1134, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REVERSE MORTGAGES," 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. 583 (S.B. No. 368, S.D. 1):

Senator Nakata moved that Stand. Com. Rep. No. 583 be adopted and S.B. No. 368, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator M. Ige.

Senator Iwase rose to speak with reservations on the measure as follows:

"Mr. President, please cast an 'aye' vote with reservations for me on this bill. I believe it runs afoul of Article 3, Section 14, of the Constitution -- one subject. The title and the purpose of the bill do not appear to be in sync.

"Thank you."

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

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

"Mr. President, the County of Kauai has one of the few medical incinerators located within the State of Hawaii. This medical incinerator has been operating, to my knowledge, satisfactorily for many years.

"This bill would, in essence, at the end of the term of its current permit, require it to shut down, which would further limit the number of licensed medical incinerators within the State of Hawaii. That could have a devastating impact for the citizens of the County of Kauai and also for the State of Hawaii. If we would have to shut down and cannot burn the medical waste safely within the State of Hawaii, within the County of Kauai, the patients -- you and I -- would have to pay for those costs. The only other way we can get rid of those efficiently is either probably shipping them off to another island or shipping them off to the Mainland. That would add extraordinary costs and it's costs that we cannot bear.

"I trust, though I think the intent of the bill is good, that it is to insure that the safety of all people living close to medical incinerators is protected. I believe in the intent of the bill. I

also believe that one of the intents of the bill is to have medical incinerators that are currently licensed to upgrade their facilities to meet even more stringent EPA requirements. I believe, Mr. President, that will happen and I believe that will happen regardless of whether or not we take action on this bill or not. But for purposes of protecting the interests and making the interests known of my constituents, I would have to favor this bill, but also with reservations.

"Thank you, Mr. President."

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I rise in opposition to the bill.

"I think that, first of all, in listening to the discussion about this bill, the technology was not even properly addressed in terms of medical waste. Secondly, the firms that have been adequately permitted by the Department of Health and other agencies, I think, should be allowed to operate in that manner.

"My colleague from the Garden Island expressed concerns in terms of limiting the use of these medical waste facilities. And during the conversations in committee, there were a lot of statements made about the position of the federal environmental agency, and the statements later turned out to be false in that the Environmental Protection Agency, the EPA, does not in fact have any limitations in terms of distance or nearness to facilities at the present time.

"Thank you, Mr. President."

Senator Nakata rose to speak in support of the measure and stated:

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

"I have been in conversation with my colleague from Kauai and understand his concerns, and we will be talking to our House counterpart to address the issue.

"And as far as the 500 foot limit, this was recommended to us by the Department of Health.

"Thank you."

Senator Sakamoto, rising to speak with reservations, then said:

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

"I'm in full accord of the intent, which is to address the potential hazards to the residents from emissions that may affect them, but the need for medical health facilities have not been addressed. What and how much waste are we talking about? Is it economically feasible and environmentally safe to build these facilities here? Or would it be more economical to ship the waste outside of Hawaii or outside of Kauai, or outside of wherever? Now, our Governor and most of us kind of agree that we want Hawaii to be a place for a health state, a medical technological center. How can we be that if we cannot address our medical waste?

"This bill does not allow, as the Kauai Senator said, hospitals and other facilities to deal with their own waste. Many times it's safer and far more economical to dispose of the waste at the source and not risk handling, transportation, refrigeration and many other potential problems. I think this bill needs a lot more thought, Mr. President.

"Thank you."

Senator Anderson rose and said:

"Would you have the Clerk record a W/R for me, please. I want to go over some things."

The Chair so ordered.

Senator Bunda added:

"A W/R for me, Mr. President."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 583 was adopted and S.B. No. 368, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL PROPERTY OCCUPANCY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Levin, Taniguchi).

Stand. Com. Rep. No. 585 (S.B. No. 211, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Buen and carried, Stand. Com. Rep. No. 585 was adopted and S.B. No. 211, 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 (Levin).

At 11:51 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.

Stand. Com. Rep. No. 586 (S.B. No. 813, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 586 be adopted and S.B. No. 813, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom, rising to speak with reservations, then said:

"I rise to speak in support of the bill with reservations.

"My reservations have to do with our expanded use of special purpose revenue bonds, and we'll have a number of other bills coming up a little bit later. I raised this issue last year. There is a question whether or not the state is going to have any liability whatsoever, since we're putting our name and facilitating the issuance of these bonds.

"Secondly, we seem to be broadening the original purpose and use for health and welfare of these bonds.

"And thirdly, I guess the question should be whether or not there is going to be any limit to the issuance of special revenue bonds.

"So I raise those questions and probably will address them specifically in other bills.

"Thank you, Mr. President."

Senator Fukunaga then responded:

"Mr. President, I'd like to respond to the remarks of the prior speaker. I'm speaking in support of the measure.

"I do want to assure the good Senator from the Hawaii Kai area that these bills provide the authorizations for special purpose revenue bonds to be issued and the Department of Budget and Finance fully and very carefully screens every specific authorization.

"The bonds themselves are only procured if there is a market for them. So in this instance, we have a utility bond which is

being sought. We have never seen any of these special purpose utility bonds, which the Legislature has authorized, run into any kinds of problems. So I do want to assure the good Senator that every effort is made to carefully check the companies and the markets for these issuances and we are providing the authorizations therefore.

"For all of the above reasons, we would urge our colleagues to vote in support. Thank you."

Senator Slom then rose and said:

"Mr. President, I want to thank my colleague from Makiki, Tantalus, Ala Moana, all points mauka, makai, and so forth.

"I would just like to inquire, however, that in speaking with the Department of Budget and others, if any of these bonds that are actually issued, if there is a default, is the State totally and completely immunized from any liability? That really is the basis of my question. Thank you."

Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 586 was adopted and S.B. No. 813, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE GAS UTILITY IN SERVING THE GENERAL PUBLIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:55 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.

Stand. Com. Rep. No. 590 (S.B. No. 1130, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 590 be adopted and S.B. No. 1130, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in support of the measure with reservations as follows:

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

"Basically, my questions are, What the cost of this bill is going to mean? Who's going to pay the cost, whether it's going to be the HMOs or whether it's going to be passed along to patients? And also, questions of staff. And really, the bottom line is the necessity for this bill, but I will support it with reservations.

"Thank you."

Senator Anderson then said:

"Aye, with reservations, also."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 590 was adopted and S.B. No. 1130, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH MAINTENANCE ORGANIZATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 591 (S.B. No. 1144, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 591 be adopted and S.B. No. 1144, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak against the measure and said:

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

"The bill proposes to take a portion of the franchise tax and we're not sure just exactly how much and how we're going to do that. More importantly, though, is where the money is going to go, what it's going to be used for, and what do the taxpayers and the customers of the financial institutions get? So I'm voting 'no' against this bill.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 591 was adopted and S.B. No. 1144, 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, 23. Noes, 2 (Anderson, Slom).

Stand. Com. Rep. No. 592 (S.B. No. 1145, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 592 was adopted and S.B. No. 1145, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 594 (S.B. No. 1282, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 594 be adopted and S.B. No. 1282, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 594 was adopted and S.B. No. 1282, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 596 (S.B. No. 1290, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 596 be adopted and S.B. No. 1290, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

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

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

"For a long time, those of us in the private sector were urging the State to make good on its promise under the prepaid health care act and take care of employees. And for a long time we've watched as by subterfuge certain departments, such as the Department of Health, have used the ruse of having part-time, casual, temporary, emergency hires so that they would not in fact have to pay medical insurance for them.

"This bill is a good bill in that it will offer all part-time, temporary, seasonal and casual employees the opportunity to get health insurance on their own, and they will pay for that. And that, I think, is a very good idea.

"I would just caution, and my reservations are two fold, that we don't come back here next year or the year after and then say that all of the same employees -- casual, part-time, and so forth -- will be paid by the State, and/or that any monies that casual, part-time employees have previously paid will be subject to reimbursement by the State. That's my only caveat.

"Thank you, Mr. President."

Senator Anderson, also rising to speak with reservations, then said:

"Mr. President, I also have some reservations, pretty much with what the Minority Floor Leader said, but also we do have many, many temporary employees. Some of them, I guess, have been here for 12-14 years. I would rather see a bill that says that we're going to make them permanent and that from that day on we would pay for all of their medical and any other benefits that they receive.

"What we have done for a number of years is play games. Consequently, if I remember correctly, last year or the year before, the State said they didn't know how many employees they had. And that was one of the reasons -- some are temporary, some are casual. We really don't know how we're putting them all in there. And this bill is trying to help them out and I believe in it.

"Thank you very much."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 596 was adopted and S.B. No. 1290, 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, 25. Noes, none.

Stand. Com. Rep. No. 598 (S.B. No. 1544, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 598 be adopted and S.B. No. 1544, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Anderson rose to speak against the measure and said:

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

"The only reason is that we've, again, made a lot of problems in the past. We've allowed people to, I guess, have an easy out at 25 years of service with no age at all as part of the reason that they're getting out of government. Now, you can come into government at age 20 or 21 and retire after 25 years. We're trying very hard to help the economy by getting jobs for people. Those people would be young enough and most certainly would not want to retire, really, at age 45 or 46. And then they would go out into the community and take the very jobs that we're trying to create. Or, we would find out, like the teachers, that we made a big mistake and we really need those people back, and then we would hire them back again.

"If we were to write this bill, when it goes over, it would be that we would have to add an age factor of 55, 60, or whatever, and the 25 years added on to that. In private enterprise, my own spouse had to wait 41 years with Hawaiian Airlines because she didn't have the age to get out earlier. So she had to wait until age 62 with 41 years of service. Now, I don't think we have to go that high, but we most certainly should at least hang on to a 55 years or up with 25 years of service.

"Thank you very much, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 598 was adopted and S.B. No. 1544, 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, 1 (Anderson).

Stand. Com. Rep. No. 601 (S.B. No. 809, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 601 be adopted and S.B. No. 809, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak in support of the measure with reservations as follows:

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

"I think it's a good bill and it's a good idea to allow sole proprietor owners with valid commercial registration for a catamaran to transfer, but why don't we do that for other commercial vessels? I think we should expand that instead of limit it just to one or two catamaran vessels.

"Thank you, Mr. President."

Senator Anderson then said:

"I have the same reservations."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 601 was adopted and S.B. No. 809, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BOATING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 602 (S.B. No. 976, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 602 be adopted and S.B. No. 976, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Kawamoto rose in support of the measure and said:

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

"Mr. President, there is a construction industry amounting to \$350 million to \$400 million coming down our pike every year, and yet we don't have an opportunity for research, an opportunity to provide a level playing field for the construction industry, and we have other agencies that do research for less amounts of money. Therefore, I request that my colleagues vote 'aye' on this bill."

Senator Slom rose in opposition to the measure as follows:

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

"Mr. President, I agree with my colleague that the construction industry, of course, is very vital and very important. It's the foundation of our economy, and right now it is suffering. However, as testimony indicated, to set up a branch within the State Department of Business and Economic Development -- first of all, they oppose the bill; they don't want to do it. I learned a long time ago, if you ask somebody to do something and they don't want to do it, they're not going to do a very good job.

"Secondly, I think that we do have a lot of research and data from private institutions and public institutions in the state.

Thirdly, I think the construction industry, the construction unions can tell us all about the statistics. It's not a question of research gathering. It's not a question of hiring more staff. It's a question of getting more jobs and turning this economy around and improving the business climate. So therefore, I'm opposed to this addition of bureaucracy within the state.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 602 was adopted and S.B. No. 976, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND 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. 610 (S.B. No. 1157, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 610 was adopted and S.B. No. 1157, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE LIBRARIAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 611 (S.B. No. 1185, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 611 was adopted and S.B. No. 1185, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE AQUARIUM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 615 (S.B. No. 1005, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 615 be adopted and S.B. No. 1005, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Sakamoto rose to speak with reservations on the measure as follows:

"Mr. President, I rise to speak in support with reservations.

"I support the intent of the measure to get subcontractors paid in a timely fashion. However, I do not believe the measure recognizes the operational realities of the construction industry. For example, if a contractor issues payments to three of his subs one day late, per the bill, he'll probably be incurring all three fines and be prohibited from bidding for three years. That's not right.

"Additionally, the measure does not recognize that the fine may greatly exceed what the sub is owed and that there may be a legitimate reason for the late payment. So here are a couple of suggestions to help make the bill better -- maybe adding discretion to the fines up to a certain established amount, or the balance owed the subcontractor, whichever is less. And secondly, possibly calculating the number of offenses by counting one or more times . . . let me clarify. If you have one disbursement, but you have several untimely payments on the same disbursement, that should be one violation, as opposed to three.

"I believe we can support this measure, but it does need more work and we need to take care of good contractors and not let incidents of some bad generals get everybody in trouble.

"Thank you, Mr. President."

Senator Tam rose in support of the measure and said:

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

"My only message is that this bill was supported by the administration so that they could set us apart from being in between the general contractor and a subcontractor.

"Thank you."

Senator Slom then said:

"Mr. President, reservations, please."

The Chair so ordered.

Senator Chun then said:

"Mr. President, I speak in favor of the measure with reservations. I support the comments made by the Honorable Senator from Moanalua and Salt Lake."

Senator Iwase then requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 615 was adopted and S.B. No. 1005, S.D. 2, 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, 25. Noes, none.

At this time, Senator Anderson rose on a point of information as follows:

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

"Information, I guess, more for others. I thought I was way off, but when we pulled those bills this morning for amendments, this was part of the amendment. And because we're not in your room, it's hard. We have the bills. Because originally we were going to hear them, and now they are part of another bill. So that's why I was reading that. It came up the way my staff put it, and it's my fault, but that's why it's so confusing for us. We didn't go into your little caucus for 23.

"I apologize for my ignorance, but I also don't apologize for my staff doing a good job. Thank you."

The Chair added:

"And you are lobbying for more staff next year? I get that."

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

The Senate reconvened at 12:16 o'clock p.m.

Stand. Com. Rep. No. 618 (S.B. No. 145, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 618 was adopted and S.B. No. 145, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 620 (S.B. No. 200):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 620 was adopted and S.B.

No. 200, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR THE EWA VILLAGES COMMUNITY DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 621 (S.B. No. 802):

Senator Fukunaga moved that Stand. Com. Rep. No. 621 be adopted and S.B. No. 802, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I stand in opposition to this bill.

"Again, trying to be entirely consistent over the last three years, any bill that is going to establish a special fund, I'm going to oppose, because I believe what the Tax Foundation of Hawaii has advised us, what our Legislative Auditor has advised us -- we should not be creating more special funds. It makes it extremely difficult to account for the money and to be accountable to the taxpayers.

"So for that reason and that reason only, I oppose the bill. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 621 was adopted and S.B. No. 802, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON PERSONS WITH DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 622 (S.B. No. 835, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 622 be adopted and S.B. No. 835, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak against the measure and said:

"Mr. President, again, I rise in opposition.

"I oppose the bill again because it establishes a special fund. Thank you."

Senator Iwase then asked that his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 622 was adopted and S.B. No. 835, S.D. 2, 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, 22. Noes, 2 (Anderson, Slom). Excused, 1 (M. Ige).

Stand. Com. Rep. No. 628 (S.B. No. 1235, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 628 be adopted and S.B. No. 1235, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to oppose the measure as follows:

"Mr. President, I rise in opposition to the bill.

"I don't think we need yet another task force. I think we've heard testimony for years. We have people, native Hawaiians and other people, that are practicing alternative medicine. What we need to do is to get the government out of the way and allow

for the more widespread use of alternative medicines -- not another task force.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 628 was adopted and S.B. No. 1235, 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, 22. Noes, 2 (Anderson, Slom). Excused, 1 (M. Ige).

Stand. Com. Rep. No. 631 (S.B. No. 605, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 631 be adopted and S.B. No. 605, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Sakamoto rose to speak in support with reservations on the measure as follows:

"Mr. President, I rise in support with reservations.

"I understand your committee finds that this bill is necessary because of a possible growing problem in Hawaii, but first, a crime is a crime whether it is done out of prejudice toward another person or not. A crime that is hate or bias motivated doesn't carry any more weight than the same crime that was committed by someone without this bias. Penalties should be imposed on the criminal action no matter why it was done, but because it was done. And if we want to create stiffer penalties, then it should be stiff all the way around.

"Thank you."

Senator Slom, also rising to speak with reservations, then said:

"Mr. President, I support the bill with reservations and I support the comments made by my colleague from Moanalua.

"I think it's time, first of all, that we enforce the laws that we have and that we provide actual punishment for actual crimes. I am concerned about the broad nature and the vagueness within this bill, although the intent is a good one.

"Thank you."

Senator Chun then requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 631 was adopted and S.B. No. 605, 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.

Stand. Com. Rep. No. 634 (S.B. No. 901, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 634 was adopted and S.B. No. 901, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

Stand. Com. Rep. No. 635 (S.B. No. 902, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 635 be adopted and S.B. No. 902, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak against the measure and said:

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

"A fee is a tax, is a tax, is a tax. We have a lot of bills that are proposing new fees or increased fees. I don't like the idea of a storage fee of \$5 in this bill because the \$5 will then become \$10 and \$15 and \$20, and I think storage is a part of the operations of any agency.

"I vote 'no.'"

The motion was put by the Chair and carried, Stand. Com. Rep. No. 635 was adopted and S.B. No. 902, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDS MANAGEMENT SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 641 (S.B. No. 1638, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 641 be adopted and S.B. No. 1638, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak with reservations on the measure as follows:

"Mr. President, I rise in support with reservations.

"The problem I have with this bill is it seems to put the emphasis on salaries for administrators and officers and also encourages, I would say, more people to leave the classroom and become administrators. I think that's one of the problems we have with our educational system. We've got too many administrators and not enough teachers. I think we should take care of the teachers first and put our emphasis and our focus there.

"Thank you."

Senator Anderson rose and said:

"Would you add reservations for me also. Thank you."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 641 was adopted and S.B. No. 1638, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL OFFICERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 642 (S.B. No. 531, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 642 be adopted and S.B. No. 531, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Matsuura rose to speak in support of the measure with reservations as follows:

"Mr. President, I stand in support with reservations.

"As one familiar with agriculture, I'd like to emphasize that in a time when we are trying to be more efficient and save money, I'd like to re-emphasize that the use of herbicides is the most efficient way for roadside management of vegetation.

"Thank you."

Senator Chun also rose to speak with reservations on the measure as follows:

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

"Mr. President, this bill proposes to establish a roadside vegetation committee composed of representatives of the Department of Transportation, the counties, and different experts in the field of bio-diversity and landscape architecture. Mr. President, I agree with the intent of the bill which is to use the best method to control vegetation on roadsides and highways.

"However, Mr. President, I really feel that, that kind of decision should be made by the people, the people most responsible for that, and that is the agencies from which the jurisdictions of the roadside fall, because they are the ones that have to weigh all the aspects of everything dealing with the maintenance of roadsides. They have to deal with the issue of personnel needed. They have to deal with the issue of the equipment needed. They have to deal with the issue of the environment. In essence, Mr. President, they have the responsibility of maintaining the public trust for their jurisdictions. And Mr. President, I believe that the more we dilute that public trust by putting layers and layers of bureaucracy on them, the less we have accountability.

"So, Mr. President, while I do agree with the intent of that -- to require those people making those decisions to consider those factors -- I believe establishing another bureaucracy, another commission, another group to oversee that, is just another bureaucracy which is not needed in our government.

"Thank you, Mr. President."

Senator Kawamoto rose to speak in support of the measure and stated:

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

"Mr. President, as we went through the hearing on this bill, the Department of Transportation indicated that they would lead this committee and they are also working on programs to, again, minimize the use of herbicides to establish roadside maintenance.

"We realize in Hilo and in Kaneohe and Kailua there is difficulty in controlling the weeds, but we're still working. We originally had a suspense date, but we took that out.

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

Senator Iwase, rising to speak with reservations, then said:

"Mr. President, coming from a district that has a lot of freeways and weeds, I'd like to rise in support of the bill with reservations for the reasons expressed by the Senators from Hilo and South Kauai.

"Thank you."

Senator Inouye, rising in support of the measure, then stated:

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

"As referenced earlier, this bill allows for the transportation highways to minimize roadside spraying and the use of herbicides and I strongly urge my colleagues to support the bill.

"Years ago, the County of Hawaii had introduced and initiated action to curb herbicide spraying. It's been working well and we hope that it continues throughout our State, as well, on behalf of our children and those that walk along the roadsides.

"This bill also initiates actions to study it further and hopefully that will succeed in eliminating herbicide spraying on our highways in the State.

"Thank you, Mr. President."

Senator Anderson rose to speak against the measure and said:

"Mr. President, I'm going to vote 'no.' Originally, I was going to vote with reservations, but I wanted to be consistent with how I've been over the years.

"I used to sell the chemicals for roadside herbicide use. Today, the chemical companies have got to go along with all kinds of rules and restrictions on what that chemical can do. They are scrutinized by everybody. They are biodegradable, OSHA approved. They are approved by everybody and his brother. It's not like the old days where you had chemicals that were going down into the drinking water, just draining down. It's needed today to make sure that it's a lot more cost effective to spray the weeds to make sure that our roadsides look better.

"So, for those reasons I will be voting 'no' on this measure and also I don't think we need a task force for it. Thank you."

Senator Slom then said:

"Reservations, please, Mr. President."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 642 was adopted and S.B. No. 531, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ROADSIDE HERBICIDE USE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Noes, 1 (Anderson).

Stand. Com. Rep. No. 643 (S.B. No. 568, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 643 be adopted and S.B. No. 568, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak with reservations on the measure as follows:

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

"I think we all support and are concerned about preservation of native Hawaiian burial sites and artifacts. But I am concerned about putting this within the DLNR and also creating a new specialty called Burial Specialist. The State has supported the Bishop Museum, financially and otherwise, for many years, has called on the Bishop Museum with trained anthropologists to do this job and provide this service for many departments of state. And now we note that the Bishop Museum is laying off people and having a difficult time, and this is truly one of the treasures within our State.

"So I see two things here -- we're neglecting something that we have supported for many years and we're creating additional employment and additional bureaucracy within DLNR.

"So, for those reasons, I have reservations. Thank you, Mr. President."

Senator Anderson then said:

"W/R for the same reasons."

Senator Sakamoto then added:

"W/R in support of Bishop Museum."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 643 was adopted and S.B. No. 568, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 645 (S.B. No. 1080):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 645 was adopted and S.B. No. 1080, entitled: "A BILL FOR AN ACT RELATING TO PLANNING AND COMMUNITY DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 654 (S.B. No. 1128, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 654 was adopted and S.B. No. 1128, 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, 25. Noes, none.

Stand. Com. Rep. No. 655 (S.B. No. 716):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 655 was adopted and S.B. No. 716, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (M. Ige).

Stand. Com. Rep. No. 656 (S.B. No. 942, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 656 was adopted and S.B. No. 942, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUNTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 657 (S.B. No. 869, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 657 be adopted and S.B. No. 869, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Bunda, rising to speak with reservations, then said:

"Mr. President, I rise to speak with reservations on this measure.

"Mr. President, I support the intent of this bill to increase counselors at the schools and we all need to support programs that fully addresses the needs of 'at-risk' students. However, in this instance we need to be sure that we are making the situation better, not worse! According to the language of the bill, the Department of Education shall set appropriate counselor to student ratios and adjust the staffing of counselors at schools with a disproportionate number of 'at-risk' students. Mr. President, how do we define appropriate? And how do we define disproportionate? Mr. President, how can we expect such ambiguous instructions to result in a specific outcome?"

"The Committee report acknowledges the very real possibility of two unintended consequences of this bill:

1. That this bill may force the redistribution of existing school counselor positions between school districts unless funds are appropriated to create more positions; and
2. That schools would be tempted to retain their counselors by simply designating more students as 'at-risk.'

"I agree with both of these unintended consequences. However, the amendment that was added to the bill to avert these consequences requires schools to use the CSAP basis for designating 'at-risk' students. Presently, Mr. President, schools do use this approach to designate 'at-risk' students. The truth of the matter is that this approval is still a numbers game, so this bill is really not a solution to the problem.

"Mr. President, are we prepared to fund more counselor positions for the management of 'at-risk' students? If not, it would make more sense for us to direct the department to make more strategic decisions on the funding and placement of its counselors.

"Thank you, Mr. President."

Senator Slom then said:

"Mr. President, based on the powerful logic of the Senator from Wahiawa, please put me down with reservations."

Senator Iwase rose to speak with reservations on the measure as follows:

"Mr. President, for the reasons expressed by the Senator from Wahiawa/North Shore, I'd like to cast an 'aye' vote with reservations.

"I do want to emphasize a point that he is making. We have a very, very fine program in the Wahiawa/North Shore area for alternative education students -- an outstanding program, probably something which could not be replicated elsewhere. They have a good, strong, innovative staff, and I would hate to see that program, which has existed for so very long and has helped so very many students, get caught up with unintended consequences because the reality of it all is that the kids are going to get hurt.

"So I hope these issues are addressed and taken to heart by the chair of the Education Committee as we move forward, and not allow kids to fall through the cracks because of unintended consequences.

"Thank you."

Senator D. Ige then stated:

"Mr. President, I'd like to insure all the members of the Senate that we will be looking at all of those issues as this measure proceeds forward."

Senator Kawamoto rose to speak with reservations on the measure as follows:

"Mr. President, I'll be rising to vote 'aye,' with reservations.

"Again, since 1996 we have advocated alternative means of education and adult education was one of them. And I've always requested that adult ed have a counselor. They graduate 500 students a year. Therefore, Mr. President, I'd like to urge the chairman of the Education Committee to take that forward in conference.

"Thank you."

Senator Anderson then said:

"Because of the two Senators from God's country, I'll be going with reservations also."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 657 was adopted and S.B. No. 869, 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, 25. Noes, none.

Stand. Com. Rep. No. 664 (S.B. No. 1238, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 664 be adopted and S.B. No. 1238, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Iwase then requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 664 was adopted and S.B. No. 1238, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 665 (S.B. No. 1251):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 665 was adopted and S.B. No. 1251, 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. 666 (S.B. No. 1276, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 666 be adopted and S.B. No. 1276, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Anderson rose in opposition to the measure as follows:

"Mr. President, I'm going 'no' on this particular measure.

"I've stated before that the superintendent should really be appointed by the Governor. What happens is the governor has a four-year term. The board of education has, at this time, jurisdiction over the superintendent, and they have a five-year contract. That means that if we get a new governor, that governor will have to have that superintendent supposedly for an extra year, and they may not agree with that person. Also, the superintendent sits on the cabinet for the governor, and it makes it rather difficult.

"I don't think that anyone should get a 5-year contract in the first place, but I believe that if he or she does a good job, appointed by the governor, they would be there for four years and that's a contract within itself. And if the governor runs for re-election and makes it, that might be another four years, so that's eight years. I think that, that's fair and equitable, but just for this particular bill, I'm opposed to it and I will be going 'no.'"

The motion was put by the Chair and carried, Stand. Com. Rep. No. 666 was adopted and S.B. No. 1276, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUPERINTENDENT OF EDUCATION," having been read

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

Ayes, 24. Noes, 1 (Anderson).

Stand. Com. Rep. No. 675 (S.B. No. 1608, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 675 was adopted and S.B. No. 1608, 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," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 676 (S.B. No. 223, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 676 be adopted and S.B. No. 223, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

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

"Mr. President I speak in support of the bill with reservations. My reservations are that we do not have a cost figure as to how much this is going to cost for the dogs. And anything that can be done to increase the safety of public service, public safety officers, and to reduce liability costs will be welcomed. But I think we are derelict when we pass bills and we don't have specific cost estimates so we know what the program is going to cost taxpayers.

"Thank you."

Senator Anderson, also rising to speak with reservations, then said:

"I have some reservations only because I received some information saying that the department already has canines and they weren't sure if this would, in any way, be a conflict on the programs that they have, the money that they get. And they were a little worried about this bill and what it would do since they already have established a canine corps. And I'm not sure if the chairman looked into it, but that's the notice that I got from some of the concerned people.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 676 was adopted and S.B. No. 223, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A CANINE CORPS IN THE DEPARTMENT OF PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 678 (S.B. No. 1159, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 678 be adopted and S.B. No. 1159, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in support with reservations as follows:

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

"We all support the crime victim compensation fund and the ideas. I'm just concerned why we're taking out the 30 percent limitation on operation costs and salaries. I think that, first of all, 30 percent already is a sizeable amount, but to withdraw that limit and not have any limitation on administrative

expenses provides us with the opportunity to spend more for staffing than we do for the victims themselves.

"Thank you."

Senator Chun then requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 678 was adopted and S.B. No. 1159, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 679 (S.B. No. 207):

Senator Fukunaga moved that Stand. Com. Rep. No. 679 be adopted and S.B. No. 207, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I rise in opposition.

"Again, S.B. No. 207 creates a special fund for the Board of Certification and I oppose special funds.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 679 was adopted and S.B. No. 207, 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, 22. Noes, 3 (Anderson, M. Ige, Slom).

Stand. Com. Rep. No. 680 (S.B. No. 1150, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 680 be adopted and S.B. No. 1150, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak against the measure and said:

"Mr. President, I rise in opposition to the bill.

"I think that the fine that has been increased is excessive.

"Thank you."

Senator Anderson then said:

"Would you please record a W/R for me."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 680 was adopted and S.B. No. 1150, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 681 (S.B. No. 1152):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 681 was adopted and S.B. No. 1152, entitled: "A BILL FOR AN ACT RELATING TO THE OCCUPATIONAL SAFETY AND HEALTH TRAINING AND ASSISTANCE FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 682 (S.B. No. 1153):

Senator Fukunaga moved that Stand. Com. Rep. No. 682 be adopted and S.B. No. 1153, having been read throughout, pass Third Reading, seconded by Senator Levin.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 682 was adopted and S.B. No. 1153, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT AND TRAINING FUND PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 683 (S.B. No. 1131, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 683 be adopted and S.B. No. 1131, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak with reservations on the measure as follows:

"Reservations, Mr. President, because of the size of the increase of the mandatory insurer contribution."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 683 was adopted and S.B. No. 1131, 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. 684 (S.B. No. 1140, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 684 was adopted and S.B. No. 1140, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 685 (S.B. No. 1279, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 685 be adopted and S.B. No. 1279, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I rise in opposition to the bill.

"I oppose the bill because we're establishing the USF as a special and separate fund outside of the treasury. Therefore, it's going to be more difficult for accountability and responsibility.

"Thank you."

Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 685 was adopted and S.B. No. 1279, 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, 1 (Slom).

Stand. Com. Rep. No. 686 (S.B. No. 1294, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 686 was adopted and S.B. No. 1294, 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, 25. Noes, none.

At 12:43 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:48 o'clock p.m.

Stand. Com. Rep. No. 690 (S.B. No. 1430, S.D. 2):

Senator Kawamoto moved that Stand. Com. Rep. No. 690 be adopted and S.B. No. 1430, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Bunda.

Senator Kawamoto rose in support of the measure and said:

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

"Mr. President, this bill is for the safety of our young people. I urge all my colleagues to vote 'aye' on this bill."

Senator Buen rose to speak in support of the measure and stated:

"Mr. President, I ask my colleagues to support this bill for the safety of children and to save their lives in requiring children under 12 to wear helmets while operating a wheeled apparatus on public property.

"Children account for one-third of all bicycle fatalities and one-third of the bicycle related traumatic brain injuries.

"I was asked to introduce this bill, Mr. President, by one of my constituents on the Island of Lanai. Their daughter was nine years old when she was riding her bicycle and collided with a cement truck. She had a helmet on which saved her life and today this child is a freshman in high school. She's doing well academically and is on the varsity softball and tennis teams, and she's just doing really well.

"Over the last year-and-a-half, Lanai has had four serious accidents involving bicycles. All four bike riders, three children and one adult, were not wearing a helmet. Of the three children, one of them is in a wheelchair with brain damage. This child was riding her bicycle in the park and ran into a fire hydrant, hit her head on the fire hydrant, and today she is in a wheelchair and has brain damage. Another had surgery to reconstruct his face, and the last had a nasty bump on his head but was very lucky. The adult had died of massive head injuries.

"Please give the children a fighting chance and give them a chance to live, as this child on Lanai has and is doing well.

"I ask my colleagues to vote on this bill for the sake of the children. Thank you."

Senator Chun rose in support of the measure and said:

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

"Mr. President, I applaud the courage of the Senator from the Fourth District to present a bill like this. There has been in the

past many efforts to put in bills to require minors to wear helmets whenever they're riding bicycles or other wheeled apparatus on public roads. For one reason or another, those bills have failed. There are a number of reasons why people don't like these bills.

"One is, they say it's another step to try to require licenses for motorcycles for adults. Mr. President, that is not the case over here. These are minors we're talking about. Minors are important to our society and I think we need to put bills out forward to affirmatively protect their interests.

"Secondly, they talk about questions regarding the cost of a bicycle helmet to protect the life of the child. Mr. President, looking around the stores over here and being the father of two young children who would fall into the protection of this bill also, the cost is minor compared to the cost of the life of a child.

"Finally, Mr. President, there might be comments in terms that this bill might be too broad and might do too many things. For example, it does propose to require riding with helmets on any kind of public property where there are no vehicles or trucks around. But, Mr. President, I think we should not lose focus upon the intent of this bill, and that is to protect the lives of children. And if there are any details that need to be worked out, we can work them out, but we should never lose sight of that.

"Thank you, Mr. President. I will be voting in favor of this bill."

Senator Slom rose to speak with reservations on the measure as follows:

"Mr. President, I will be voting in favor of this bill also, with reservations.

"I think some of the reservations include the fact that we continually have government intervening in the individual responsibility in the case of parents for their children, and I, too, am a parent of two very young children. I'm very concerned about this, but I am concerned about the broad nature of the wheeled apparatus that we're talking about.

"I'm also concerned that, originally, this bill, when it was first introduced, would criminalize parents -- was going to fine them. And anyone who is a parent, particularly of a young child, knows that it's very difficult, as careful and conscientious and safety conscious as you are, to watch them and be careful of them every moment of the day.

"When we talk about public property, as the good Senator just mentioned, we're not talking about just being on the roadways but we're talking about sidewalks fronting our homes, because that is public property as well.

"We also have a problem in that a number of people would like to see this bill or this kind of law extended to 18 because, in fact, if we're talking about a minor, we can raise the age past 12.

"Also, we're seeing within our community, particularly on Oahu, the wholesale removal of school apparatus because of injuries that have taken place or injuries that might take place. And I guess I just wonder, Mr. President, how many of us have survived over the years if we take away all of the responsibility for individuals and entrust it to government. I think that we're doing a disservice.

"So, I will support the bill. I am concerned about children, but I also have this cautionary note that maybe we are looking in too broad an area.

"Thank you."

Senator Sakamoto, also rising to speak with reservations, then said:

"Mr. President, I rise in support with reservations.

"So I wholeheartedly agree with the safety factor and I think the stories that the Senator from Maui shared about injuries go a long way if children can hear those stories and their parents can hear them. But when I was a youngster, I rode my bicycle on the public streets to learn. And I think many parents in communities that we all live in, let their children ride in front of their house, ride in the park, and I don't think passing this bill will change that.

"I think passing this bill with a broad picture of where helmets are required will turn our community to disrespect the law and parents will tell their kids just ride and be careful. I think we ought to look at restricting where we restrict, as opposed to the broadness of this bill. Perhaps restrictions on streets with speed limits over 35 miles an hour might be a way to start the process.

"Thank you."

Senator Anderson also rose to speak on the measure with reservations:

"Mr. President, I also have several reservations but I'll be voting for the bill.

"I'm just wondering if we make a law like this and it says that you shall wear a helmet if you're on public streets and you shall be subject to a \$50 fine, those people that cannot afford that, we are already taking care of because of the safety net that we have. Can they then go down and say, my child has as much rights as others, so the government should pay for this because you made that particular law.

"The other thing that bothers me is, right now it says a helmet. My grandchildren ride skates, they ride bicycles, etc. They do have to have, as far as their parents are concerned, elbow guards, knee guards. If we do this, all of a sudden you're going to have parents coming in like every other bill that we have. This should be amended to include. So it will start including all these other things.

"That's one of the things that bothers me -- government starts making a bill and taking over the responsibility of what the family should be doing and should be concerned in. So, I do have those reservations and I do thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 690 was adopted and S.B. No. 1430, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JUVENILE SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 635, S.D. 1:

On motion by Senator Nakata, seconded by Senator Chumbley and carried, S.B. No. 635, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TESTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 692 (S.B. No. 779, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 692 be adopted and S.B. No. 779, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senators Matsuura, Chun, Buen 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, Stand. Com. Rep. No. 692 was adopted and S.B. No. 779, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 698 (S.B. No. 931, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 698 be adopted and S.B. No. 931, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak with reservations on the measure as follows:

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

"Last year I opposed the wiretap bill. I think this is a better bill this time but I would still caution members and colleagues that this is an awfully broad brush bill. It allows for a great deal of surveillance. We're worried about or seem to be worried about privacy, and yet we have given over a great deal to the federal authorities here, so I think a cautionary note is in order."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 698 was adopted and S.B. No. 931, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 701 (S.B. No. 1256, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 701 be adopted and S.B. No. 1256, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in support of the measure with reservations as follows:

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

"I think we're all very sensitive and sympathetic to the problems of Maui County and employees, but we have been there and done that. We have spent a great deal of money on these ferry experiments and the simple fact is that the private sector will not do it because they cannot make money and cannot justify it. And the only time we do this is when we get federal or state subsidies and when the subsidies run out the service runs out as well.

"We really have to look for a coordinated transportation system and better employment and a better business climate for our state. I think that really is the answer rather than trying to subsidize pilot projects for spot interisland ferries.

"Thank you."

Senator Kawamoto, rising in support of the measure, then stated:

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

"Mr. President, this bill provides the opportunity to get federal funding, as the previous speaker has said, up to about \$4 million. This is really a kind of revenue enhancement bill. We spend about \$400,000 and we get \$4 million. It provides us the

capability of giving Molokai unemployment concerns a better chance.

"Thank you."

Senator Buen rose in support of the measure and said:

"Mr. President, I rise to support this bill.

"The ferry provides a vital employment between the islands of Molokai and Maui. The shutdown of the ferry on October 1, 1996 literally cut Molokai residents off from an opportunity to be self-sufficient and contributing members of the community. In the past four years, the economy of this island has continued to decline and many people relied upon the ferry to reach jobs on Maui's westside. Without the ferry, they have been forced to give up their jobs and their independent way of life.

"I ask my colleagues to please support this bill. We're looking at monies from the Federal Transit Administration funding from the federal government in the amount of \$4 million. And I just spoke with the people from the Department of Transportation and I think they've got more funding.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 701 was adopted and S.B. No. 1256, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AN INTERISLAND FERRY SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 705 (S.B. No. 1496, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 705 be adopted and S.B. No. 1496, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in support of the bill with reservations:

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

"I have a number of questions about this bill. There was a similar bill that was introduced last year for a company called Pacific Controls Inc. to develop a plasma waste conversion facility. And then this year, the bill, although it still used last year's company, is now going to help a company or an operation called Heed, Inc. A check of the Bureau of Registration records reveal that there was no company called Heed, Inc. until the company filed papers and documents for registration on February 24 of this year. So I have difficulties with it although I do support the idea of the facility and the economic stimulation for Molokai.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 705 was adopted and S.B. No. 1496, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR MEDICAL WASTE FACILITY PROJECT DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 365, S.D. 1:

Senator Kanno moved that S.B. No. 365, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Slom rose to speak with reservations on the measure as follows:

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

"As the discussion took place in the committee, there were a number of problems with the definitions and the usage of laser pointers and how this is actually going to be enforced. So I support the intent of the bill, particularly the sections on harassment, but I do have reservations. Thank you."

The motion was put by the Chair and carried, S.B. No. 365, 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, 25. Noes, none.

Stand. Com. Rep. No. 712 (S.B. No. 822, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 712 be adopted and S.B. No. 822, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Sakamoto, rising to speak in support with reservations, then said:

"Mr. President, I rise in support with reservations.

"I have two major concerns. First, HMSA says this bill will cost Hawaii employers an additional \$21 million. They also presented a proposal that would provide these services at no additional cost. The proposal is reasonable and should be considered.

"My second concern regards the religious organizations that opposed this measure. They have all reviewed the S.D. 2, and while the amendment allows churches whose charities receive no public funds to opt out, it will not allow Catholic Charities, Parochial Schools, or Brigham Young University this same right. Along with Hawaii Family Forum, they all believe the religious exemption is too narrow.

"Both of these concerns are major and should be addressed.

"Thank you."

At this time, Senators Chun, Bunda, Matsuura, D. Ige, Iwase, Sakamoto and Buen requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 712 was adopted and S.B. No. 822, S.D. 2, 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, 1 (Slom).

At 1:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:57 o'clock p.m.

S.B. No. 1234, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 1234, 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, 19. Noes, none. Excused, 6 (Anderson, Bunda, Chun Oakland, M. Ige, Iwase, Slom).

Stand. Com. Rep. No. 714 (S.B. No. 1371, S.D. 2):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 714 was adopted and S.B. No. 1371, 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, 19. Noes, none. Excused, 6 (Anderson, Bunda, Chun Oakland, M. Ige, Iwase, Slom).

Stand. Com. Rep. No. 719 (S.B. No. 744, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 719 was adopted and S.B. No. 744, 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, 19. Noes, none. Excused, 6 (Anderson, Bunda, Chun Oakland, M. Ige, Iwase, Slom).

S.B. No. 59, S.D. 1:

Senator Tam moved that S.B. No. 59, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Sakamoto rose to speak with reservations on the measure as follows:

"Mr. President, I rise to speak in support with reservations.

"My concerns with this measure are the same as those stated for S.B. No. 1005 regarding prompt payment.

"Additionally, this measure limits the general contractor's retention to 5 percent of the contract. This would be fine if the subcontractors, like the general contractors, were all required to be bonded.

"However, most subs are not bonded and this measure increases the financial risks to generals. Retention was established as a fair and equitable means to minimize these risks without requiring the subcontractors to be bonded. It also provides the necessary leverage that when we need the subs to come back to correct or complete a job, that will be done. So, if this bill were to go forward, will the Legislature guarantee that if payments are made without retention, then any performance problem encountered by the general will be born by this legislature?

"The 10 percent standard in the industry has been there for many years, and even then, generals are many times forced to pay out of pocket to complete the job.

"Thank you, Mr. President."

Senator Tam rose in support of the measure and said:

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

"Mr. President and fellow colleagues, my remarks are the same like I previously stated. I'd like to add, also, that there's nothing in this bill that does not allow the subcontractor from being bonded. So, if the general contractors want to require the subcontractors to be bonded, it can be done. And also, the State only withholds 2 percent, not 5 percent.

"Thank you."

Senator Buen rose to speak in support of the measure and stated:

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

"The present law does not have any teeth to it and there's no enforcement procedures. While the comptroller develops the rules and regulations, Chapter 91 does apply. And if there is a dispute between the general and the sub, then this bill would not apply.

"Thank you."

Senator Chun, rising to speak with reservations, then said:

"Mr. President, I rise in support of this bill with reservations.

"I agree with the statements made by the Honorable Senator from the Sixteenth District. I agree that there are many ways to handle this issue and that we need to have continuing discussions on what to do with that. But I rise in support of the bill with reservations.

"Thank you."

At this time, Senators Slom, Hanabusa, Iwase and Matsuura requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 59, 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, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 727 (S.B. No. 612):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 727 was adopted and S.B. No. 612, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO LIABILITY," 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. 728 (S.B. No. 798, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 728 was adopted and S.B. No. 798, S.D. 2, 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 (Taniguchi).

Stand. Com. Rep. No. 729 (S.B. No. 816, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 729 was adopted and S.B. No. 816, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," 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. 731 (S.B. No. 1061, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 731 was adopted and S.B. No. 1061, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER DEVELOPMENT," 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. 733 (S.B. No. 1127, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 733 was adopted and S.B. No. 1127, 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 (Taniguchi).

Stand. Com. Rep. No. 740 (S.B. No. 1518):

Senator Fukunaga moved that Stand. Com. Rep. No. 740 be adopted and S.B. No. 1518, having been read throughout, pass Third Reading, seconded by Senator Levin.

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

"Mr. President and fellow colleagues, I stand to speak in favor of S.B. No. 1518, which is entitled: Relating to Government Operations.

"I have here a diagram displaying the essence of this bill. (Senator Tam's diagram is identified as ATTACHMENT "A" to the Journal of this day.) Sometimes displaying diagrams is a lot easier than by words. Let me display this in terms of what's entitled here. In the whole essence of government operations this year was government productivity and efficiency for the twenty-first century.

"The Government Operations and Housing Committee is at the forefront in fulfilling the Senate's number one goal -- improving Hawaii's economy -- by first structuring government in an orderly manner. Specifically, the committee will legislate overall state directional plans for state departments and agencies to implement. As the old saying goes -- organize one's own house before re-organizing another's house. Hawaii's citizens want us to do so.

"This bill promises to be the cornerstone of government efficiency and productivity where all state departments and agencies shall develop short and long term goals, objectives and policies specifically setting forth how each goal can and will be accomplished, and action plans with a timetable for implementing objectives and policies in one, two, and five year plans. Thus, we, the Legislature, will be able to develop future functional public service state budgets. Hawaii's taxpayers will truly be able to measure the accountability of government services.

"State government is at a crossroads. Goals and objectives will embrace the talents of employees, whereby employees morale will be positive and enthusiastic. Thus, resulting in increased productivity and efficiency. I think this is very important. If I may, many of you know that my background is in personnel, and once you have high morale, then you have more productivity and efficiency.

"Senate bill 1518 is the umbrella to other Senate legislative bills to be voted upon today. The components of the umbrella are:

1. Budget (Accountability)

- a. S.B. No. 450, S.D. 1, Relating to State Government. This bill transforms the State's accounting system and budgeting system to a performance-based budgeting system.
- b. S.B. No. 1466, S.D. 1, Relating to State Risk Management. This bill allocates the cost of self insurance in an effort to place responsibility on each agency and in this manner, inspire them to be more conscious of insurance settlement costs.

- c. S.B. No. 4, S.D. 1, Relating to Government Administration. This bill calls for a statewide audit with oversight by the state auditor. The auditor evaluates the efficiencies of government in its operations and spending.

2. Structure and Process (Redesign Government)

- a. S.B. No. 105, S.D. 1, Relating to Reform of State Government. This bill specifically is the creation of a joint legislative task force to solicit input on and study the branch of state government, and make recommendations to the governor on restructuring state government and reducing government bureaucracy, consolidating agencies, and streamlining procedures for the efficient functioning of state government.

3. Employee Resources (Career Enhancement)

- a. S.B. No. 1518, Relating to Government Operations. This bill mandates state departments and agencies to develop goals and objectives.
- b. S.B. No. 105, S.D. 1, Relating to Reform of State Government. More specifically, it communicates with employees on their comments on morale, productivity, and efficiency. Quite often, in government or the private sector, we talk amongst ourselves in upper management but we never talk to the employees. The employees are a source of ideas and knowledge.

4. Public Accessibility (Public Response)

- *a. S.B. No. 450, S.D. 1, Relating to State Government. More specifically, it mandates government agencies to develop government service handbooks for the public. You'd be amazed in terms of how many times the public doesn't know what kinds of services that we provide for them. A simple booklet can be given to the public, whereby many of these problems of frustration can be avoided. It's only common sense.
- b. S.B. No. 646, S.D. 1, Relating to Government. This bill specifically reduces the cost of copying government records from fifty cents per page to not less than six cents per page. We in government should not be willing to make money off of people. We are supposed to provide a service. We are not profit oriented. In the past, unfortunately, we have done wrong.
- c. S.B. No. 797, S.D. 2, Relating to Public Procurement. This bill requires the chief procurement officer to electronically post the name of each contractor awarded a contract for goods, services or construction under the procurement code; the amount and type of contract; and the goods, services, or construction procured under the contract. This information is public information and it should be provided to the public, not hidden for special interest.

"Mr. President and fellow colleagues, on behalf of the members of the Government Operations and Housing Committee and myself, I thank you for being supportive in creating the Senate's legislation of 'Government Productivity & Efficiency For The 21st Century.' May I also personally thank my members of the committee for their productive involvement and accomplishments.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 740 was adopted and S.B. No. 1518, entitled: "A

BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 741 (S.B. No. 1556, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 741 be adopted and S.B. No. 1556, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Kawamoto rose to speak in support of the measure and stated:

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

"Mr. President, this bill provides the Hawaii state contractors and subcontractors a general excise tax exemption on federal or military contracts. I'd like to add that this was part of the military construction project package and this is really a revenue enhancement bill if you look at it very closely. We may not receive the GET tax, but we'll see more of the income tax coming to the State from state contractors and subcontractors.

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

Senator Sakamoto rose in support of the measure with reservations as follows:

"Mr. President, I'd like to speak in support with reservations.

"I applaud the TIA chair's efforts to support the Hawaii construction industry and the workers of this State. And yes, he has spent considerable time and effort in trying to create consensus within the federal and state entities that award public contracts and to assure input from both the construction industry and trade unions.

"I support the intent of this measure, however, I have serious concerns about the definition of a 'state contractor' in this measure and in the preference bill, S.B. No. 1438. The definition requires that 100 percent of the employees be state residents and that 85 percent of the company ownership, directors, members of the board and officers also be Hawaii residents.

"I am afraid this definition will eliminate some of the companies and employees we specifically wish to help."

Senator Chumbley rose to speak with reservations on the measure as follows:

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

"Mr. President, I, too, want to applaud the efforts of the chairman of the committee for addressing this very, very important issue. But I am concerned that the percentage set forth for the owner and employee requirements are problematic and will result in unintended consequences. And for those reasons I do have reservations."

Senator D. Ige then said:

"I would just like to note my support with reservations also."

Senator Chun added:

"Support with reservations, Mr. President."

Senator Matsunaga then stated:

"Please record my 'aye' vote with reservations."

Senator Inouye rose and said:

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

Senator Buen added:

"I support the bill with reservations."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 741 was adopted and S.B. No. 1556, 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, 1 (Slom).

Stand. Com. Rep. No. 746 (S.B. No. 538, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 746 was adopted and S.B. No. 538, 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, 23. Noes, 2 (Kanno, Taniguchi).

Stand. Com. Rep. No. 748 (S.B. No. 797, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 748 be adopted and S.B. No. 797, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Anderson rose and said:

"With reservations. Thank you, Mr. President."

The Chair so ordered.

Senator Chun rose in support of the measure with reservations as follows:

"Mr. President, I stand in support of this measure with reservations.

"This bill would put a numerical limit on the number of non-bid contracts that a person or an organization is able to receive within a one-year period. I agree with the intent of the bill and that is to really take a serious look into non-bid contracts to see whether it's being awarded on a fair and equitable basis.

"Unfortunately, I have a little bit of concern about putting numerical limits or any kind of set objectives because where there is a will, there is a way. I favor that there are other ways that we can handle this situation, but I think the intent of the bill is good and the bill needs to proceed on for further discussion.

"Thank you."

Senator Slom, also rising to speak with reservations, then said:

"Mr. President, I, too, rise in support of the bill with reservations.

"Although my reservations are of a different nature, my reservations are the fact that it is the Governor that can escape the provisions of the law by allowing for non-bid contracts. And I think that's been part of the problem that we've had all along.

"Thank you."

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

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

"In essence, this bill is all about eliminating favoritism to have a rotating system where every architect who is qualified to do a job for the State of Hawaii gets their turn to do a job.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 748 was adopted and S.B. No. 797, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Iwase).

Stand. Com. Rep. No. 751 (S.B. No. 1163, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 751 be adopted and S.B. No. 1163, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak with reservations on the measure as follows:

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

"We keep hearing about the problem of over-crowding in our prisons and yet we see people that have been released that continue to do damage in our community. The bill allows for more pre-release but I don't think that it tightens up the requirements and responsibilities of the Director of Public Safety.

"Thank you."

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, Stand. Com. Rep. No. 751 was adopted and S.B. No. 1163, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELEASE OF PRE-TRIAL INMATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 753 (S.B. No. 1284, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 753 be adopted and S.B. No. 1284, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Anderson, rising to speak with reservations, then said:

"Mr. President, I have reservations on this.

"Primarily, I believe that if we were to give the figures that we had in WAM, which I understand were appropriate figures -- they were right -- maybe then, instead of the way the bill now reads, it would help us to move forward and really help the economy, rather than say that at this particular time we can't support this; we have to go at less dollars than we should. We owe this money and we should go ahead and pay it.

"Thank you very much, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 753 was adopted and S.B. No. 1284, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR

COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 754 (S.B. No. 1314, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 754 be adopted and S.B. No. 1314, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 754 was adopted and S.B. No. 1314, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RETIREMENT BENEFITS FOR TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 755 (S.B. No. 1470):

Senator Fukunaga moved that Stand. Com. Rep. No. 755 be adopted and S.B. No. 1470, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I rise in opposition to the bill.

"I'm opposing the bill because the bill will raise salaries and compensation in a broad spectrum of executive positions in this state government. And I think that at this time when we're supposed to be watching the budget, watching expenses, cutting down, when we see what's happening in the private sector, we cannot justify these raises, especially across the board and without regard to individual productivity and responsibility.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 755 was adopted and S.B. No. 1470, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 759 (S.B. No. 738, S.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Iwase and carried, Stand. Com. Rep. No. 759 was adopted and S.B. No. 738, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE POLLUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1032, S.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, S.B. No. 1032, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY PSYCHIATRIC TREATMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1034, S.D. 1:

Senator Chun Oakland moved that S.B. No. 1034, 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, again I rise in opposition to the bill.

"My opposition is consistent. It creates a special fund and so I'm opposed to that. Thank you."

The motion was put by the Chair and carried, S.B. No. 1034, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1229, S.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, S.B. No. 1229, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 764 (S.B. No. 450, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 764 be adopted and S.B. No. 450, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senators Kanno, Taniguchi and Anderson requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 764 was adopted and S.B. No. 450, S.D. 1, 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. 765 (S.B. No. 536, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 765 be adopted and S.B. No. 536, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to oppose the measure and stated:

"Mr. President, I rise in opposition to this bill.

"I'm all in favor of computer technology and more computers and so forth. I think it is bad policy to finance the purchase of computers or any other technology with general obligation bonds. These are long term. They should be for CIP. Computers are short term. The technology changes almost daily and it's poor practice, poor fiscal responsibility to do that.

"Thank you."

Senator Iwase then said:

"Mr. President, W/R for the reason expressed by the previous speaker.

"Thank you."

Senator D. Ige, rising in support of the measure, then stated:

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

"Mr. President, this legislation is modeled after efforts in Massachusetts dealing with issuance of short-term bonds -- five and ten-year bonds -- for procurement of computer technology. Clearly, 20-year bonds may be questionable as to whether we want to use that, but other states have used five and ten-year bonds to accelerate deployment of information technology.

"Thank you."

Senator Anderson rose to speak against the measure and said:

"Mr. President, I'll be going 'no' also, because we were told that we could not use these bonds for other purposes that I thought was very pertinent for the state to move forward on.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 765 was adopted and S.B. No. 536, 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, 23. Noes, 2 (Anderson, Slom).

Stand. Com. Rep. No. 772 (S.B. No. 1136, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 772 be adopted and S.B. No. 1136, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Iwase requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 772 was adopted and S.B. No. 1136, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF OSTEOPATHY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 774 (S.B. No. 1272, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 774 be adopted and S.B. No. 1272, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I rise in opposition to the bill.

"The bill authorizes the Board of Education to determine the readiness standards for kindergarten and first grade attendance. We have been complaining about our educational system for so long now and yet what we have done is put the state more and more in control of standards and performance and they've not done a satisfactory job.

"We are separating out more and more the responsibility of parents, not only in helping to determine the readiness of their own children, but also in the governance and education of their children. So, I cannot support this bill.

"Thank you."

Senator Anderson also rose to speak against the measure and said:

"Mr. President, I'll be going 'no' primarily because of what the Minority Floor Leader said. But also, I don't believe that it

should be up to the Board of Education. I haven't gone along with the Board for many years now. I thought we should have de-centralized them anyway, and put them into the districts.

"Thank you, Mr. President."

Senator Iwase then asked that his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 774 was adopted and S.B. No. 1272, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ATTENDANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Anderson, Chun Oakland, Matsuura, Slom).

Stand. Com. Rep. No. 777 (S.B. No. 571, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 777 was adopted and S.B. No. 571, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 779 (S.B. No. 953, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 779 be adopted and S.B. No. 953, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Buen rose in opposition to the measure as follows:

"Mr. President, I rise to oppose this bill.

"Senate bill 953, S.D. 2, appears focused on developing environmental policies to mitigate the negative impacts of tourism. However, the language of Section 3 is broadly worded to encompass environmental policies of all areas including industry. In developing such policy, it is critical that costs and benefits be taken into account so that environmental protection is achieved without placing undue costs on Hawaii's business and industries. This point is not made clear in Section 3 of the bill.

"Thank you."

At this time, Senators Anderson, Chun, Iwase and Bunda requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 779 was adopted and S.B. No. 953, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NATURAL AND CULTURAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 780 (S.B. No. 1082, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 780 be adopted and S.B. No. 1082, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak against the measure and said:

"Mr. President, I rise in opposition.

"Again, here is yet another special fund that's being created outside the general fund."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 780 was adopted and S.B. No. 1082, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 786 (S.B. No. 1438, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 786 be adopted and S.B. No. 1438, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Kawamoto rose in support of the measure and said:

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

"Mr. President, this is a military construction bill. This is the TIA and the GOH and LRE flagship bill for military construction. In this bill we define state residents. In this bill we define state contractors, subcontractors. In this bill we provide the opportunity for state contractors to have a 15 percent preference.

"Mr. President, the public law calls for a state resident, which we had not defined in the past years, therefore the Senior Senator from this state has indicated to us that, that was one of our problems why we didn't get the military contracts. The 15 percent preference gives our local contractors or subcontractors the opportunity to bid for state public works jobs on a level playing field.

"I cite one example. Out in God's country in Waipahu we tried to get some sidewalks. Finally we got some, \$3 million worth. Who's building them -- a Mainland contractor because of the fact that he could beat our 7 percent preference bill at this time.

"Therefore, Mr. President, as a revenue enhancement bill, I urge all my colleagues to vote 'aye' on this bill. Thank you."

Senator Sakamoto, rising to speak in support with reservations, then said:

"Mr. President, I rise to speak in support with reservations.

"I support the committee's intention to provide a preference for Hawaii contractors and I have the same concerns regarding the definition of a 'state contractor' that I spoke of previously -- requiring that 100 percent of the employees be state residents and that 85 percent of the company ownership, directors, members and officers be Hawaii residents -- will eliminate companies and employees that many of us think of as Hawaii companies.

"I am also concerned that this measure will have the opposite effect. Instead of increasing the preference for some Hawaii companies who do not meet the parameters of the above definition, they essentially will have no preference and will be forced to compete on par level with Mainland firms."

Senator Slom rose to speak against the measure and said:

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

"I have problems with the definition as has been indicated by the Senator from Moanalua. Also, I find it demeaning that we talk about having a 15 percent preference for local contractors, in effect, saying that local contractors can't compete. We certainly should have a figure that levels the playing field but it is not and cannot be justified as 15 percent.

"If you set a figure, you're going to really eliminate the opportunities for local contractors. You're going to eliminate a

lot of work actually being done. And if you had that kind of preference, you'd be doing a disservice to the taxpayers of this state because they would be assured of paying the highest price as possible, and to the families of the contractors because the cost of living would continue to go up and they would have to see that reflected in the cost of everything that they purchase.

"So, for these and other reasons, it's a bad measure and I oppose it. Thank you."

Senator Chun rose to speak with reservations on the measure as follows:

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

"Mr. President, I have the same concerns as have been spoken before. This bill, even though the intent is good, and I think I support it because of the intent, I believe the restrictions are way too narrow to help companies. In fact, I believe that if we really were to look at these restrictions, it would hurt a lot of companies that are from Hawaii. For example, what happens if a company is held by four brothers and sisters, one of whom now lives on the Mainland, but all the employees are 100 percent Hawaii residents? Because of that one narrow interpretation that 85 percent of the stock has to be owned by state residents, that company is out. If that company cannot compete and that company does not have any preference not only in this bill but in another tax bill, they will no longer be able to do business in Hawaii. What will be the impact of all 100 workers who are state residents?

"I think the preference needs to be there. The definition needs to be clarified to help local residents and I think we're open for further negotiations and discussions on this matter.

"Thank you."

Senator Tam rose to speak in support of the measure and stated:

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

"Mr. President and fellow colleagues, as this bill moves on, yes, changes will be made. There's nothing absolute in this legislative session. Nothing ever is as I have experienced in the past 16 years. But it's good for dialogue and we must keep this measure alive for three reasons: (1) It provides jobs for Hawaii's residents; (2) It keeps the revenues in Hawaii; (3) It stimulates the economy.

"Thank you."

Senator D. Ige then rose and said:

"Mr. President, I would just like to note my reservations on this measure."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 786 was adopted and S.B. No. 1438, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT PROCUREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 788 (S.B. No. 513, S.D. 2):

Senator Kanno moved that Stand. Com. Rep. No. 788 be adopted and S.B. No. 513, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Slom rose in opposition to the measure as follows:

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

"Child care and the lack of child care is a real problem in Hawaii and we know that we have a high preponderance of those living in townhouses and condominiums. And there were attempts to try to make this bill friendly and usable for all people concerned, but the fact of the matter is, people that move into townhouses or condominiums, for the large part, most do so because they want a certain kind of living, a style of living, and they don't want to have certain kinds of activities. And they've been very clear about this.

"In addition to that, however, there was a great deal of discussion about the potential liability that could be caused by having child care facilities in these types of buildings. Secondly, the issue of ADA compliance if, in fact, a developmentally challenged child were taken into child care. And while a lot of people have said don't worry about it or it's going to be taken care of, I think it is a major concern for those people who live in townhouses and condominiums.

"There have been, as I mentioned, a number of attempts to make the bill a better bill. Right now the bill limits the use of child care facilities to the first four floors of a condominium structure, but that still does not mitigate the problems of noise, liability and other things that the residents are concerned about. And it is a fact that within the laws of these townhouses and condos, which everyone must abide by prior to purchasing and taking up residence, there are adequate procedures and provisions for changing or making exceptions in an individual case rather than a broad blanket approach. So I oppose the bill.

"Thank you."

Senator Sakamoto also rose in opposition to the measure and said:

"Mr. President, I rise in opposition to this bill.

"As was previously spoken, the provision tried to . . . I guess the makers or proponents attempted to make the bill better by limiting it to the first four floors.

"Mr. President, we opened session with regard to Solomon, and in the case for those of you who remember the story, it was about a baby. In that story, two people claim to want that baby, and it's either splitting the baby, which means nobody has a live baby, or one side gets the baby. Now in this case, I have compassion for children and certainly we need care facilities. But there are some issues where we cannot split. And I don't believe that the compromise that's in place will solve what we want.

"And I agree with the previous speaker in that people move into condos for certain reasons. And I believe that if a condo wants to adopt or allow for child care, I think provisions can be made in that regard, but we shouldn't as the state mandate homeowners to give up their rights. Some of them moved in for specific rights of privacy and quiet. And I think we need to do this in another way, providing child care in another way other than splitting the baby in this case.

"Thank you."

Senator Anderson then stated:

"Mr. President, they swayed me. I'm going 'no.'"

Senator Tam requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 788 was adopted and S.B. No. 513, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CHILD CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 845, S.D. 1:

Senator Kanno moved that S.B. No. 845, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Slom requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 845, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 790 (S.B. No. 837, S.D. 1):

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 790 was adopted and S.B. No. 837, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANAGED HEALTH CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Bunda).

S.B. No. 1510, S.D. 1:

On motion by Senator Kanno, seconded by Senator Chumbley and carried, S.B. No. 1510, 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. 785, S.D. 1:

Senator Kanno moved that S.B. No. 785, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senators Hanabusa, Slom, Buen, M. Ige and Anderson requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 785, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 798 (S.B. No. 4, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 798 be adopted and S.B. No. 4, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I rise in opposition to the bill.

"The person, I think, in all of state government, probably in all of government in Hawaii, that has the most integrity and is respected the most is our Legislative Auditor. I don't understand now why we would require the auditor to contract with an independent auditing firm to conduct an annual audit. It seems redundant. It seems costly. And it seems like it's not going to do the job. Everybody is satisfied with the work that the Legislative Auditor does, except that we don't implement anything she says. So, I think until we start implementing and

start following this, we don't need a bill like this. So I'm voting 'no.'

"Thank you."

Senator Iwase requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 798 was adopted and S.B. No. 4, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 799 (S.B. No. 46, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 799 was adopted and S.B. No. 46, 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 (Taniguchi).

Stand. Com. Rep. No. 803 (S.B. No. 426, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 803 be adopted and S.B. No. 426, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose to speak against the measure and said:

"Mr. President, I rise in opposition to the bill.

"I don't really understand what we're doing here. We're going to establish a staff in Washington D.C. and we're going to have another part of the state agency trying to maximize our federal revenue share. The people that we're going to hire and pay for in Washington, D.C., I don't think that they're going to be roaming the streets or the banks of the Potomac. That means we're probably going to have to give them an office and give them a staff and give them computers and give them other kinds of things. We're already maximizing our federal dollars.

"To me, this looks like there may be some previous office holders or present office holders that are looking for new careers in Washington and I, for one, don't want to support them, Mr. President. I'm voting 'no.'"

Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 803 was adopted and S.B. No. 426, S.D. 2, 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, 23. Noes, 2 (Iwase, Slom).

Stand. Com. Rep. No. 804 (S.B. No. 686, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 804 be adopted and S.B. No. 686, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom opposed the measure as follows:

"Mr. President, I rise in opposition to the bill.

"I know that at one point the amount went from \$1 to \$5 and people say, 'Gee, it's only \$3,' except that we've got \$3 for

highway beautification. We heard somebody from the City and County of Honolulu come in and say, 'Oh good, now they're going to hire 17 more people and use the funds for that.' We have other measures still alive in the House that seek an ad valorem increase. We have other measures that want to increase the fuel tax, want to increase the weight tax, want to add additional taxes. There's too many taxes and too many fees, and a fee is a tax, is a tax.

"I vote no."

Senator Chun rose in support of the measure and said:

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

"Mr. President, one of the big pushers for this bill came from my Island of Kauai in regards to the problem that they've been having with the disposal of junk vehicles that are located on government roads, both state and county. As everybody knows, that has been a very big problem with us because it costs us a lot more than any other county to remove those vehicles from public roadways.

"I commend the sponsor of this bill, the Honorable Senator from Waipahu, in trying to craft a very good compromise in terms of meeting the needs of my island and my constituents along with the needs of the other islands and the City and County of Honolulu. I believe that this is a good bill and a good beginning to see what we can do to make sure that all of our funds and fees are used in a very wise manner to make sure that the visual impact of driving on our roads is preserved.

"Thank you, Mr. President."

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

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

"Mr. President, your committee worked hard on this bill. We looked at it, the need, again, for the beautification of our islands for the residents and visitors alike. We understood about the increase in fees being a problem for the U-drive motor vehicles. We exempted them from this bill to avoid any taxes to the business.

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

Senator Iwase then requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 804 was adopted and S.B. No. 686, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE HIGHWAY BEAUTIFICATION FEE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 807 (S.B. No. 825, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 807 be adopted and S.B. No. 825, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 807 was adopted and S.B. No. 825, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BREASTFEEDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 808 (S.B. No. 860):

Senator Fukunaga moved that Stand. Com. Rep. No. 808 be adopted and S.B. No. 860, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senators Sakamoto and Slom requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 808 was adopted and S.B. No. 860, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (M. Ige, Iwase, Kawamoto).

Stand. Com. Rep. No. 809 (S.B. No. 866, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 809 and S.B. No. 866, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A DEMONSTRATION PROJECT FOR LONG-TERM CARE," were recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 810 (S.B. No. 887):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 810 was adopted and S.B. No. 887, entitled: "A BILL FOR AN ACT RELATING TO JUDGES FOR THE CIRCUIT COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 811 (S.B. No. 959, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 811 be adopted and S.B. No. 959, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 811 was adopted and S.B. No. 959, 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, 25. Noes, none.

Stand. Com. Rep. No. 812 (S.B. No. 1138, S.D. 1):

Senator Fukunaga moved that Stand. Com. Rep. No. 812 be adopted and S.B. No. 1138, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom, rising to speak in support of the measure with reservations, then said:

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

"I do support the bill and support the transfer, but I'm still concerned. Over the last couple of years, we've had testimony and we've had people from the public that questioned some of the things that were done as far as the administration and Hawaii Public Broadcasting and access to meetings and so forth, and I don't think that many of these problems have been adequately resolved. And so, more than just a transfer of assets and control, I think that we should continue to press for a resolution of these problems.

"Thank you."

Senator Ihara requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 812 was adopted and S.B. No. 1138, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC BROADCASTING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 813 (S.B. No. 1129, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 813 be adopted and S.B. No. 1129, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Tam requested a conflict ruling as follows:

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

The Chair ruled that Senator Tam was not in conflict.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 813 was adopted and S.B. No. 1129, 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, 25. Noes, none.

Stand. Com. Rep. No. 814 (S.B. No. 1183, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 814 was adopted and S.B. No. 1183, S.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, 25. Noes, none.

Stand. Com. Rep. No. 815 (S.B. No. 1303, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 815 was adopted and S.B. No. 1303, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE REVIEW OF THE SALARIES OF THE TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1325, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Levin and carried, S.B. No. 1325, 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. 817 (S.B. No. 1345, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 817 be adopted and S.B. No. 1345, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Iwase requested a ruling on a conflict of interest as follows:

"Mr. President, just a ruling on a conflict. My sister-in-law is a judge."

The Chair ruled:

"No conflict. You may vote."

Senator Slom rose to speak in support with reservations on the measure as follows:

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

"I opposed the salary increase for the past two years for judges. I support the salary increase this year with the understanding that, first and foremost, the state is going to adhere to its obligations to contracts for public workers already negotiated to, but not funded. And number two, I do find the 18 percent retroactive increase very difficult, plus the additions in the future. But we've been assured by the Chief Justice and others that with more money we'll get better judicial results, and after the past week, I'm certainly looking forward to that, Mr. President.

"Thank you."

Senator Anderson rose in support of the measure and said:

"Mr. President, I'd like to speak in favor.

"As you well know, for a number of years now I've been opposed to any salary increase for judges. So this year I started talking to some attorneys and judges, etc., and they reminded me that most of my arguments when I talk about collective bargaining and I didn't want to see increases across the board, etc., they reminded me that they do not have a union. They reminded me that they cannot go ahead and strike. They do not have a constituency. They also told me that if you say you don't want to give us a salary raise, does that mean if you folks agree with us when we come out with an opinion in court, then you'd give us the salary increase? If we disagree, then we don't get the salary increase.

"And after listening, I'm relatively stubborn but he made good sense and the different people that I talked to. I told him that I'd certainly look at it, so I'm afraid I'm going to have to eat some of my words. So I will be supporting the pay raises. I may not be in full support of 18 percent, but I do believe that they should get a pay raise and I believe that maybe then we will move forward to help the economic change around in this community which we're not looking at.

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

Senator Tam rose to speak with reservations on the measure as follows:

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

"Mr. President and fellow colleagues, it's been my stand to always take care of the line people rather than think of ourselves, as management. I'm quite concerned, in terms of two years ago or so when the Chief Justice came before us and he said that he would be willing to fire people, some of his clerks, in order to receive a raise. I truly believe that our line people work harder than us and we need to respect them.

"Thank you."

Senator Chumbley rose in support of the measure and said:

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

"Mr. President, as this measure came out of the Judiciary Committee and then moved on to the Ways and Means Committee, we did adopt some of the recommendations of the

Judicial Salary Review Commission by including a 9 percent wage increase in the first fiscal year of the biennium and a 9 percent increase in the second year. There is no retroactivity application which was part of the Judicial Salary Review Commission which came out of the Judiciary Committee. And in fact, when this bill went to the Ways and Means Committee, the dollar values and the percentages had been zeroed out. So, at this point, just for clarification, there is no set 18 percent increase in this.

"And, Mr. President, I think the most important thing here is that we need to attract judges that are the most competent, the brightest, and we need to pay our judges a fair salary. So with that, I ask all my colleagues to support this measure."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 817 was adopted and S.B. No. 1345, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT COMPENSATION IN THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Kanno).

Stand. Com. Rep. No. 818 (S.B. No. 1452):

Senator Fukunaga moved that Stand. Com. Rep. No. 818 be adopted and S.B. No. 1452, having been read throughout, pass Third Reading, seconded by Senator Levin.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 818 was adopted and S.B. No. 1452, 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. 820 (S.B. No. 1583, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 820 was adopted and S.B. No. 1583, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Anderson).

At 2:55 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:05 o'clock p.m.

Stand. Com. Rep. No. 821 (S.B. No. 1635, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 821 be adopted and S.B. No. 1635, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose and said:

"Mr. President, I was rising to speak against this bill . . . it's a Republican bill. Excuse me." (Laughter.)

The motion was put by the Chair and carried, Stand. Com. Rep. No. 821 was adopted and S.B. No. 1635, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (M. Ige, Matsuura).

Stand. Com. Rep. No. 822 (S.B. No. 1639, S.D. 1):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 822 was adopted and S.B. No. 1639, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR KAPOLEI HIGH SCHOOL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Buen, Chumbley, Tanaka). Excused, 1 (Matsuura).

S.B. No. 590, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsuura and carried, S.B. No. 590, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTRAINING AND PROTECTIVE ORDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 591, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsuura and carried, S.B. No. 591, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CUSTODY AND VISITATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 592, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsuura and carried, S.B. No. 592, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 594, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsuura and carried, S.B. No. 594, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 599, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsuura and carried, S.B. No. 599, 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 (Matsuura).

Stand. Com. Rep. No. 829 (S.B. No. 176):

Senator Chumbley moved that Stand. Com. Rep. No. 829 be adopted and S.B. No. 176, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chumbley, rising in support, then said:

"Mr. President, I rise in support of this measure and have some written comments I'd like to have inserted into the Journal."

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

"Mr. President and honorable colleagues, I rise to speak in favor of S.B. No. 176 -- Relating to Child Abuse. This measure creates two new criminal felony offenses -- child abuse in the first and second degrees -- in order to address the rising number of reported child abuse cases. This measure provides tougher penalties of up to 20 years imprisonment for those individuals convicted of felony child abuse.

"Over the years, living in Hawaii has become synonymous with 'living in paradise.' However, in recent months, grisly facts of our children being maimed and murdered by those closest to them have shattered this image. Our community has been deeply shaken by a rash of child abuse incidents, resulting in the severe physical trauma and even deaths of some of our youngsters.

"An act of child abuse is already a crime under current law, but the system provides far too many obstacles to overcome to get a conviction. The law provides that unless a child-abuse case warrants a charge of attempted murder, the State may seek only an assault conviction. Assault convictions carry a maximum prison term of only five to ten years, depending on the severity of the case.

"Under this measure, S.B. No. 176, a person would be convicted of child abuse in the first degree if the person 'intentionally, knowingly, or recklessly' causes serious bodily injury to a child 12 or younger. A charge of child abuse in the second degree would result if the person 'intentionally, knowingly, or recklessly' causes substantial bodily injury to a child 12 or younger. (FYI -- Child Abuse in the First Degree = Class A felony; Child Abuse in the Second Degree = Class B felony.)

"Often times, it is difficult for the State to prove 'intentional or knowing' conduct in child abuse cases because jurors have a hard time believing that any parent could intentionally or knowingly cause harm to a loved one, especially a child. By including the 'reckless' state of mind, we hope that the State will be able to obtain more convictions, once it can show that a reasonable person should have known that the actions could cause serious injury.

"Mr. President and honorable colleagues, in these troubling times, we -- the Legislature -- must take a firm stance against child abuse and re-affirm our commitment to protecting our children."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 829 was adopted and S.B. No. 176, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 606, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 606, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 607, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 607, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 823, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 823, 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 (Matsuura).

Stand. Com. Rep. No. 833 (S.B. No. 851, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 833 was adopted and S.B. No. 851, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 896, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 896, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANSHIP PROCEEDINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 919, S.D. 1:

Senator Chumbley moved that S.B. No. 919, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Matsunaga rose in support of the measure and said:

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

"Mr. President, former Philadelphia Mayor Frank Rizzo once stated that 'The streets are safe in Philadelphia. It's only the people that make them unsafe.'

"Mr. President, I think we here are all concerned about keeping our streets safe, and I know some people may question why a dangerous animal should be likened to a gun or a knife. I'd like to give you and my colleagues at least four reasons why an animal is like a gun.

- (1) Both suffer from accidental discharges;
- (2) Dogs tend to bank fleas and those with guns tend to flee from banks (okay, they get better; they get better (laughter));
- (3) A dog is man's best friend, and at John Gotti's friend's wedding, the gun was the friend's best man; and finally, Mr. President, the fourth and final reason,
- (4) A heated gun indicates that it has been fired, and a dog in heat indicates that it's about to be fired. (More laughter.)

"Thank you, Mr. President."

Senator Slom then remarked:

"Mr. President, please note that the preceding commentary did not include anything about felines." (Laughter.)

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

"Based on those comments, I have no choice but to vote in favor of that bill."

Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 919, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ROBBERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 840 (S.B. No. 1050, S.D. 2):

Senator Chumbley moved that Stand. Com. Rep. No. 840 be adopted and S.B. No. 1050, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Sakamoto, rising to speak in support with reservations, then said:

"Mr. President, I rise in support with reservations.

"I think some of the recent cases related to reuniting children with their families are very important, but this bill kind of, in some areas, hastens to take children away from their family. And for those reasons, I have reservations."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 840 was adopted and S.B. No. 1050, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 845 (S.B. No. 36, S.D. 2):

Senator Chumbley moved that Stand. Com. Rep. No. 845 be adopted and S.B. No. 36, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Chun requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 845 was adopted and S.B. No. 36, S.D. 2, 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, 24. Noes, none. Excused, 1 (Matsuura).

Stand. Com. Rep. No. 849 (S.B. No. 236, S.D. 1):

Senator Chumbley moved that Stand. Com. Rep. No. 849 be adopted and S.B. No. 236, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak with reservations on the measure as follows:

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

"We're trying to make a number of the provisions for awarding prizes unfair and deceptive. Mr. President, conflict potential -- I have my McDonald's card here and right now they're giving away a house. And I don't think that we should ban out of hand the possibility of giving away prizes, including real estate. The whole idea is fraud and deception and that's

where the emphasis should be, rather than telling private entities what they can and cannot give away.

"Thank you."

Senator Anderson requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 849 was adopted and S.B. No. 236, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 628, S.D. 1:

Senator Chumbley moved that S.B. No. 628, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 628, 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, 24. Noes, none. Excused, 1 (Matsuura).

Stand. Com. Rep. No. 855 (S.B. No. 777, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 855 was adopted and S.B. No. 777, S.D. 2, 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, 24. Noes, none. Excused, 1 (Matsuura).

S.B. No. 914:

Senator Chumbley moved that S.B. No. 914, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak against the measure and said:

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

"I'm sorry, Mr. President, this is a dumb bill based on a dumb Supreme Court ruling. A blank ballot should be a blank ballot. An over-voted ballot should again be a blank ballot. It should not be counted. And particularly when we're talking about the constitutional convention, we have denied the people the right to hold and have a constitutional convention. We have not looked at this state government, not made material changes since 1978.

"We are the only state in the Union that does not have the benefit of one of the following: initiative, referendum, recall at a statewide level, or term limits. The public has asked for many of these things. We've introduced bills that call for unicameral legislature and re-examining and re-inventing government, and without con-con we don't have the chance of doing that because we're reluctant to change here in the Legislature.

"So, to count blank ballots as 'noes' and to count over-voted ballots as 'noes' is a disservice to the public and to the voters.

"Thank you."

Senator Sakamoto rose in opposition to the measure as follows:

"Mr. President, I rise to speak in opposition.

"So, as with the previous speaker, yes, to allow a blank vote to be counted is ridiculous! A blank vote is a blank vote! How can we count a blank vote, a vote, when it is blank? (Much laughter.) Thank you for your patience, Mr. President.

"Is it constitutionally right to tell the voters that if they don't vote, it is a 'no' vote? By the same rationale, how can spoiled or invalid ballots be counted as votes, when in fact those votes are invalid? The Supreme Court apparently ruled to let the blank votes be counted, based on a discussion of several convention delegates 20 years ago.

"Today, we can either say that, that blank vote counts based on that discussion by several people back then, expounding on this issue, or we can say no -- a blank vote is neither a 'yes' vote or a 'no' vote and should not count."

Senator Anderson also rose in opposition to the measure as follows:

"Mr. President, being that the prior two speakers were very shy about how they felt, I'm going to be voting 'no.' The reason being, when I go to vote and my wife is with me or one of my children, if they're not sure how they really want to vote on a particular issue, they say 'I'm not sure about this, I'll leave it blank and leave it to the others.' I think that's fair. It means they don't want it counted. In my humble opinion, I think that's fair.

"I don't know why the courts would say a blank vote should be counted or an over-vote should be counted. And I agree with the two previous speakers, but I don't know if I would express myself like they did. I know they're shy, but I don't think I would have done that. (Laughter.)

"Thank you very much, Mr. President."

Senator Chumbley, rising in support of the measure, then stated:

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

"Mr. President and colleagues, this is a smart bill as a result of a smart decision by the Supreme Court. I think that some of my colleagues are missing the point.

"If you recall, when you went to the ballot box this year you were told to mark your spot. If you don't mark your spot, that's clearly a blank vote. This is an issue of ballots cast, not votes cast. When you went into the ballot booth, you got a ballot. You had an obligation to vote 'yes' or 'no.' If you didn't mark your spot, that's a blank vote, you cast your vote when you took that ballot, Mr. President.

"In 1968, during Con-Con, this issue was debated. In 1978, during Con-Con, it was again debated. And all of the law and the legislative history show that it was the intention of our predecessors who were involved in Con-Con to use ballots cast, not votes cast. They chose that if there was going to be a Constitutional Convention, it was so important that everyone had an obligation to vote based on the ballot cast, not just simply on marking your spot.

"So, with that said, Mr. President, I urge all my colleagues to mark your spot."

Senator Anderson rose in rebuttal and said:

"A short rebuttal, if I may.

"Number one, I don't think the previous speaker is correct. I don't believe we did that in the 1968 Convention or '78 Con-Con. But also, I don't believe that anybody should mandate someone. That's why they call it 'freedom of choice.' You don't mandate somebody and say, 'You have to go ahead and walk in and vote for this and you have to mark a spot.' That's why I hate bills that say you shall do something.

"It's very, very hard to tell people you have to vote a certain way. It's bad enough that we tell them you have to go ahead and do this. Pretty soon we'll be saying, 'You have to get up at seven o'clock in the morning.'

"It's a shame that government is beginning to take over our lives. I know that we laugh and have a good time, but it's a shame that a lot of people really believe in this -- government has that right to tell us what to do. And there's more people that will tell you they don't want to do certain things when they vote in the ballot box. They may want to disregard the whole thing when they go in -- I think this is a bunch and throw it down. Why should it be counted if they don't want to vote?"

"Thank you very much, Mr. President."

Senator Matsunaga rose to speak in support of the measure and stated:

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

"As the League of Women Voters of Hawaii so eloquently testified at our hearing, that something as important as the Constitutional Convention, with its potential for decisions of such far-reaching consequences, should not be convened without the solid support of the State's citizens.

"The vote requirement for the passage of a constitutional amendment is twofold: (1) that the affirmative votes be more than the negative votes, and (2) that the affirmative votes be at least 50 percent of all the ballots cast in the election. This assures that no amendment is adopted by a minority of the voters due to the failure of many of the voters to cast votes on the amendment.

"Mr. President, we believe and the Supreme Court agrees with us that the vote requirement for the convening of a Constitutional Convention should meet the same standards as that for the ratification of amendments to the Constitution.

"I urge all my colleagues to vote 'aye.'"

Senator Sakamoto then said:

"Mr. President, a little rebuttal to those remarks.

"So I respect the co-chairs of the Committee and their remarks. I think the citizens of our State, many of them have become disenfranchised, disillusioned with our process due to the legalism and things that don't make sense.

"And I understand there may have been a '68 and '78 discussion on the issue, but today the people out there are concerned about vote counts and their vote, counting. And I believe invalid ballots and people choosing not to vote, they would express that they had not voted and they did not intend that to be a 'no' or a 'yes' vote. So I believe we should change and really get the people back, involved with the process and let people choose to leave a spot unmarked and let that not be cast in either direction."

Senator Slom also rose in rebuttal and said:

"Mr. President, just another brief rebuttal.

"Utilizing the League of Women Voters -- while it is a fine organization and does many fine things on occasion, it has a membership of about 2,000, statewide. It has been wrong on a

number of occasions, particularly as it pertains to the Constitutional Convention. It was very wrong in the wild and inaccurate figures that were released in terms of the cost of the last Constitutional Convention of 1978 and the estimated cost of a convention in 1998 or presently. It also fought as an organization to deny the voters of the City and County of Honolulu the right to vote on charter amendments.

"So, for these reasons, I think we certainly could consider what they have to say, but I would rather consider, as the previous speaker mentioned, the call from the public to have more participation and more choices. And by enacting a bill like this, what we're doing is restricting their choices and restricting their voices.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 914, entitled: "A BILL FOR AN ACT RELATING TO VOTE COUNT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Anderson, Chun, Kawamoto, Sakamoto, Slom). Excused, 1 (Matsuura).

Stand. Com. Rep. No. 868 (S.B. No. 1320, S.D. 2):

Senator Chumbley moved that Stand. Com. Rep. No. 868 be adopted and S.B. No. 1320, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Slom rose to speak with reservations on the measure as follows:

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

"This is a much better bill than S.B. No. 1313, which was an abominable bill that just granted immunity to the State for any errors related to the Y2K problems for, I believe, the original term is eleven and a half years. And this bill would grant immunity to December 31, 2003 to any entities that use commercially reasonable efforts at trying to solve the Y2K problems.

"We don't know at this point whether we are over-stating or under-stating what the problems of Y2K will be. We do know that we hear conflicting reports from our state government that they are 50 percent, 70 percent, 80 percent in compliance and have all their equipment. But at some point, people have to take responsibility for what they do, and I certainly can understand a limitation for a one-year period or a two-year period, but even with this bill now, we're still talking about a four-year period of limitation and a broad based and vague description of what measures have to be taken.

"So I will support the bill, but with reservations."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 868 was adopted and S.B. No. 1320, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO YEAR 2000 ERRORS BY COMPUTER-BASED SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1462, S.D. 1:

Senator Chumbley moved that S.B. No. 1462, 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 in opposition to this bill.

"The recount that we're having right now, I think is a function of the Office of Elections. The rump evaluation of the Director of the Office of Elections who has been involved with elections in this State for 18 years but still has not promulgated any rules to allow the citizens of this State their rights under the law to examine ballots, the stonewalling efforts by his department, and the lack of oversight and responsibility by this office leaves us no better than where we were before when the process of elections was under the Lt. Governor's Office and people were concerned because the Lt. Governor, as we all know, always runs and is elected Governor in the State of Hawaii. At least there is oversight in that office. At least there is responsibility in that office. At least we can go up to the fifth floor and visit that office, and there's never been, to my knowledge, any stonewalling in trying to deny the people their rights.

"So, I don't know whether it's a better system or not, but I'm not happy with this system we have, and I'm not happy with the evaluation process, so called, of the appointment panel. So I'm voting 'no' on the bill.

"Thank you."

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, S.B. No. 1462, 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, 23. Noes, 1 (Slom). Excused, 1 (Matsuura).

Stand. Com. Rep. No. 877 (S.B. No. 1160, S.D. 2):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 877 was adopted and S.B. No. 1160, S.D. 2, 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 (Matsuura).

Stand. Com. Rep. No. 884 (S.B. No. 709, S.D. 1):

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, Stand. Com. Rep. No. 884 was adopted and S.B. No. 709, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 889 (S.B. No. 1086):

Senator Chumbley moved that Stand. Com. Rep. No. 889 be adopted and S.B. No. 1086, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 889 was adopted and S.B. No. 1086, entitled: "A BILL FOR AN ACT RELATING TO BOATING PENALTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1469:

Senator Chumbley moved that S.B. No. 1469, 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, the other day on television I saw our co-chair, the Senator from East Maui, name, actually, a new non-alcoholic drink. He referred to this bill as the 'crim-de-crim' because what this bill does would be to criminalize what we de-criminalized two years ago, which is traffic violations, and for the reason, supposedly, that we need money. We're going to raise money.

"In the process, I think we forgot why we de-criminalized these activities a few years ago, in fact just a couple of years ago. And there has not been articulated any reason why we should go back to where we were -- back to the future, so to speak.

"I also would like to point out -- and this is the committee report from the Judiciary and Ways and Means Committees -- testimony in opposition to the measure submitted by the Judiciary, the Public Defender, the Prosecuting Attorney of the City and County of Honolulu, the Prosecuting Attorney of the County of Maui, and the Honolulu Police Department. Everyone testified against the bill. There was no testimony in support of the bill.

"I just don't know why the bill is here, and I certainly hope that we are not going to re-crim-de-crim. (Laughter.) Well, we're going to do what were going to do in this bill, just to make money. So I'm going to vote 'no.'

"Thank you."

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

"Mr. President, I stand in support of the bill.

"Mr. President, the intent of this bill is noteworthy and that is to pursue wholeheartedly the unpaid fines and penalties that is due the general fund.

"I think what is an unintentional result of this bill, and that's why I must go with reservations on this bill, an unintended result of this bill is that it places the burden of collecting these unpaid fines, which go to the general fund, on to the counties. As it is right now, the Attorney General has the responsibility, which is paid by general funds, to collect those unpaid fines and penalties for the benefit of the State. This bill now would transfer that responsibility from the Attorney General and the state general fund to the counties, to their prosecutors.

"The county prosecutors, however, are caught in an interesting bind because now they're using county funds to collect state monies for the state general fund. And I think this is an unintended result in that we're using county personnel to collect state funds. And I think we need to look at that issue as this bill progresses.

"Thank you, Mr. President."

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, S.B. No. 1469, entitled: "A BILL FOR AN ACT RELATING TO THE ADJUDICATION OF TRAFFIC INFRACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hanabusa, Iwase, Sakamoto, Slom, Tanaka). Excused, 1 (Matsuura).

S.B. No. 1485, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 1485, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 616, S.D. 1:

Senator Chumbley moved that S.B. No. 616, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Chumbley, rising in support of the measure, then stated:

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

"I just wanted to note for the members' attention that this bill did pass by committee report on second reading and unfortunately the attached committee report today has identified the Senate bill as 616 without the S.D. 1. So the measure that we are voting on today, Mr. President, is the S.D. 1, and I am in support of that measure."

The motion was put by the Chair and carried, S.B. No. 616, 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 (Matsuura).

S.B. No. 1119, S.D. 1:

Senator Chumbley moved that S.B. No. 1119, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Chumbley then said:

"Mr. President, I have some written comments to insert on this measure."

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

"Mr. President and honorable colleagues, I rise to speak in support of S.B. No. 1119, S.D. 1 -- Relating to Homicide. This measure seeks to: (1) amend the offense of murder in the first degree by making any intentional or knowing killing, murder in the first degree; (2) change the offense of murder in the second degree from intentionally or knowingly causing the death of another to the reckless killing of another under circumstances manifesting extreme indifference to human life; and (3) provide that the defense of extreme mental or emotional disturbance will be an affirmative defense.

"Although murder occurs in Hawaii at less than half the national rate, it is the most serious criminal offense and warrants Hawaii's most severe sanction. Life without parole should be applied to those individuals who commit the ultimate heinous crime of taking the life of another person, regardless of the victim's status or occupation.

"During the hearing on this measure, we learned that once a murder defendant claims to have been under the influence of extreme mental and emotional distress, the State is required to prove beyond a reasonable doubt that the defendant does not suffer from such a disturbance to obtain a conviction. After considerable debate and much deliberation, we chose to adopt

the provision that makes the defense of extreme mental and emotional disturbance an affirmative defense, so that the defendant will have the burden of proving this at trial.

"On March 5, 1999, the Prosecutor of the City and County of Honolulu wrote an editorial criticizing the Legislature for its failure to adopt the recommendations of the law enforcement coalition on this issue.

"I agree with the Prosecutor (Peter Carlisle) that this issue has repeatedly come before the Legislature. However, I disagree with the Prosecutor's statement that there is 'renewed interest' in this issue only after the public's outcry with the court's decision in the Kimberly Pada case.

"What the Prosecutor fails to recognize is that by making the defense of extreme mental and emotional disturbance an affirmative defense, the Legislature goes against well-established legal principles. A defendant in a criminal case is 'innocent until proven guilty,' and this concept is the foundation of our criminal justice system. Making such a drastic change to the criminal justice system is not a step that the Legislature should take lightly or without careful consideration.

"What the Prosecutor also fails to recognize is that the Legislature was not created to serve only the law enforcement coalition. The Legislature was created to set public policy, standards by which our people and our communities can live in safety and without fear. We have the grave responsibility of considering all viewpoints -- those of the law enforcement coalition and the public defender's -- when enacting our laws. We have the responsibility of striking a balance between the rights of the victim, the rights of the defendant, and the needs of our community."

The motion was put by the Chair and carried, S.B. No. 1119, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMICIDE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1120, S.D. 1:

On motion by Senator Chumbley, seconded by Senator Matsunaga and carried, S.B. No. 1120, S.D. 1, 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, none. Excused, 1 (Matsuura).

S.B. No. 1151, S.D. 1:

Senator Chumbley moved that S.B. No. 1151, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsunaga.

Senator Chun then inquired:

"Mr. President, may I ask a question of the committee co-chairs for Judiciary?"

The President replied: "Please proceed."

Senator Chun continued:

"Mr. President, I would like to inquire whether or not the intent of this bill is to cover private associations and organizations as the public accommodations subject to this law? For example, I am aware that there is a considerable amount of controversy on the Mainland regarding whether or not certain private organizations such as the Boy Scouts are public accommodations within this type of law. The federal circuit courts are split, Mr. President, and I wanted to know whether

the intent of this bill is now to put Hawaii on the side that organizations, as opposed to places, are covered by this type of public accommodations law."

At 3:34 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:36 o'clock p.m.

The Chair made the following observation:

"There was a question to the co-chair of the Judiciary Committee, Senator Chumbley."

Senator Chumbley responded:

"Mr. President and colleagues, having conferred with my co-chair and reviewing the testimony, it was the intention of the Judiciary Committee that these instances cover places, and not organizations. And we understand that, that is consistent with some of the case law that's being debated across the country right now.

"Thank you."

Senator Sakamoto rose to speak against the measure and said:

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

"My concerns center around the fact that this bill seeks to require society to recognize and approve homosexuality. Why should one's choice of bisexuality or homosexuality rise to the level of existing protected civil rights? Race, sex, color, religion -- should this bill pass?

"Senate Bill 1151 also protects religious beliefs, so which would take precedence? Sexual orientation or religious beliefs?

"On November 3, 1998, a majority of the people voted that traditional marriage should be kept as the community standard. This shows that the majority of the public strongly opposes the attempts to redefine the basic standards of our society. Seventy percent of the people asked that their values be maintained."

Senator Anderson rose to speak with reservations on the measure as follows:

"Mr. President, I'm rising with some reservations. I will vote for the bill.

"I brought it up in committee and I'd like to know why we have to add sexual orientation as a protected status for law prohibiting discrimination? It was my understanding when we wanted the con-con that we didn't want to do anything with that constitution. It was going to take away people's rights, their protection. It was a good constitution.

"All of a sudden the other day in committee, we had to pass this bill because the Constitution is so broad. It doesn't take care of everyone. I'm a little confused when one time, we, as a majority, can't have a con-con because we're going to be taking rights away from people, and then we have to turn around and have a bill because the Constitution is so bloody broad that it's not protecting everybody. That's why I had such a hard time with different groups including Hawaiians, including the same-sex marriage people, everybody that wanted protection, the environmentalists.

"If they were so afraid of the public, I told them, then run your own people. Make sure that you're going to be taken care of, your group in the Constitution. But they didn't want to do that. They gave out erroneous types of costs, \$15 million. When I took the book in, I showed them that in 1978 it was \$2.6 million, I think it was, and we returned \$600,000. It was a strong Constitution. Leave it alone.

"So for those reasons, I have reservations. I don't really think in my own mind that we need this bill. But that's going to be up to the other side now, and I would hope that it would reflect all of the reservations we have. It has nothing to do with individuals or groups or anything else. If they're so set that a constitution was needed to protect them, then we don't need this bill.

"Thank you very much, Mr. President."

Senator Iwase then inquired:

"Mr. President, if I may pose a question to one of the co-chairs of the Judiciary Committee to follow up on the question posed by the Senator from East Maui who answered the question of the Senator from South Kauai. You said that it was meant to apply to places and not . . . what did you say in response to the question?"

Senator Chumbley replied:

"Mr. President, not to organizations."

Senator Iwase continued:

"Okay. I'm looking at the Section, page 2, 'Discriminatory practices prohibition. Unfair discriminatory practices which deny, or attempt to deny, a person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation' Is there a definition of public accommodation in Chapter 489 that would be consistent with what you said?"

At 3:41 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:49 o'clock p.m.

Senator Iwase said:

"I would yield to the co-chair of the Judiciary Committee."

Senator Chumbley responded:

"Mr. President, in response to the inquiry from the colleague of mine, Chapter 489, Discrimination in Public Accommodations, Section 489-2 definitions does define place of public accommodations to mean 'a business accommodation, refreshment, entertainment, recreation or a transportation facility of any kind whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold or otherwise made available to the general public as customers, clients or visitors.'

"Mr. President, it is not the intention to extend this proposal to organizations such as the Girl Scouts or Boy Scouts. And it is our understanding and our belief that it would not apply to those organizations."

Senator Iwase then rose and said:

"The reason for my question was, having spoken to the Senator from South Kauai, there are cases on the Continental United States which have defined accommodations to require the discriminatory practice law to open up organizations like the Boy Scouts. And clearly, that is another issue to be debated, but certainly and whether or not one believes in that or not should be debated in a separate type of bill and it should not be slipped in under this kind of bill.

"I'm voting for it under the assumption that we're talking about things like housing and eating at a restaurant, and not whether or not you can join the Boy Scouts, Girl Scouts, Boys Club, Girls Club, Boys and Girls Club, and on, and baseball, football, and on and on. And I'm assuming that it doesn't apply

and will not apply to require or compel such organizations to fall under this law.

"Thank you."

Senator Chun, rising to speak with reservations, then said:

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

"Mr. President, I have two concerns regarding this bill. The first was answered by the co-chairs of the Judiciary Committee. The second, though however, involves the fact that this bill would attempt to try to bypass or to second-guess what the decision of the Ninth Circuit Court of Appeals and the United States Supreme Court might be.

"The committee report clearly indicates that in a decision by Alaska, which has a very similar bill to what we have over here in Hawaii, a question came up in that court concerning the issue that the Senator from Moanalua and Salt Lake raised, and that is the conflict between a freedom of religion, freedom of expression and association versus another protected class. And in that situation, the Alaska Court clearly held that the state law requiring housing, even though it violated their own personal religious beliefs, was unconstitutional. That case is now on appeal before the Ninth Circuit and I've been told that even if the Ninth Circuit decides to uphold the Alaskan Court, that would be appealed to the Supreme Court.

"In light of the on-going dispute between weighing those two interests, those two constitutional interests, it might be a bit premature for us to adopt a law weighing on one side or the other, or it might be construed that we weigh on one side or the other. So on that concern, I think we should be very, very cautious when we enter into these kinds of law.

"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 we've spoken about, perhaps, the unintended effects of this measure, but I'd like to keep this body's focus on why this law is needed. Currently, state law does not prohibit owners and operators of public accommodations such as restaurants, movie houses and public buses from denying services because of a person's sexual orientation. This means that individuals can be denied services or access to public accommodations for no other reason than that they are gay or a lesbian.

"Mr. President, there is no legitimate basis for discrimination in housing or public accommodations on the basis of sexual orientation. This bill would make it unlawful under state law for landlords, restaurants, movie theaters, buses, and other real estate providers to discriminate against persons because of their sexual orientation.

"Mr. President, all persons should be afforded an equal opportunity to obtain and enjoy entry and living accommodations without discriminatory harassment because of their sexual orientation. This change in Hawaii's law is long overdue.

"Thank you, Mr. President."

Senator Slom rose to speak against the measure and said:

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

"We're talking about intentions here and everybody has good intentions, but unfortunately the legal landscape is littered with good intentions, and lawsuits are made because people can find other intentions from legislation. And as has been talked about, this bill really lends itself for litigation.

"We're not talking really about discrimination here as much as we're talking about extending or creating or expanding civil rights for yet another group of individuals. And what we're saying, in effect, is that if any person involved in public accommodations or housing or recreation or any of these other classes that were discussed, for any reason denies someone access, we're now creating a legal cause of action and allowing that person to say, 'The only reason you denied me access was because of my sexual orientation.'

"I think it's a bad precedent. I think it's a bad law, and I urge my colleagues to vote against it."

Senator Matsuura rose in opposition to the measure as follows:

"Mr. President, I rise in opposition to this bill.

"As you know, I am in the flower industry and many of my friends and clients are gay. In discussion with them, even during the campaign, this issue did come up many times about their sexual orientation, about traditional marriage.

"Basically, on this bill, I oppose it because, Is there a problem of discrimination within our state? And the answer is no. There is no discrimination. I don't see it, yet this will create a road block. Like the Senator from Hawaii Kai says, this could create situations where they can use this law to sue, even though you may not be, because as many of us know, you cannot tell if you are homosexual or not -- it's a lifestyle.

"So on top of that, I stand in opposition to this bill. Thank you."

The motion was put by the Chair and carried, S.B. No. 1151, 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, 15. Noes, 9 (Anderson, Buen, Bunda, M. Ige, Kawamoto, Matsuura, Sakamoto, Slom, Tanaka). Excused, 1 (D. Ige).

Stand. Com. Rep. No. 652 (S.B. No. 528, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 652 was adopted and S.B. No. 528, S.D. 2, 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 (D. Ige).

Stand. Com. Rep. No. 730 (S.B. No. 856, S.D. 2):

On motion by Senator Fukunaga, seconded by Senator Levin and carried, Stand. Com. Rep. No. 730 was adopted and S.B. No. 856, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM RESIDENTIAL CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 778 (S.B. No. 656, S.D. 2):

Senator Fukunaga moved that Stand. Com. Rep. No. 778 be adopted and S.B. No. 656, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Levin.

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I rise in opposition to the bill.

"We're calling on the formation of a citizens' advisory council for the Public Utilities Commission. We've already cited the need for reforms in the PUC. We have new people that are coming into the PUC. But yet we continue to have bills that diminish the powers and responsibilities of the PUC. If we're going to have a Public Utilities Commission, then we have to hold them accountable and responsible for what they do. And by adding another level, another layer of bureaucracy, we're not doing that. So I think that this is unnecessary, costly and redundant.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 778 was adopted and S.B. No. 656, 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, 23. Noes, 1 (Slom). Excused, 1 (D. Ige).

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

THIRD READING

S.B. No. 584, S.D. 1:

Senator Chumbley moved that S.B. No. 584, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Chumbley then said:

"Mr. President, I have some written comments to insert on this measure."

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

"The purpose of S.B. No. 584, S.D. 1, is to require enhanced sentences for repeat violent offenders who are convicted of murder, of a class A violent felony, or of a felony sex assault. We heard a number of similar bills together, and we have used this bill as the vehicle for all enhanced sentencing for violent offenders and sex offenders.

"Why should we mandate enhanced sentencing? We heard testimony that, especially with sex offenses, violent felons who have demonstrated a pattern of repeat offenses will get out and offend again. We want to protect the people of Hawaii from violent felons who have shown themselves to be incorrigible predators. The purpose of an extended sentence is not to make an offender spend 20 years instead of 5 in prison. The purpose is to get at the offender who has demonstrated a predatory and violent nature, the offender who will be serving time for most of the next 20 years for a succession of offenses, but getting out for a year or two between sentences and committing additional violent felonies. This sort of violent predator should be kept in prison, not given the opportunity to commit additional offenses before being put away again.

"We are recommending enhanced sentences that, for the most part, simply make mandatory the extended term sentence that a judge would have the discretion to give under current law. The measure does not substantially increase sentences beyond what is possible under the current law -- in most cases, it simply ensures that extended term sentencing will be used for those who commit serious, violent felonies for the third or fourth time. We believe the measure as amended successfully balances fiscal concerns with the need to protect the people of this State from dangerous and predatory criminals."

The motion was put by the Chair and carried, S.B. No. 584, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

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

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

The Chair then remarked:

"The Chair would like to thank all the members of the Senate. This has been a very long day. I appreciate all of your remarks and the debate that went on for all of our Senate bills that are moving to the House."

ADJOURNMENT

At 3:59 o'clock p.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 11, 1999.

ATTACHMENT "A"

GOVERNMENT PRODUCTIVITY
& EFFICIENCY
for the 21st Century

